

Policy for the consideration of Mitigating Circumstances affecting assessments (including Extensions) for all students enrolled on courses leading to AECC University College awards

1. Scope and Purpose

- 1.1 This document sets out the policy under which AECC University College students may request that unforeseen circumstances which are affecting their learning and assessment are taken into consideration. It applies to all current students on AECC University College awards. Chiropractic students on Bournemouth University (BU) awards should refer to the Mitigating Circumstances Policy and Procedures for First qualification Degrees, including Assignment Extension and exam postponement, available on the Virtual Learning Environment (VLE). Students on part-time MSc courses leading to BU awards should refer to BU 6J Mitigating Circumstances including Extensions policy and procedures.
- 1.2 The policy applies to applications by students for **individual circumstances** to be considered and taken into account in relation to the assessment of taught courses of study. It does not cover instances where whole groups of students are affected by circumstances. Any issue of this nature should be brought to the attention of the Programme Leader for consideration by the Assessment Board as appropriate.
- 1.3 There are two ways in which the University College can take mitigating circumstances into consideration:
 - (i) Assignment Extension/Exam Postponement; and
 - (ii) Assessment Board consideration of circumstances which a student feels has affected their performance.

This policy covers both aspects.

- 1.4 The University College aims to ensure that support is offered to all students with mitigating circumstances, in line with its Dignity, Diversity and Equality Policy. The University College is committed to the fair and equal treatment of all individuals regardless of gender, age, disability, colour, race, ethnic or national origin, socio-economic group, sexual orientation, marital status, family responsibilities, religious or political beliefs. Where a student or staff member working with this policy has specific protected characteristics under the Equality act 2010, all endeavors will be made to ensure that information is available in appropriate formats and reasonable adjustments are made to the proceedings and facilities to accommodate their needs. If students or staff require this document in a different format, please contact Registry.
- 1.5 The Mitigating Circumstances Policy is an internal procedure and is not a legal process.

2. Key Responsibilities and delegated authority

- 2.1 Responsibility for the management and implementation of this policy lies with the Academic Registrar.
- 2.2 The Framework/Programme Leader considers and responds to students' requests for assessment extensions and/or examination postponements.
- 2.3 The Mitigating Circumstances Board considers requests from students for the consideration of circumstances, to inform decisions made at the Assessment Board.
- 2.4 The relevant Assessment Board receives the outcomes of applications for Assessment Board consideration from the Mitigating Circumstance Board and considers the outcomes in light of students' individual profiles. The circumstances of mitigation will not be revealed to the Assessment Board.
- 2.5 Academic Development and Quality Committee considers the effectiveness of the arrangements for mitigating circumstances and recommends changes to current policy to Academic Board via the Academic Audit Committee (AAC).

- 2.6 Academic Board approves new policies or amendments to existing policies relating to mitigating circumstances.
- 2.7 Under this policy and associated procedures any University College role or officeholder or officer of the Student Union may act through her or his appointed nominee.
- 2.8 It is a student's responsibility to ensure that, where mitigating circumstances apply, they submit an application for consideration in accordance with this policy, by the specified deadlines. Failure to do so on the basis that the student was unaware of the regulations or deadlines will not be accepted as grounds for subsequent appeal.

3. Introduction, context and definitions

- 3.1 Students are adults, responsible for managing their own learning (including assessment), and this includes managing illness and/or difficult personal circumstances. However there may be instances when these situations are serious and unforeseen. In such situations students are encouraged to use the provisions of this policy. However if such circumstances are likely to have long-term effects then students may wish to consider a period of suspension from their studies, and should discuss this with their personal tutor or the relevant Programmes Office in the first instance.
- 3.2 In considering and determining mitigating circumstances applications there should be fairness to the student body as a whole as well as fairness to a particular individual.
- 3.3 Mitigating circumstances may be defined as the taking into account of circumstances which are:
- outside the foresight and/or control of the student
 - **not** already registered with the University College's Additional Learning Support service¹
 - supported by independently verified medical or other appropriate documentary evidence **and** which the AECC University College believes might adversely affect a student's academic performance in one or more elements of assessment.
- 3.4 Mitigating circumstances are not applicable in the case of students with declared disabilities for whom additional learning support arrangements have been formally put in place. However, mitigating circumstances can be applied if a student believes, and has evidence that:
- (i) any circumstances affected them over and above the special arrangements already made during assessments
 - (ii) they feel that the arrangements did not fully compensate for their condition, or
 - (iii) there was a sudden or unexpected deterioration of the known condition
 - (iv) there has been a late diagnosis of a disability or other requirement for additional learning support, and it is evidenced that the student's performance in specific assessments within the current year or level has been affected.

4. The importance of timely disclosure

- 4.1 It is essential that students disclose circumstances which they believe are affecting their performance at the time such circumstances occur, and no later than the published deadlines for doing so. Late disclosure on the basis that students felt unable to or embarrassed to, or did not feel comfortable in, disclosing, will not be accepted as valid grounds for a subsequent appeal. Students should seek advice from the Student Union if they need support in disclosing specific circumstances.
- 4.2 There is provision within this policy for students who wish to do so to submit material confidentially (see para 7.3.4).
- 4.3 Should a student feel at the time of an assessment that particular circumstances did not affect them, but subsequently change their mind once receiving their assessment results this will **not** be accepted as grounds for late submission of mitigating circumstances, or for appeal.

5. Evidence

¹ In the transition from BU to AECC awards this includes circumstances previously registered with BU ALS

- 5.1 Evidence submitted to support mitigating circumstances claims must be independent third-party evidence, and include dates which are relevant to the assessment(s) for which mitigation is being sought.
- 5.2 Evidence may include:
- medical certificate to cover the period of illness which is affecting the assessment.
 - death certificate or other evidence (such as order of service for a funeral)
 - letter from an independent third party professional (eg dentist, police officer, counsellor).
 - (for assignment extension/assessment postponement) a short-term sickness notification form, for sickness of up to five days' duration (but see para 7.2.6).
6. **False or overstated claims**
- 6.1 False or overstated claims of mitigating circumstances will be considered seriously and may be regarded as an offence under the student disciplinary procedure.
7. **Arrangements for consideration of mitigating circumstances**
- 7.1 There are two ways in which the University College can take mitigating circumstances into consideration:
- 7.2 **Assignment Extension and/or Exam Postponement**
- 7.2.1 As soon as a student believes that they may have mitigating circumstances for which they wish to seek an extension to an assignment deadline, or wish to delay sitting an examination they must complete a **Coursework Extension/Exam Postponement Request Form** (available from the relevant Programmes Office and via the VLE and submit it to the relevant Programme's Office **together with all supporting evidence**. The student should detail the circumstances and an explanation as to why the circumstances will prevent them from meeting the deadline or sitting the examination. The form must be submitted **before** the date on which the submission is due or when the examination is due to be taken.
- 7.2.3 The Framework/Programme Leader will consider assignment extension requests and decide whether the circumstances are valid. If agreed, an extension will be granted. All extensions approved for coursework hand-ins must have a specific hand-in date which is set to reflect the nature of the Mitigating Circumstance. A further extension to the hand-in deadline may be requested if the student submits further evidence of continuing/new circumstances for consideration **before** the original extension deadline has passed.
- 7.2.4 The Framework/Programme Leader will consider exam postponement requests and decide whether the circumstances are valid. Postponed examinations will normally be sat at the next diet of assessment for that examination.
- 7.2.5 The decision will be notified to the student, normally within seven days of receipt of the form and recorded on the Coursework Extension/Exam Postponement Request form.
- 7.2.6 If the mitigating circumstance arises on the day of the assessment or hand-in deadline, making it impossible for the student to attend or submit, the student must contact the relevant Programmes Office immediately, followed up by a completed **Coursework Extension/Exam Postponement Request Form** and full supporting evidence within seven calendar days of the date of the assessment. If a student does not attend an examination and does not let the University College know that they have a valid reason for not doing so, and does not subsequently submit a request for Board consideration, they will be given a mark of 0%. Although the Assessment Board may permit a resit of the exam, the resit mark will be considered as a second attempt resulting in the formal element mark being capped at the pass mark. Late submission of coursework without an approved extension will be handled in accordance with paragraph 8.2 of the AECC University College assessment regulations. Note that short-term sickness notification (self-certification) forms may not be used for retrospective short-term sickness notification – where sickness is notified retrospectively independent medical evidence must be provided.
- 7.2.7 Where evidence is not submitted at the time a request is made an extension/ postponement may be granted provisionally, subject to subsequent receipt of satisfactory evidence. In such case the student must be notified of the consequences should the extension/postponement request subsequently be unsuccessful.

7.3 Board Consideration

- 7.3.1 If a student has been given an extension to coursework or allowed to postpone taking examination(s), allowances have already been made for the circumstances and the student does not normally need to take any further action at this stage.
- 7.3.2 A student who believes their performance in an assessment has been affected by mitigating circumstances should complete an **Assessment Board Consideration of Mitigating Circumstances Form** (available from the Programmes Office and via the VLE). As well as explaining what the circumstances are, the student needs to explain how these affected the assessment(s). The form must be submitted to the relevant Programmes Office together with appropriate supporting evidence
- no later than 5 working days after the last day of the semester 1 assessment period for circumstances affecting semester 1 assessments (or for part-time MSc students no later than 5 days after an assignment submission or practical assessment date).
or for circumstances affecting semester 2
 - at least 5 **working days in advance of the date of the Mitigating Circumstances Board held in Semester 2.**
- These deadlines should be clearly published for students well in advance of the Board meeting.
- 7.3.4 All requests for mitigating circumstances are treated confidentially and are reviewed only by those with a specific role in the process. However should a student wish to do so they may submit their case and evidence in a sealed envelope, clearly labelled with their name and student number, and 'confidential mitigating circumstances request'. In such cases the envelope will be opened by the Mitigating Circumstances Board only in the event that they fail the assessment. Should they pass the examination the envelope will be destroyed.

Mitigating Circumstance Board

- 7.4 The Mitigating Circumstances Board will consider cases submitted by individual students with appropriate independent evidence, and make recommendations to the Assessment Board. Discussion of mitigating circumstances is confidential and will take place in the Mitigating Circumstances Board in order to allow a decision to be made in consideration of all the facts. The circumstances of mitigation will not be revealed to the Assessment Board.
- 7.5 Information regarding the operation of the Mitigating Circumstance Board, including the grading of mitigating circumstances, is set out in Appendix 1.

Assessment Board consideration

- 7.6 The Assessment Board will consider a valid mitigation claim, as reported by the Mitigating Circumstances Board, in conjunction with the student's academic profile and will decide on the appropriate recommendation. For example, the Assessment Board may permit a student to resubmit an assessment or resit an examination 'as a first attempt'.
- 7.7 Mitigating circumstances will be taken into consideration only in the event that the student fails the assessment for which such circumstances have been submitted.
- 7.8 Students need to complete and pass all units before progressing to the next stage/level of the course. The Assessment Board will not raise the marks received even where it has been agreed that the circumstances are valid.
- 7.9 Normally the Assessment Board will only take into consideration mitigating circumstances that have been raised during the academic year. However, exceptionally, details of serious circumstances may be carried forward to the following academic year(s) so that the Assessment Board may have the information available for consideration of the student's overall profile when determining final award classifications. The Mitigating Circumstances Board will determine if the circumstances meet the exceptionality rule and will inform the student. If such information is carried forward, and the student considers in the following academic year that the circumstances continue to impact on their ability to perform (or there are additional circumstances), they should submit an application for extensions/assessment postponements

and/or for Board consideration, in accordance with the relevant section of this policy, for all assessments that they consider to be affected. These continuing circumstances must be verified by a medical certificate or equivalent evidence

Notification of mitigating circumstances outcomes

7.10 The student is informed of the outcome of an application for Assessment Board Consideration of a Mitigating Circumstances request through the publication of the Assessment Board results.

8. Appeals

8.1 Where a student fails to submit an Assessment Board Consideration of Mitigating Circumstances Form before the published deadline for the submission of mitigating circumstances, and considers that he/she has a valid reason for doing so, the student may be entitled to appeal against the decision of the Assessment Board in accordance with the AECC University College *Academic Appeals Policy*. The student must provide a valid reason for not submitting the Mitigating Circumstances form **and provide appropriate supporting evidence explaining why they were unable to submit their request in accordance with the published deadlines.**

8.2 If a student wishes to lodge an appeal against the decision of the Assessment Board, they may do so in accordance with the Academic Appeals Policy (available on the VLE).

9. Serial or multiple mitigating circumstances claims

9.1 Students who submit serial or multiple mitigating circumstances claims may be referred into the Fitness to Study: Policy and Procedures, to ensure that they receive the necessary support and to consider whether a postponement of studies may be a more appropriate way to handle their circumstances.

10. Confidentiality

10.1 Discussion of mitigating circumstances is confidential and will take place in the Mitigating Circumstances Board. The discussions of this Board are confidential. Exceptionally, external examiners may request evidence concerning how the University College is implementing its own procedures. To facilitate this, external examiners may request access to information regarding individual decisions before or at the Assessment Board. All information supplied to external examiners will remain confidential.

10.2 As required by the Data Protection Act, 1998 the University College will not normally disclose personal information to a third party other than with the data subject's explicit permission; except where there is a legal obligation to do so. Likewise it is not possible for the University College to obtain information about a student from a third party (such as a doctor) without the student's prior explicit consent.

11. Advice and support on using this Policy

11.1 Advice and support on using the Policy for the consideration of Mitigating Circumstances affecting assessments (including Coursework Extensions and examination postponements) is available from the Programmes Offices, the Academic Registrar, and the Students' Union. Guidelines for students are also available on the VLE.

12. Monitoring and review of mitigating circumstances

12.1 The Academic Registrar will prepare an annual review of mitigating circumstances across all awards, for the consideration of Academic Development and Quality Committee, with a view to identifying any trends and considering whether there is a need to revise any policy or practices. This report will not refer to individuals by name.

13. Links to other AECC University College documents

- Mitigating Circumstances Policy guidance notes for students
- Coursework Extension/Exam Postponement Request Form/Assessment Board Consideration of Mitigating Circumstances Form

- Student Agreement
- Student Charter
- AECC Assessment Regulations
- Academic Appeals Policy for all students enrolled on Higher Education programmes leading to AECC University College awards
- Student Complaints Policy for all students enrolled on programmes leading to AECC University College awards
- Dignity Diversity and Equality Policy
- Fitness to Study: Policy for all students enrolled on programmes leading to AECC University College awards.

All the above documents are available on the VLE for students and on the Staff Information Portal (SIP) for staff.

Version:	1.0
Approved by:	Academic Board
Originator/Author	Quality and Enhancement Manager
Policy Owner	Academic Registrar
Reference source	Examples from other institutions used as source material (in particular Bournemouth University, Harper Adam University, University of Kingston, University of Southampton)
Date approved	16 November 2016 This Policy was updated in August 2017 to reflect the change in name to AECC University College.
Effective from	1 September 2017
Review date	Spring 2019
Target	All staff and all students enrolled on courses leading to AECC awards
Policy location	SIP/VLE, public website via Student Agreement weblinks
Equality analysis	No direct impact. There is provision for reasonable adjustments to be made where required. Monitoring will be undertaken to assess whether there is any differential impact in the handling of cases

Appendix 1 Membership and Conduct of the Mitigating Circumstances Board

The Mitigating Circumstance Board consists of the Academic Registrar, the Head of Programmes Administration (undergraduate or postgraduate as applicable) and the relevant Framework/Programme leader(s).

The role of the Mitigating Circumstances Board is:

- to consider circumstances submitted by individual students (with supporting evidence in line with this policy, received within the stipulated deadline)
- to determine the validity of the application and evidence submitted
- to consider the severity and timing of any mitigating circumstances
- to make decisions on the mitigating circumstance grading(s) to be applied to affected units, for consideration at the Assessment Board
- to make recommendations to the Academic Registrar for improvements to the effectiveness and efficiency of the Mitigating Circumstances process

The Mitigating Circumstance Board will ensure that students are treated equitably; that only documented circumstances are considered and not anecdotal information from staff; and that confidentiality/data protection is adhered to (there should be no discussion of mitigating circumstances at a Preparatory/Assessment Board).

The Mitigating Circumstances Board will grade applications according to the criteria below:

Mitigating Circumstance Board Grading

- 0 Perceived circumstances/problems which have been discussed but are not deemed to have materially affected a student's performance (or the application was invalid). (Not taken into account by Assessment Boards).
- 1 Significant short-term circumstances/factors which impaired a student's performance in one or more identified assessment(s). (Assessment Boards would then implement Section 12.1 of the AECC Assessment Regulations.).
- 2 Significant long-term circumstances which may have caused substantial impairment of a student's performance in one or more identified assessment(s) and may continue to affect future performance (Assessment Boards would then implement Section 12.1 of the AECC Assessment Regulations and the grading would be made available to future Assessment Boards in order to inform consideration of the student's overall profile when considering final classifications).

Where it is appropriate, and in exceptional cases, a Mitigating Circumstances Board may make a recommendation to the Preparatory/Assessment Board for alternative assessment methods or the award of an Aegrotat award. This will be based on the nature of the circumstance submitted which shall remain confidential to the Mitigating Circumstance Board.

The Secretary is responsible for recording the grade that the Mitigating Circumstances Board applies to each application. Where appropriate the rationale for any exceptional decisions made should be recorded in note form for future reference.