

## MITIGATING CIRCUMSTANCES: POLICY AND PROCEDURE

VERSION HISTORY			
VERSION	REVISION DATE	DESCRIPTION OF CHANGE	AUTHOR
1	20/08/2021	original	Operations Mgr (SY)

This policy and procedure applies to all University of Buckingham programmes studied through Learna.

### POLICY

#### 1. Defining “mitigating circumstances”

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

"Beyond the student's control" means that you could not have reasonably prevented them from happening.

"A significant and adverse impact on their academic performance" means that the circumstances were disruptive enough to have a meaningful adverse impact on your academic ability.

1.2 Learna applies the principle that a student who attends, submits or participates in any form of assessment shall be considered to be in a position to do so.

#### 2. Mitigating circumstances criteria

Because your circumstances are unique to your individual situation, and circumstances can impact on individuals in different ways, it is not possible to provide a full list of circumstances that would be considered valid. Learna has produced guidance on acceptable medical evidence that provides examples of the different types of circumstances that would usually be considered acceptable and the evidence needed to support the claim. The following are examples of the kind of circumstances that are likely to be considered by the mitigating circumstances committee:

Circumstance	Evidence required
Illness	Confirmation of the illness, the impact the illness would have/has had on the affected assessment(s) and the dates concerned. This should be provided on: <ul style="list-style-type: none"> <li>An original medical certificate; or</li> <li>A letter from external support services who have been actively supporting you.</li> </ul>
Long-standing medical condition or disability	Evidence which confirms the medical condition or disability and explicitly states that this may be used as evidence to support mitigating circumstances.
Hospitalisation	Confirmation of the illness, the impact the illness would have/has had on the affected assessment(s) and the dates concerned. This should be provided on an original medical certificate/letter
Family illness	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:

	<ul style="list-style-type: none"> <li>• An original medical certificate/GP letter; or</li> <li>• A letter from external support services who have been actively supporting you.</li> </ul>
Bereavement	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.
Acute Personal Difficulties	<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"> <li>• An original medical certificate/GP letter; or</li> <li>• A letter from Students Services who have been actively supporting you; or</li> <li>• A letter from external support services who have been actively supporting you.</li> </ul>
Pregnancy- related illness	The requirements for illness, hospitalisation etc. should be followed if there is a specific incident during pregnancy.
Victim of crime	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.
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"> <li>• A letter from an independent authority (e.g. social worker, counsellor); or</li> <li>• A police report (Inc. crime reference number); or</li> <li>• A letter from Student Services who have been actively supporting you.</li> </ul>
Road Traffic Incident	<p>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:</p> <ul style="list-style-type: none"> <li>• A police report (including a crime reference number); or</li> <li>• Insurance reference number/record of the event.</li> </ul>

### 3. Circumstances that would not meet the definition of mitigating circumstances

The following are examples of the kind of circumstances that are likely to be considered unacceptable. However, Learna will consider every case individually and on its own merit.

Circumstance
<b>Holidays:</b> All holidays and vacations should take place at a time that will not impact on your availability to study or undertake or prepare for an assessment(s).
<b>Misreading the examination timetable or submission deadline:</b> It is your responsibility to ensure that you have an accurate understanding of the time and duration of all formal assessments.
<b>Paid employment or voluntary work:</b> It is your responsibility to manage other commitments so that they do not adversely interfere with your studies. If you are experiencing acute personal difficulties which have led to you needing

to undertake unexpected levels of paid work, then these may meet the definition of mitigating circumstances. Please refer to the evidence required for this category in the table, above.

**IT and/or computer failure:** 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. This excludes any failure of the learning platform.

**Foreseeable/preventable circumstances:** Where the circumstances are within your control.

**Scheduling of assessments/deadline:** Submissions/exam deadlines clashing with those of other courses at other institutions.

**Not disclosing circumstances:** The mitigating circumstances committee can only consider circumstances if they are disclosed in accordance with the regulations. If you had good reason, which can be documented, for not disclosing your circumstances you should speak to Student Services.

#### 4. What is the difference between mitigating circumstances, reasonable adjustments and exam concessions?

Exam Concessions are authorised by Student Services and put in place in advance of assessments, provided your mitigating circumstances meet the criteria and have been disclosed. The purpose of this is to provide an environment that gives all students an equal opportunity for assessment.

The key difference between exam concessions, reasonable adjustments and mitigating circumstances is that mitigating circumstances are unexpected events beyond your control. In contrast, exam concessions and reasonable adjustments relate to longer term or 'foreseen' circumstances such as learning difficulties and medical conditions.

An example of exam concession and reasonable adjustments is extra time for a learning difficulty (such as dyslexia).

In exceptional circumstances, mitigating circumstances may be lodged if it has not been possible to accommodate late reasonable adjustments provided you have a valid reason for late disclosure of any long term learning difficulties or medical conditions.

#### 5. Reasonable adjustments

Reasonable adjustments can be facilitated by Student Services if you formally disclose qualifying criteria at the outset of your studies. You should discuss any difficulties you foresee with Student Services at the outset of your studies.

#### 6. In what ways might mitigating circumstances affect my academic performance?

These are the situations the mitigating circumstances committee can take into account as "mitigating circumstances":

- Where the mitigating circumstances mean that you are unable to meet a published deadline for submission of assessed work;
- Where the mitigating circumstances mean that you are unable to take an examination, class assessment etc. at the prescribed time and you have missed the deferral request deadline;
- Where you have fallen ill during an examination and are unable to complete it.

If you are unsure as to whether you are capable of undertaking an assessment and feel that you might have mitigating circumstances you are strongly encouraged to speak to a professional, such as a medical doctor or counsellor, to help you assess the impact your circumstances are having on you. You can also discuss the matter with Student Services.

#### 7. I am affected by mitigating circumstances but I worry that these might not be accepted. Is it better for me just to submit the assessment (or take the exam) and see how it goes?

The mitigating circumstances committee makes its decisions using the same information provided to students in this document about what are acceptable circumstances, and what is the necessary evidence, so you are advised to read the guidance carefully before completing and submitting a mitigating circumstances claim form.

You are strongly advised not to risk completing an assessment of any type if you are experiencing difficulties that would have an adverse impact on your academic performance and:

- You would meet the definition of mitigating circumstances as outlined above; and

- You have documentary evidence to support your mitigating circumstances claim

## **8. How do I know if my mitigating circumstances will be accepted?**

Your mitigating circumstances submission will be considered individually with a decision made on your specific circumstances and the evidence you supply. Each circumstance is considered on a case by case basis, so even if you have submitted a mitigating circumstances claim form before, it is important that you outline your circumstances clearly, that they fit into the acceptable grounds and that you provide the full evidence that is needed. If you are unsure about whether your circumstances would be taken into consideration under the regulations then please consult this guidance document and discuss your circumstances with Student Services.

## **9. Who would see my mitigating circumstances claim?**

Learna recognises that it can be difficult to disclose sensitive, personal information to other parties. As such, please note that all documentation provided in support of mitigating circumstances will be treated sensitively, and will remain confidential to the mitigating circumstances committee.

## **10. Do I need to tell anyone I have applied for mitigating circumstances?**

Student Services will facilitate any arrangements recommended by the mitigating circumstances committee, including liaising with your tutors. You should contact Student Services with any queries you may have in relation to such arrangements.

## **PROCEDURE**

The following procedure is applicable:

- If you are unable to meet a coursework deadline or sit an examination and you feel you have mitigating circumstances as outlined above.
- In exceptional circumstances, if you have already presented yourself for an assessment or submitted coursework but feel your performance has been affected by mitigating circumstances, you may be retrospectively granted an authorised absence at the discretion of the mitigating circumstances committee.

## **11. Completing and submitting a mitigating circumstances form**

11.1 A [mitigating circumstances claim form](#) must be completed and submitted at any time before the submission deadline or examination, but normally no later than seven calendar days after the date of the first affected assessment. Seven days is defined as seven calendar days which includes weekends.

11.2 If you had a reason why you could not submit a mitigating circumstances claim form within seven calendar days you can discuss this with Student Services as to why this is the case. A mitigating circumstances claim form will not normally be accepted after seven calendar days except in exceptional situations, such as hospitalisation with no ability to inform Learna.

11.3 If the results for the affected assessment(s) have already been issued, you should follow the Academic Appeals Policy and Procedure instead.

## **12. What evidence to provide**

12.1. You must provide documentary evidence with your submission. This should be submitted along with your completed mitigating circumstances claim form.

12.2 However, if you are unable to get the evidence together within seven calendar days, you can submit the evidence separately but it must be within 14 calendar days of the first affected assessment.

12.3 This evidence needs to be:

- In writing
- From an independent third party: you cannot self-certify, or produce your own documents
- Supportive of your claim: it needs to include enough details that it can provide evidence of the circumstances you are submitting.
- Signed by the person who wrote the document, have a date on it and presented on official headed paper
- Written in English, or accompanied by a translation in English with a confirmation of the source of the translation.

## **13. How to submit a mitigating circumstances claim**

13.1 The mitigating circumstances claim form can be submitted electronically to Student Services following discussion with a Student Services officer as to your circumstances.

13.2 If your mitigating circumstances are affecting assessments for more than one component and/or module, you should list all affected assessments on one mitigating circumstances claim form.

13.3 Any supporting evidence that is available should be attached or forwarded at a future date, and in any event, no later than 14 calendar days after the date of the first affected assessment.

#### **14. Who considers mitigating circumstances claims?**

14.1 Mitigating circumstances claim forms are considered by Learna's mitigating circumstances committee which is chaired by its Academic Director. The committee meets as required.

14.2 In reaching a decision the chair or committee will take into consideration:

- Whether the mitigating circumstances are significant, including the period covered;
- The number of assessments affected;
- The authenticity of the evidence provided

#### **15. When is the outcome issued?**

15.1 You should normally expect to receive an outcome within fourteen calendar days of you submitting all documentation to support your claim.

15.3 Please bear in mind that this timeframe may be longer during periods when Learna is closed, such as the Christmas and New Year break.

15.4 Sometimes a provisional decision can be issued subject to the receipt of satisfactory evidence.

15.5 You will be notified of the outcome reached by the mitigating circumstances committee by Student Services.

#### **16. What are the possible outcomes of a mitigating circumstances claim?**

16.1 The following actions can be taken in response to mitigating circumstances claims:

- a) Your claim is deemed ineligible due to:
  - i. Being out of time; or
  - ii. No valid circumstances; or
  - iii. Documentary evidence it not appropriate or acceptable
- b) Your claim is deemed eligible and:
  - i. No action is required; or
  - ii. You will be given a replacement assessment (expunging the original mark if previously taken); or
  - iii. You will be given an alternative form of assessment (expunging the original mark if previously taken); or
  - iv. Late submission of coursework is accepted; or
  - v. An extension is granted; or
  - vi. Reconsideration of borderline module marks (e.g.39,49,59,69) if out of line with the rest of your academic profile.

16.2 Any mitigating circumstances claim form or supporting evidence found to be falsified may result in Learna referring the matter for consideration under the Student Code of Conduct.

#### **17. Appealing the outcome of a mitigating circumstances claim**

17.1 You can request a review of your decision within seven calendar days of the outcome being communicated to you.

17.2 You should submit your request for review to Student Services.

17.3 Your case will be forwarded to the University of Buckingham's Registry for further consideration in collaboration with Learna's mitigating circumstances committee.

17.4 Following this review you will be issued with a completion of procedures letter within seven days. The letter will confirm the outcome of the review and inform you of your right to request a review of the case by the Office of the Independent Adjudicator if you are not satisfied with the decision.

17.5 The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student appeals and complaints once all internal procedures have been completed. The University of Buckingham is a member of this scheme. If you are unhappy with the outcome you may be able to ask the OIA to review your appeal. You can find more information about making a complaint to the OIA, what it can and cannot look at and what actions it is able to take here: <https://www.oiahe.org.uk/students>.