

Mitigating Circumstances Policy [from September 2020]

1.0 Introduction and background

- 1.1 In determining the following policy the University has sought to ensure that students with valid mitigating circumstances will be treated fairly and consistently, whilst also protecting the standard of the University's awards by deterring frivolous or fallacious claims.
- 1.2 This policy should be read in conjunction with the Extensions Policy.

2.0 Purpose and scope

- 2.1 To provide students with legitimate mitigating circumstances with an opportunity for a deferral of the affected assessment opportunities.
- 2.2 A student may also consider use of the Restart Form and Process where they would like to request a restart of the year on the grounds of mitigating circumstances.
- 2.3 A complex mitigating circumstances application may be referred to the Study Break Process or the Health, Wellbeing & Fitness to Study Policy.
- 2.4 All students studying on an award of the University of Northampton, including those studying via Education With Others (EWO) are covered by this policy.
- 2.5 Applications for review of termination decisions on the grounds of mitigating circumstances are dealt with under the Termination Appeal Policy.

3.0 Definitions

- 3.1 'Mitigating circumstances' are defined as a serious or acute problem, or an event beyond a student's control or ability to foresee, which has prevented completion of assessment(s) or attendance at examination(s).
- 3.2 To 'defer' means to delay the assessment opportunity because of approved mitigating circumstances, up to a maximum of three assessment opportunities in total.
- 3.3 For the purposes of this policy, where an individual role is named this refers to that role or a nominee.

4.0 Key principles

- 4.1 A student who submits an assessment or attends an examination is normally considered to have proclaimed themselves 'fit to sit', and

therefore s/he may not later claim that any failure is due to mitigating circumstances. The only exception is when a student is taken ill during an examination, when the Invigilator's report may be used to support a mitigating circumstances claim.

- 4.2 Applications in relation to an assessment which is subsequently submitted, or an examination that is subsequently attempted, will be disregarded and the work will be graded in the usual way.
- 4.3 Mitigating circumstances will only be considered as grounds for deferring assessment(s). Under no circumstances will mitigation be considered as grounds for adjusting the grade(s) awarded for assessments already completed.
- 4.4 It is important that students involve an appropriate member of academic staff in all applications for mitigating circumstances. This will normally be the student's Personal (Academic) Tutor, but may also be the Dissertation Supervisor, Module Co-ordinator, Programme Leader, Academic Adviser or a member of staff from Student Services (e.g. a Mental Health Advisor).
- 4.5 Students with disabilities, long term health difficulties or other additional needs may request special arrangements to be made for assessments. Students who develop long term medical problems or personal difficulties during their course of study should consider taking a study break, or moving to part-time study, until their personal circumstances improve.

A disability, long term health difficulty (this also applies to pregnancy), in itself is not grounds for mitigating circumstances, however where unexpected/ unforeseen events occur as a result of the condition (e.g. illness, complications arising) a student may have a legitimate claim.

- 4.6 A student unable to complete an assessment at the first opportunity, other than an examination, may first wish to consider whether an Extension under the Extensions Policy may be more applicable to his/her position.

4.7 Deferral

- 4.7.1 Where the first assessment is deferred due to approved mitigating circumstances: that student's first assessment opportunity will be undertaken at the same time as other students' resit opportunity. The work will be marked and given a grade that represents its true worth (i.e. uncapped).
- 4.7.2 Where the student has failed, or failed to submit at first opportunity and then where the resit opportunity is deferred due to approved mitigating circumstances: that student's resit opportunity will be undertaken at a 'third opportunity' point, the date of which will be communicated to the student. The work will be marked and given a maximum grade of a bare pass.

- 4.7.3 Where both the first and resit opportunities are deferred due to approved mitigating circumstances: one further opportunity only will be provided, the date of which will be communicated to the student. The work will be marked and given a grade that represents its true worth (i.e. uncapped).
- 4.7.4 If a student has been eligible to submit work on two occasions [see 4.7.1 and 4.7.2], but the module is still failed overall, the failure will be treated in the same way as any other student's module failure I.e. the module must be repeated in full, the failure will be counted in the overall accumulated failure count and the module registration will count towards the maximum number of module registrations available.
- 4.7.5 If a student has been eligible to submit work on only one occasion [see 4.7.3], and the module is still failed overall, the module must be repeated in full. However, in this circumstance such failures will not be included in the overall accumulated failure count or in the maximum number of module registrations available.
- 4.7.2 An application to defer an assessment on the grounds of mitigating circumstances should normally be made in advance of the submission deadline or examination date. Exceptionally, in extremely rare specific cases (e.g. emergency hospitalisation on the day of an examination) applications will be accepted after the set deadline, but these must be submitted as soon as is practicable. In cases where an application is submitted after the deadline, the reason for the delay must be included. In all cases applications should normally be submitted within ten working days either side of the assessment point.
- 4.7.3 All applications for mitigating circumstances must normally include independent supporting evidence from an independent third party, and be accompanied by a written statement from the student's Personal (Academic) Tutor, Programme Leader or designated staff from Student Services. It is solely the student's responsibility to obtain and submit supporting evidence. Any student knowingly submitting false or forged evidence will render themselves liable to disciplinary proceedings under the Student Disciplinary Policy. In exceptional circumstances mitigation may be indicated, and accepted, from a third party.
- 4.7.4 All applications for deferral must include all relevant facts. An application may be rejected if it does not contain the details identifying the module(s) and/or item(s) of assessment for which the deferral is requested and the submission deadline/examination date. The form should clearly state the date(s) on which the mitigating circumstances affected the work; these dates must correspond with any information provided in third party evidence. It is the responsibility of the student to establish the facts.
- 4.7.5 The University Senate has delegated decision making to Academic Advisers, who will ensure consistency of decision making across the University.
- 4.7.6 Decisions on applications for mitigating circumstances deferral will be based upon:

- the validity of the application, in accordance with the above Policy and published guidelines;
- independent evidence submitted and supporting statement by relevant academic staff;
- the application of natural justice.

4.7.7 If the University accepts that the application is valid, the assessment to which it refers will be dealt with in accordance with 4.7.1-4.7.5 above. If a mitigating circumstances application is not approved then the outcome for the student will be determined in accordance with the University Assessment Regulations.

4.7.8 Decisions made on mitigating circumstances applications will be communicated to, and be binding upon, the relevant Assessment Board. Assessment Boards will not take account of mitigating circumstances, or vary mitigating circumstances decisions, when considering an individual student's assessment outcomes but merely implement decisions made in accordance with this Policy.

4.7.9 The University will record all applications and decisions and will ensure that the outcomes are monitored. An application for mitigating circumstances will not feature in subsequent references provided by the University, or influence the conferment of an Award other than due to upheld/declined.

4.8 Appeal against a mitigating circumstances decision

4.8.1 A student whose application is declined for lack of independent evidence or support will normally be allowed two weeks to resubmit the application with fresh and additional material.¹ This proviso does not affect the right to request a review (see below).

4.8.2 If the application is declined then the applicant may appeal against that decision. The appeal should:

- Detail the reasons for the appeal i.e. why you feel the original decision was incorrect. Additional evidence should be provided where relevant.
- Be submitted on the Mitigating Circumstances Appeal Form.
- Be submitted within two weeks of the original decision letter.
- Be sent to the Academic Advisers email address (academicadvisers@northampton.ac.uk), along with a copy of the original Mitigating Circumstances form where this is available.

4.8.3 Appeals will normally be dealt with by the Student Support and Advice Manager. Where the initial decision was made by the Student Support and Advice Manager the appeal will be considered by the Deputy Director

¹ Where evidence is difficult to produce but where the student has provided a timeframe in which that evidence might be produced, a longer deadline may be agreed on a case by case basis.

(SAS) or nominee. Those reviewing the decision may draw on a panel where the nature of the review requires it.

- 4.8.4 The decision of the Student Support and Advice Manager (or Deputy Director (SAS)) marks the end of the University's internal Mitigating Circumstances Procedure. A student whose appeal is unsuccessful will be issued with a 'Completion of Procedure' letter by the Student Conduct, Complaints and Appeals Team, which details their right to apply for a review to the Office of the Independent Adjudicator for Higher Education.

5.0 Key responsibilities

- 5.1 Students – complete the relevant documentation and provide the required information and independent evidence within the timescales set out.
- 5.2 Academic Adviser – consider applications for Mitigating Circumstances.
- 5.3 Student Support and Advice Manager – considers appeals against Mitigating Circumstances decisions.
- 5.4 Personal (Academic) Tutor/Programme Leader – provide advice to students on options (mitigating circumstances, extension, study breaks, change of mode) and provide statements of support for students submitting a mitigating circumstances application
- 5.5 Student Records – communicates outcomes of Mitigating Circumstances applications to students.
- 5.6 Student Conduct, Complaints and Appeals Team – provides unsuccessful appellants with a Completion of Procedures letter.

6.0 Links to related UN Policies/Guidance/Regulations

- 6.1 Academic and Student Regulations
- 6.2 Mitigating Circumstances Policy and Guidance
- 6.3 Study Break Policy and Guidance
- 6.4 Extension Policy and Form
- 6.5 Termination Appeal Policy and Procedure
- 6.6 Restart process

7.0 Links to related external documents (e.g. QAA)

- 7.1 n/a

8.0 Appendices

- 8.1 Summary Sheet

Summary Sheet:

Policy Title:	
Mitigating Circumstances	
Purpose of Policy and to whom it applies (please specify cohorts):	
To ensure that students with valid mitigating circumstances will be treated fairly and consistently This applies to all students studying for an award of the University of Northampton, including students on programmes delivered via Education with Others (EWO).	
Owner and Department:	
Kathryn Kendon, SAS	
Principal contact:	
Kathryn Kendon	
Dissemination and implementation plan:	
Via SEC members and SSECs Onto web	
Date of initial committee approval (state committee name):	SEC 2015
Date of Senate approval:	July 2015
Date for implementation and cohorts to which it applies:	September 2020 all new and continuing students
Proposed date of annual update:	June 2021
Date of last annual update:	June 2019
Proposed date of full review:	June 2020
Date of last full review:	June 2018
Version number and date:	3.0 June 2020