

## PROCEDURES FOR DEALING WITH CLAIMS OF MITIGATING CIRCUMSTANCES

Yellow highlighted text identifies the most recent revisions to the regulations. If you require these revisions to be identified in an alternative format, please contact the Secretary to Academic Board.

### 1. Introduction

- 1.1 The University recognises that sometimes events happen suddenly and unexpectedly to students over which they have no control and which can have a serious effect on their capacity to complete assessment items to published due dates. These procedures set out the processes through which student can bring to the attention of the University significant changes in their circumstances in order that such events can be taken into account. There are three ways in which students can address events of this kind:
  - a) **Mitigating Circumstances:** where an unexpected exceptional event has a significant impact on a student's ability to attend, undertake or submit assessment(s) during or shortly before the assessment in question;
  - b) **Temporary Withdrawal:** where changes in the student's personal circumstances or illness make it difficult for them to continue with their studies at the present time;
  - c) **Extension:** where the agreement of a later deadline for submission of an Independent Study, Level 6 project or Dissertation will enable the student to complete the assessment.
- 1.2 The University defines mitigating circumstances as circumstances which are:
  - a) beyond the control of the student;
  - b) could not be reasonably accommodated by the student and
  - c) had a significant impact on their performance immediately before or during an assessment.
- 1.3 Because of its importance in students' programme, the Independent Study/Level 6 project/Dissertation is the only module for which extensions to the deadline may be requested. The planning and successful completion to the due date of the Independent Study is a fundamental part of the exercise; therefore extensions will only be granted where there are exceptional circumstances.
- 1.4 These procedures set out the processes through which and define the circumstances in which students can bring to the attention of the University significant changes in their circumstances and explain how the Mitigating Circumstances Committee will deal with claims.
- 1.5 These procedures apply to partnership provision unless specific alternative arrangements have been agreed between the University and the partner organisation and is included in the Partnership Agreement.
- 1.6 The Taught Courses Regulatory Frameworks sets out the arrangements under which students may submit coursework beyond the published due date.

- 1.7 These procedures are intended to encourage student engagement in assessments and as such attempts to encourage claims based upon the late submission of assessment items as opposed to non submission. Incomplete assessments should always be referenced appropriately. If a tutor suspects that a student has cheated, they will make a written report to the Academic Integrity Tutor, providing evidence for their suspicion as required by the 'Procedures for Investigations of Cases of Alleged Academic Misconduct'.
- 1.8 The Mitigating Circumstances procedures **cannot** be used to overturn the decision of an Academic Integrity Tutor or Academic Misconduct Committee.
- 1.9 No student making a claim under these procedures, whether successfully or otherwise, will be treated less favourably than would have been the case had a claim not been made.
- 1.10 Information divulged by the student will be treated in confidence. Where mitigating circumstances raises concerns about a student's fitness to practise, then the University's Fitness to Practise should also be consulted.
- 1.11 The outcome of a claim will be passed to the Board of Examiners and the Module Leader, but the detailed circumstances will remain confidential.

## **2. Responsible Body**

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

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

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

## **4. Eligibility for Claims**

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

## 5. Grounds for Claims of Exceptional Mitigating Circumstances

- 5.1 Many mild illnesses and routinely difficult or upsetting events do occur in life. It is a normal part of life to have to manage these and continue with work or study. Therefore many such difficulties are not normally approved as representing grounds for the submission for claims of exceptional mitigating circumstances.
- 5.2 It is the responsibility of any students with a long-term condition or problem which may affect their study and assessment to seek advice as early as possible and use the support services available through the University or partner organisation to ensure that they can study and undergo formal assessment in the way which meets their special needs but still allows them to demonstrate their real academic ability
- 5.3 The following represent grounds which will not normally be approved:
- a) Illnesses of a mild or short-term nature such as colds, headaches, stomach upsets.
  - b) A disability or chronic illness does not constitute exceptional mitigating circumstances unless there is medical evidence of a sudden and unforeseen deterioration or a particularly severe episode.
  - c) The usual financial difficulties experienced by most students do not constitute mitigating circumstances, unless there has been a significant, sudden and unexpected change in financial circumstances, such as redundancy, bankruptcy.
  - d) The usual professional commitments or employment demands do not constitute mitigating circumstances, unless there is evidence from an employer that commitments and demands have been exceptionally substantial and temporary.
  - e) The loss of material due to failure or theft of a computer or associated device (e.g. USB memory pen or printer) does not constitute mitigating circumstances as students are required to ensure that their work is adequately backed up.
  - f) Lack of access to University facilities as a result of an unpaid debt to the University.
  - g) Claims arising from poor time management or personal organisation (e.g. failure to plan for foreseeable events such as travel problems resulting in late submission of coursework; misreading the examination timetable; failure to follow the instructions regarding the submission of assessment items).
  - h) Claims relating to pregnancy do not constitute mitigating circumstances, unless there is evidence that there have been complications.
  - i) Claims relating to circumstances within a student's control (e.g. family wedding or holiday; paid employment; booking an alternative flight; choosing to miss an assessment or coursework due date for something considered more important).
  - j) Claims relating to 'assessment stress'. Experiencing an increase in anxiety leading up to and during an assessment(s) is a common experience for many students.
  - k) Claims where the problem is caused by English being an additional language.
  - l) being subject to Procedures such as Academic Misconduct, Disciplinary or Fitness to Practise.
- 5.4 The following represent potential grounds for the submission of claims:
- a) significant illness during an assessment such as an exam or presentation;
  - b) significant illness lasting for several days and which is serious enough to prevent a student from making progress with or submitting an assessment;
  - c) Serious illness of a close family member which means a student needs to provide significant caring support and which has not been planned for;
  - d) a very close family member or friend dies;

- e) the student is a victim of a crime
- f) being called for jury service which cannot be deferred;
- g) [Participation in sport at an elite level](#) by either representing **their** country at a major international competition, preparation immediately preceding an international competition or participating in a major national championship
- h) Excessive employment demands which were substantial and temporary (it is not expected that full time students will claim on this basis)
- i) Serious family difficulties
- j) Any other factor having a substantial effect on performance

5.5 The examples listed above are not exhaustive, but refer to the most common reasons for successful and unsuccessful claims. Students are advised to refer to the Mitigating Circumstances FAQ on the University's website: [www.worcester.ac.uk/registry](http://www.worcester.ac.uk/registry).

## 6. Submission of Claims

6.1 A claim for Mitigating Circumstances must be submitted on a Mitigating Circumstances Form. For it to be considered valid it must be completed in full and specify:

- a) the full name of the student;
- b) the correct student ID number;
- c) the correct module code(s);
- d) the assessment item(s) affected;
- e) the relevant assessment item due date(s);
- f) provide full details of the circumstances, and how these circumstances have affected the student;
- g) be signed and dated by the student, unless it is impossible for the student to sign;
- h) be accompanied with the appropriate independent documentary evidence.

6.2 A application for an extension must be submitted on a Request for Extension Form<sup>1</sup>. For it to be considered valid it must be completed in full and specify:

- a) the full name of the student;
- b) the correct student ID number;
- c) the correct module code;
- d) the name of the Supervisor(s)
- e) The relevant due date;
- f) provide full details of the circumstances, and how these circumstances have affected the student;
- g) be signed and dated by the student, unless it is impossible for the student to sign;
- h) Be supported by the appropriate supervisor;
- i) be accompanied with the appropriate independent documentary evidence.

6.3 The student should keep a copy of their form and the independent documentary evidence submitted for their own records.

## 7. Deadline(s) for submissions

7.1 It is the responsibility of a student wishing to make a claim to ensure s/he is aware of the deadline for the submission of a claim and that it is submitted by the published deadline.

- 7.2 Claims for Mitigating Circumstances must be received in Registry Services up to one week (seven days) after the assessment submission date. Claims should not be submitted so far in advance that the impact of the mitigating circumstances cannot be assessed.
- 7.3 Requests for extensions must be made a minimum of two weeks **before** the submission deadline in order to be given consideration.
- 7.4 Submission of a mitigating circumstance claim/extension request should not be delayed due to evidence not yet being available.
- 7.5 Claims submitted late will not be considered unless the Chair of the Mitigating Circumstances Committee (or nominee) is satisfied that the student has provided a credible and compelling explanation explaining why they did not bring the circumstances to the attention of the committee by the deadline (e.g. hospitalisation). Reasons such as not being aware of the procedure and/or deadlines will not be approved.
- 7.6 In those parts of courses which relate to a professional or similar requirement (for example, school experience and clinical attachments) students will be required to notify any problems which occur during the placement. Details of these requirements will be set out in the relevant course handbook. The Mitigating Circumstances Committee will refer claims relating to the placement to an independent group within the relevant School to review and recommend an outcome to the Mitigating Circumstances Committee.

## **8. Evidence**

- 8.1 All claims must be supported by appropriate independent documentary evidence which is authentic and timely.
- a) Claims in relation to late submission of coursework would normally require evidence to demonstrate mitigating circumstances for the period immediately leading up to the assessment and/or the published coursework due date;
  - b) Claims in relation to non-attendance at an examination would normally require evidence to demonstrate mitigating circumstances for the period immediately leading up to the examination and/or the date of the examination in question;
  - c) Claims in relation to non submission of coursework would normally require evidence to demonstrate mitigating circumstances for the period immediately leading up to the assessment and/or the published coursework due date and must in addition demonstrate why it was not possible to submit the coursework within the late coursework period;
  - d) Claims in relation to performance adversely affected would normally require evidence to demonstrate mitigating circumstances for the period immediately leading up to the assessment and/or the published coursework due date.
  - e) Requests for an extension would normally require evidence to demonstrate mitigating circumstances during the time of completing their study.
- 8.2 It is the student's responsibility to obtain evidence to support the claim; the University will not obtain evidence on the student's behalf or reimburse any charges that a student may incur in obtaining the evidence.

- 8.3 Claims which are not supported by evidence, will not be considered.
- 8.4 Evidence must be:
- Genuine – the claim will be rejected if it is found that any of the evidence submitted is false, forged or has been tampered with in any way (see below);
  - Independent – letters from relatives or friends are not accepted;
  - Written in English – if the evidence was written in a language other than English, an official translated copy must be supplied;
  - Dated; and
  - On official, headed paper or have an official stamp or seal of the issuing authority.
- 8.5 The evidence supplied does not have to be an original document. Photocopied or scanned documents will be accepted, but the student may be required to supply the original as well.
- 8.6 Evidence is regularly checked to make sure it is genuine. By submitting a claim, the student is giving the University permission to carry out these checks. If a student submits evidence which is found to be false, forged or has been tampered with in any way it will result in disciplinary action being taken against the student.

Mitigating Circumstance	Evidence includes
<p>Significant illness during an assessment such as an exam or presentation;</p> <p>Significant illness lasting for several days and which is serious enough to prevent a student from making progress with or submitting an assessment;</p>	<ul style="list-style-type: none"> <li>• Letter from a doctor, nurse or hospital</li> <li>• Must be on official, headed paper or have an official stamp</li> <li>• Must be written at the time of the illness or accident</li> <li>• Must say that the student is or will be unfit to study at the time of the assessment.</li> </ul> <p><i>A letter stating, for example, “the student informs me that <b>they were</b> unwell during...” will not be deemed acceptable supporting evidence.</i></p>
<p>Serious illness of a close family member which means a student needs to provide significant caring support and which has not been planned for;</p>	<ul style="list-style-type: none"> <li>• Letter from a doctor, nurse or medical professional confirming the circumstances</li> <li>• Letter from a doctor, nurse or relevant professional confirming the effect the circumstances are having on the students ability to do the assessment</li> <li>• Must be on official, headed paper or have an official stamp</li> <li>• Must confirm the dates of the illness</li> </ul>
<p>A very close family member or friend dies;</p>	<ul style="list-style-type: none"> <li>• Death certificate</li> <li>• Order of Service</li> </ul>
<p>A victim of a crime;</p>	<ul style="list-style-type: none"> <li>• Police report giving the date of the crime</li> <li>• Must be on official, headed paper</li> </ul>

	<i>A crime reference numbers alone without further information will not be accepted</i>
Being called for jury service which cannot be deferred;	<ul style="list-style-type: none"> <li>• Letter from a court official confirming the date(s) that the student's is required to attend.</li> </ul> <p><i>Given the notice period provided for jury service the Committee will expect a student to have planned to meet assessment deadlines when possible</i></p>
Participation in sport at an elite level by either representing <b>their</b> country at a major international competition, preparation immediately preceding an international competition or participating in a major national championship	<ul style="list-style-type: none"> <li>• Letter from a sporting National Governing Body (must be on official, headed paper)</li> <li>• Must confirm the dates of competition</li> </ul>
Excessive employment demands which were substantial and temporary (it is not expected that full time students will claim on this basis)	<ul style="list-style-type: none"> <li>• Letter from an employer confirming the circumstances and dates (must be on official, headed paper)</li> </ul>
Serious family difficulties	<ul style="list-style-type: none"> <li>• Letter from a doctor, solicitor or other professional person confirming the circumstances and dates (must be on official, headed paper)</li> <li>• Evidence from a doctor, nurse or relevant professional of how the problem is affecting the students ability to do the assessment</li> </ul>
a significant changes to a student's financial circumstances	<ul style="list-style-type: none"> <li>• Letter of support from services set up to assist with students suffering financial hardship</li> <li>• Must be on official, headed paper.</li> </ul>

## 9. The Role of Staff

- 9.1 Where a student asks a member of staff with personal knowledge of **their** exceptional mitigating circumstances to provide relevant information in support of **their** claim, the member of staff may do so if **they** deem it appropriate and in the interests of the student.
- 9.2 This will include the provision of information about the likely effect of the student's exceptional mitigating circumstances on a particular assignment where this might not be immediately apparent to the Mitigating Circumstances Committee (e.g. in the case of a dramatic or similar performance).
- 9.3 The student will still be required to submit appropriate independent documentary evidence to support the claim.

- 9.4 Staff are not permitted to grant extensions for the late submission of assessment items.
- 9.5 Relevant staff may be contacted for advice and guidance regarding the nature of the assessment.

## **10. Consideration of Claims**

- 10.1 All mitigating circumstance/extension requests will be considered initially by a Mitigating Circumstances Officer who is authorised to approve a claim.
- 10.2 In order to reach a decision that a student has been affected by mitigating circumstances, the Officer will consider each claim individually and all students will be treated fairly and equitably. The Officer must be satisfied that all three elements of the definition as described in section 1.2 have been demonstrated and will take into account the following when considering the claim:
- a) Is there independent third party evidence to support the case being made?
  - b) Does the period affected by the claim correspond with the date of the assessment?
  - c) Were the circumstances beyond the control of the student?
  - d) Could the circumstances have been reasonably accommodated by the student?
  - e) Has the student provided a clear supporting statement detailing the nature, severity and impact of the circumstances?
- 10.3 If the Officer does not consider that there is sufficient evidence to support the claim, further evidence may be requested as appropriate which should be provided within one week (seven days) of the request.
- 10.4 If the Officer does not consider the case has been made to approve a claim, the claim will be referred to a Mitigating Circumstances Committee for consideration.

## **11. Mitigating Circumstances Committee**

- 11.1 Membership of the Mitigating Circumstances Committee will comprise three members from a pool which will include:
- i) The Academic Registrar (or nominee) (who will normally act as Chair)
  - ii) A nominee from each Academic School

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

- 11.2 A member of Registry Service's staff will act as Secretary to the Committee. The Secretary is not a member of the Committee.

## **12. Conduct of the Meeting**

- 12.1 The student will not be permitted to attend the meeting at which **their** claim is considered.
- 12.2 The Committee's decision on the validity of the claim will be based entirely upon consideration of the student's claim and supporting evidence.



- 12.3 In order to reach a decision that a student has been affected by mitigating circumstances, the Committee will consider each claim individually and all students will be treated fairly and equitably. The Committee must be satisfied that all three elements of the definition as described in section 1.2 have been demonstrated and will take into account the following when considering the claim:
- a) Is there independent third party evidence to support the case being made?
  - b) Does the period affected by the claim correspond with the date of the assessment?
  - c) Were the circumstances beyond the control of the student?
  - d) Could the circumstances have been reasonably accommodated by the student?
  - e) Has the student provided a clear supporting statement detailing the nature, severity and impact of the circumstances?

- 12.4 The Committee will consider the claim and the evidence and decide whether to accept or not accept it.

### 13. Decision and Remedy Offered

- 13.1 Where a student's claim for Mitigating Circumstances is approved, the Officer or Committee will inform the Board of Examiners as follows:
- a) if the claim is for the late submission of work (within seven days), then any penalties for late work for that assessment item will be removed and the module grade will be calculated in the normal way;
  - b) if the claim is for the non-submission or late submission (after seven days) of work or absence from an examination then the student will be given an opportunity to be assessed at the next assessment point. This will usually be during the reassessment period unless the module is offered at an earlier point.
  - c) if the student made a claim that **their** performance was adversely affected and had passed the assessment item, the student will be given the opportunity to be assessed at the next assessment point. This will usually be during the reassessment period unless the module is offered at an earlier point.
  - d) In the case of a MPhil or PhD student, where the student made a claim that **their** performance in the viva voce examination was adversely affected the result will be set aside and the student will be given the opportunity to re-take the viva voce examination.
- 13.2 Individual assessment item grades will **not** be changed as a result of a successful claim for mitigating circumstances
- 13.3 Where a claim has not been accepted due to insufficient or lack of evidence, a student may, within one week (seven days), submit further evidence to support their case.
- 13.4 Where a rejected claim relates to assessment items submitted up to one week (seven days) later than the published due date, the grade awarded will remain subject to the cap at the minimum pass mark.
- 13.5 Where a rejected claim relates to assessment items submitted after one week (seven days) a mark of zero will be awarded for the assessment item(s).
- 13.6 Where a rejected claim relates to reassessment submitted after the published due date, a mark of zero will be awarded for the assessment item(s).

- 13.7 Where a student's application for an extension is approved, the new submission deadline will be set based upon the nature of the claim.

#### **14. Communication of Decisions**

- 14.1 The Officer or Secretary to the Mitigating Circumstances Committee will notify the student of the decision via the Student Portal (SOLE) and will also notify the Secretary of the Board of Examiners concerned of the decision for report to the next meeting of the Board of Examiners.
- 14.2 The School concerned will be required to make arrangements for the student to take the assessment again at the next available opportunity.

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

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

#### **16. Temporary Withdrawal**

- 16.1 There may be occasions when, as a result of changes in a student's personal life or a prolonged/serious bout of illness, the student has difficulty in fulfilling all the requirements of their course. In this situation, the student may wish to consider withdrawing temporarily and returning when they are able to focus again on their course. If a student is considering this option, they should discuss the implications with their Personal Academic Tutor. Further advice, particularly on the implications for funding and student support, can be obtained from **firstpoint**.
- 16.2 Tuition fee refunds will be calculated in line with the [refund policy](#).
- 16.3 Temporary withdrawal may not be considered the most appropriate form of action if a request is received towards the end of the semester in which a student wishes to stop studying. All requests to temporary withdraw must be approved before a student leaves and there is a form which must be completed and returned to the Student Records Office, Registry Services.

## 17. Advice and Support

- 17.1 The University recognises that making a claim can sometimes be complex. Students are therefore advised to seek advice and guidance before making a claim from the Students' Union or **firstpoint**. It is the students' responsibility to ensure the claim is submitted by the published deadline.

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### Revision History

Committee	Date	Change
Academic Board v3.1	27 January 2021	Minor revisions [AB20-22]
Academic Board v3.0	3 July 2019	Major revisions [AB18-38 and AB18-52]
ARG Committee v2.7	16 May 2018	Minor revisions [ARGC17-22]
Academic Board v2.6	26 April 2017	Minor revisions [AB16-39]
Academic Board v2.5	27 April 2016	Minor revisions [AB15-37]