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HIGHER EDUCATION

MITIGATING CIRCUMSTANCES POLICY

Name of Document:	Mitigating Circumstances Policy
Responsible area:	Student Welfare
Current version:	5.3
Date of last review:	August 22
Last review by:	Head of Student Experience and Head of Centre
Policy Owned and approved by:	Student Experience Enhancement Committee (SEEC)
Next review due date:	August 23

Summary of changes to this document

Summary of Changes between previous and current issue	Page Number
Change of Welfare Officer title to 'member of the Advice and Wellbeing Service (AWS) team'	All
The policy itself remains unchanged apart from more attention being drawn to students making their claims WITHIN the submission deadlines and not after.	All
Additions made in regards to claims made based on Computer/ IT issues to define the parameters allowed.	P6
Various changes in language use to improve clarity. References to AWS team members changed to Mitigating Circumstances Team (MCT)	All
Mitigating Circumstances Request form removed and on-line link added Final page, Section F, removed – decisions are recorded in Quercus	Appendix 1

1. Understanding Mitigating Circumstances

What are Mitigating Circumstances?

Mitigating Circumstances (MCs) are serious unforeseen, unpreventable circumstances that significantly disrupt student performance in assessment.

As a student, you are expected to plan your work so you can meet assessment deadlines at the same time as other obligations you may have both inside and outside the College. The mitigating circumstances process should only be used if you experience significant disruption to your studies due to circumstances that were unforeseen and out of your control.

For a mitigating circumstances claim to be accepted, you must demonstrate, that the mitigating circumstances:

1. were outside your control; and
2. were unforeseen and unforeseeable; and
3. were serious; and
4. were evidenced to be true; and
5. relate directly to the timing of the assessment affected (i.e., that they occurred at the same time as the assessment date, or during the preparation period immediately prior to the assessment date); and
6. either prevented you from submitting or presenting for the assessment by the due date, or where you have undertaken the assessment, adversely impacted on your performance such that if it had not been for those circumstances, you would have performed significantly better.

The following are the most common examples of mitigating circumstances for which a claim might be accepted (this list is not intended to be definitive):

- Serious short-term illness
- Death of a close relative or friend
- Sudden deterioration of a long-term condition

The following are examples of circumstances for which a claim will **not** normally be accepted (this list is not intended to be definitive):

- Medical circumstances that occurred outside the relevant assessment period;
- Holidays
- Employment commitments such as additional work hours becoming available;
- Personal computer/printer problems;
- Poor study practice;
- Ignorance of due dates/times;
- Poor time management;
- Late disclosure of circumstances on the basis that a student felt unable or uncomfortable confiding in a college staff member about their mitigating circumstances.

For college purposes, a distinction is drawn between disability and mitigating circumstances, which may affect assessment. The procedures for adjusting assessment for disabled students are separate from the procedures for mitigating circumstances. A student requiring adjustments to assessment due to any circumstances arising from a disability must contact a member of the Advice and Wellbeing Service (AWS) team. Students should not use evidence of a disability in support of a claim for mitigating circumstances.

Longer-Term Conditions

There may be times when a student with a disability or ongoing medical or mental health condition needs to use the Mitigating Circumstances procedures if they feel they need a one-off coursework extension, a Deferral of assessment or some other form of shorter-term help. Examples include, but are not limited to:

- 1) A serious worsening of their condition
- 2) A mental health problem which may fluctuate unpredictably
- 3) An acute flare-up of a mental health or medical condition due to increased exam stress
- 4) Circumstances where there may be insufficient time to put Reasonable Adjustments in place
- 5) A new condition
- 6) A severe long-term illness which can only be addressed by an extension, Deferral, or other form of one-off mitigation.

Longer-term medical or mental health conditions can fall between the definition of a 'disability' and a 'Mitigating Circumstance.' In such cases it may be appropriate to support the student through a combination of **both** Reasonable Adjustments and Mitigating Circumstances, which aims to provide the best support the student whilst upholding the academic standards.

2. Evidence

All MC (Mitigating Circumstances) requests must be supported by written evidence from an appropriate verifiable authority such as:

- 1) A registered General/ Medical Practitioner
- 2) A solicitor
- 3) A police officer
- 4) An Undertaker/ Coroner
- 5) A registrar of births, marriages and death
- 6) A court officer

The evidence must cover the full period for which the student is requesting mitigation and written in English or accompanied by a formal translation.

The College recognises that it can be difficult to be asked for 'evidence' in the case of sensitive circumstances such as the death of a close relative or sexual assault, or in the case of sudden short term severe illnesses such as food poisoning. In such cases, the Mitigating Circumstances Team* may exercise its discretion to suspend the need for formal evidence. However, the Team retains the right to require the student to submit formal evidence to support their request.

*The Mitigating Circumstances team consists of limited members of staff who have access to all your records to ensure all available information is taken into account when considering your circumstances

Independent documentary evidence

The following are examples of types of evidence provided for guidance only. It is important that you provide as much evidence and information as possible in support of your claim. If you require further advice or guidance about the Mitigating Circumstances process, please speak to a member of the Advice and Wellbeing Team.

Counselling

If you are seeing a Professional Counsellor, Psychiatrist, Mental Health Clinician, etc. for difficulties that have impacted on your studies, you may ask them to provide a confidential statement.

Medical Conditions

In the case of evidence relating to medical conditions, this must take the form of a medical certificate or doctor's letter that is either obtained at the time of the illness or evidence that makes it clear that you were unwell at the time. The evidence must state the time and duration of the illness and include a clear medical opinion. A note from the doctor indicating that the student told them they were unwell will not normally be accepted, and self-certification cannot be accepted.

Bereavement

Where the mitigating circumstances relating to the death of someone related to or known to you, the college normally requires a death certificate or an officially certified copy of a death certificate, or equivalent official document to be provided. If you have been affected by a death of someone other than a partner, parent, child or close family member, the college requires you to explain the relationship to the deceased and the impact upon your studies.

Bereavement will normally be considered to cover the assessments within the term/semester when the death occurred. If you feel you have been affected by a death beyond this you will normally need to provide additional evidence to indicate how the death has affected you personally e.g., a doctor's certificate.

Computer and information technology problems

- The following guidance is intended to assist the Mitigating Circumstances Team in identifying evidence that may be considered in IT-related mitigation cases.
- Any student who is experiencing technical problems in accessing online content or assessment should contact itsupport@dghe.ac.uk . This service can provide technical support and logs all contacts and actions. If a reported and unresolved technical issue interferes with the submission of assessments, these contact logs can be retrieved for consideration.
- If a student is informed by their IT Service provider, power company, etc. of maintenance or other scheduled downtime that will coincide with assessment submission dates, they should contact the Mitigating Circumstances Team immediately so that alternative arrangements can be made. In such cases, copies of correspondence from the service provider or utility company may be requested.
- If a student experiences a network or hardware fault at the point of submission, they should take a screenshot or photograph any error message. They should then submit their assignment as soon as possible once the fault is resolved and send a copy of the captured error message to the Mitigating Circumstances Team for consideration.
- In such cases, students should be informed not to re-save their documents after the submission deadline has passed. Even if the submission is late, the document header can be interrogated to see if it was last saved before or after the deadline.
- The IT Department can also provide records of a student's Moodle usage immediately prior to submission to confirm whether or not they were logged on.
- In the case of a catastrophic failure that prevents the recovery of work intended for submission (e.g., a failed hard drive), it may be necessary to offer the student an alternative assessment. For this reason, it is recommended students should use cloud-based storage services and save their work regularly.
- Staff and students might wish to consider submitting part completed work prior to the deadline so that there is some record of achievement should there be an IT failure – this is not a requirement but is good practice and would provide evidence of work completed.
- Students are reminded to make regular backups of the work they are undertaking to minimise the impact of any IT failure – preferably to remote storage.

Employment

If you are in employment and you are prevented by your employer's action(s) from attending assessments or completing work by the published deadline, you must provide documentary evidence from your employer to support your claim

Financial and accommodation problems

Financial and accommodation problems must be substantiated by documentary evidence. Claims and evidence for financial and accommodation problems are considered on a case-by-case basis.

Supporting evidence from Academic Staff

You may seek a supporting statement from your Personal Tutor, a member of the Advice and Wellbeing Service (AWS) team (or another suitably qualified member of college staff), to help you to articulate your claim, if that individual is aware of the circumstances and their effects, although this does not constitute independent documentary evidence.

3. Data Protection and Confidentiality

Any information relating to a student's MC must be treated confidentially. This means that sensitive information must only be accessible to the relevant member of the Advice and Wellbeing Service (AWS) team, Chair of the Programme Assessment Board and the members of the Reasonable Adjustments Panel. Communications 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.

4. Submitting a claim for Mitigating Circumstances

4.1 Request Type

There are two types of extension requests:

- 1) Requests for **up to one week after the submission deadline**, can be approved by the Mitigating Circumstances Team (MCT), usually in consultation with the Head of School/ Programme Manager/Lecturer. The MCT will then confirm or deny the application in writing, copying in the relevant lecturers and members of the Administration team. The MCT will respond to the request within five working days of receipt of your correctly completed application. During busy times of the academic year, you may be notified within ten working days.
- 2) NB: No other members of staff are able to approve an extension request.

Requests requiring **more than one week after the submission deadline**, will need to be assessed on a case-by-case basis by the MCT or the Reasonable Adjustments Panel (RAP) in more complex cases. Your request will be considered at the next meeting of the RAP or by Chair's Action if your deadline is imminent. You will be contacted with their decision within five working days of the meeting being convened. During busy times of the academic year, you may be notified within ten working days.

You should submit a Mitigating Circumstances claim form along with your evidence at the earliest opportunity or as close as possible to the timing of the assessment and normally **within one week of the mitigating circumstances occurring**. Late claims **made after the submission deadline** will not normally be considered, other than in highly exceptional circumstances, where the problems encountered justify the lateness of the claim as well as the claim itself.

If your claim is for an historic event, your claim will be considered as part of the Academic Appeals process and will be used as evidence in that case. Please refer to that policy for full procedural details.

The form is available on this link, but please read the whole policy before filling it out:
<https://forms.office.com/r/J83xGvsvs3>

4.2 Decisions and Communication of the Mitigation

For requests of up to One week, a member of the Mitigating Circumstances Team team will decide as to whether a week's extension can be granted.

Where an extension is granted, the new deadline must be communicated to the student in writing as soon as possible. The Mitigating Circumstances Team must communicate the new deadline to the student, the respective Lecturer(s), and the Academic Administration Office. Communications should not include details of the MC itself, but only outcome of the mitigation.

Where an extension is not granted, the decision must be communicated to the student in writing as soon as possible with the relevant lecturers and Academic Administrators copied in

For requests being considered by the Reasonable Adjustments Panel (RAP), the Panel should consider whether one of the following types of mitigation can be applied:

- 1) To offer the student a specified extended deadline.
- 2) First submission and without penalty, including where the student has made a first assessment attempt.
- 3) Subject to consultation with the Head of School/ Programme Leader/ Manager, to offer the student an alternative method of assessment which allows the student to demonstrate achievement of the same learning outcomes.
- 4) To permit the student to spread their assessments between two assessment periods without penalty.
- 5) To reject the claim for mitigation.

Students should be informed of the mitigation decision in writing within five working days of the RAP meeting, or within 10 working days during busy periods (that is not beyond a specified extended deadline). The Panel should also communicate the mitigation decision for each affected module to the respective Lecturer(s), the Academic Administration Office and at the next meeting of the relevant Programme Assessment Board.

All agreed extensions either via MCT or RAP are logged and tracked on the student's Quercus profile.

5. Appealing the Decision of the RAP

Students cannot contest the outcome of the MC/RAP. However, if the student feels that there has been a procedural error in the handling of their request, or that the type of mitigation offered is unsuitable, the student may request an appeal under the regulations set out in the College's Academic Appeals Policy.

APPENDIX 1

Mitigating Circumstances application via this link: <https://forms.office.com/e/zKUam0qijC>

A word document of the application form can be requested from *Mit.circs@dghe.ac.uk*