

Mitigating Circumstances Policy

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 with partnership institutions are covered by this policy.
- 2.5 Applications for review of termination decisions on the grounds of mitigating circumstances are dealt with under the 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.
- 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 they may not later claim that any failure is due to mitigating circumstances. The only exception is when a student is currently

undertaking an exam is taken ill to the extent that the exam or face to face assessment is curtailed early. The Invigilator's report or evidence from the marking tutor 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 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 or a 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 their 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 In accordance with the University Academic Regulations there are only two opportunities to submit any University assessment or to take an examination. If a deferral is granted this will be advised to the Assessment Board(s) by an 'H' grade against the relevant item of assessment.

- 4.7.3 Where mitigating circumstances is applied at the first opportunity the new submission deadline will be that which applies to the second opportunity at which point the work will be given the grade reflecting its full worth.
- 4.7.4 If a mitigating circumstances application is granted for the second opportunity then, there is no further opportunity to attempt the item of assessment and if the module is failed then it must be repeated in full in the next academic year. Where mitigating circumstances is granted for a piece of assessment at both opportunities and the module is failed as a result, the module failure will be excluded from the accumulated failure count.
- 4.7.5 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. In all cases applications should normally be submitted within ten working days either side of the assessment point.
- 4.7.6 In exceptional cases (e.g. emergency hospitalisation) applications will be considered after ten working days, but these must be submitted as soon as is practicable. The reason for the delay must be included and evidence must be provided.
- 4.7.7 All applications for mitigating circumstances must normally include supporting evidence from an independent third party or 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.
- 4.7.8 If students experience a short-term illness and they have not sought medical advice or cannot obtain third party-evidence then they may self-certify for circumstances which last no more than five working days on a maximum of two occasions within an academic year. However, in these circumstances students are advised to refer to the Extensions Policy in the first instance.
- 4.7.9 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.
- 4.7.10 The University Senate has delegated decision making to Academic Advisers, who will ensure consistency of decision making across the University.

- 4.7.11 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.
- 4.7.12 If a mitigating circumstances application is not approved then the outcome for the student will be determined in accordance with the University Assessment Regulations.
- 4.7.13 Decisions made on mitigating circumstances applications will be communicated to, and be binding upon, the relevant Assessment Board. Assessment Boards will not take account the nature of a student's circumstances, or change mitigating circumstances decisions, when considering a student's assessment outcome.
- 4.7.14 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 approved/declined.

4.8 Appeal against a mitigating circumstances decision

- 4.8.1 A student whose application is declined will normally be allowed two weeks to submit an appeal against this decision.
- 4.8.2 The appeal should:
- Detail the reasons for the appeal i.e. why you feel the original decision was incorrect. Additional evidence and information must be provided where relevant.
 - Be submitted on the Mitigating Circumstances Appeal Form.
 - Be sent to mitcircs@northampton.ac.uk along with a copy of the original Mitigating Circumstances form where this is available.
- 4.8.3 An appeal cannot be considered in cases where a mitigating circumstances application has been declined or voided as a result of a student subsequently submitting their work and thus declaring themselves fit to sit as per 4.2 and 4.3 of this policy.
- 4.8.4 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 Academic Registrar or nominee. Those reviewing the decision may draw on a panel where the nature of the review requires it.
- 4.8.5 The decision of the Student Support and Advice Manager (or Academic Registrar) 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.

4.9 Additional opportunity under exceptional circumstances

- 4.9.1 Although the Mitigating Circumstances Policy does not provide for a 'third attempt' for students who have had mitigating circumstances approved, there are limited circumstances in which a student may be considered to be eligible to have a further attempt of the affected assessment(s) to complete the relevant assessment item(s) within that module registration.
- 4.9.2 Any such requests should be made to Academic Advisers by completion of the Additional opportunity under exceptional circumstances form and must be submitted by the Module Leader. This will be presented to the Academic Registrar for consideration.
- 4.9.3 An additional opportunity is only generally permitted in circumstances where the learning is secure and the student has engaged with the module fully throughout the Semester/ Academic Year.
- 4.9.4 Clear reasons for such a request being approved or rejected will be given. Where a request is approved, details of the timing of assessments and other matters will be considered and communicated to the student by the Academic Advisers.

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 and communicates outcome to students.
- 5.3 Student Support and Advice Manager – considers appeals against Mitigating Circumstances decisions.
- 5.4 Academic Registrar- considers applications for additional opportunities under exceptional circumstances.
- 5.5 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
- 5.6 Student Records –amends the student record to denote approved Mitigating Circumstances applications.
- 5.7 Student Conduct, Complaints and Appeals Team – provides unsuccessful applicants 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
- 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 2015 all new and continuing students
Proposed date of annual update:	June 2024
Date of last annual update:	July 2023
Proposed date of full review:	June 2024
Date of last full review:	June 2018
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