ASKHAM BRYAN COLLEGE

Mitigating Circumstances Policy (Higher Education) 2022 - 2023

Equality Impact Assessment: Askham Bryan College recognises the importance of the Equality Act 2010 and its duties under the Act. This document has been assessed to ensure that it does not adversely affect staff, students or stakeholders on the grounds of any protected characteristics.

1. POLICY STATEMENT

1.1 This policy applies to students enrolled on Higher Education programmes validated by Askham Bryan College, Harper Adams University, Royal Agricultural University, and Leeds Trinity University, and outlines the normal College procedures relating to applications for mitigating circumstances in relation to course assessments, including examinations.

1.2 Throughout this policy reference will be made to Askham Bryan College as 'University Centre Askham Bryan' (UCAB).

1.3 This policy recognises the College's commitment to an outstanding education. It is informed by the requirements of the UK Quality Code for Higher Education.

1.4 Each validating institution has slightly different regulations relating to application for mitigating circumstances. Students are advised to read the institution's Academic Regulations, which are available on the College intranet. It is also advised that students discuss with their circumstances with their course manager prior to submitting an application.

1.5 UCAB operates an internal Mitigating Circumstances Panel to judge applications, however in some cases, mitigating circumstances applications are submitted to the validating university for formal approval.

1.6 The institution's Academic Regulations outline permissible mitigating circumstances. This policy covers the arrangements by which mitigating circumstances claims are considered including:

- The grounds on which mitigating circumstances may be claimed (detailed for each awarding body in appendices)
- The procedures involved in claiming for mitigating circumstances

- Acceptable evidence in support of mitigating circumstances
- Access to supporting evidence

2. DEFINITIONS

2.1 Mitigating Circumstances are defined as unforeseen, unpreventable circumstances that significantly disrupt student performance in assessment. The grounds on which mitigating circumstances can be claimed are normally limited to:

Grounds for mitigation claims include but may not be limited to:

- Serious personal illness which is not a permanent medical condition or disability (for which reasonable adjustments to learning, teaching and assessment arrangements are made). For example, it might include a broken writing arm or an illness requiring hospitalisation that seriously affected a student's ability to study over an extended period, but would not include minor ailments. Medical claims must be accompanied by a doctor's certificate.

- The death of a member of the immediate family before the date of the assessment. In such cases the claim must be accompanied by a copy of the death certificate.

- Serious mental health issues at the point of assessments. Mental health claims must be accompanied by a letter from a mental health professional external to the organisation or a ProMonitor report from a member of the Wellbeing, Learning Support or Safeguarding team.

- Other serious circumstances beyond the control of a student, which could not have been foreseen or prevented (typically no more than 28 days before the scheduled assessment).

2.2 A student may not normally claim mitigating circumstances on the basis that their family, financial or other general life problems and employment or other workload pressures affected performance, unless they can produce clear, documented, and independent evidence that their performance has been unexpectedly and severely affected.

2.3 Students are expected to plan their work and allow time to cope with minor setbacks.

2.4 The College will not consider the following events as mitigating circumstances:

- They consider the marks awarded too low;
- They were unaware of the assessment regulations;
- They missed the published examination, through misreading the timetable or foreseeable travel problems e.g., heavy snow;

- Work was lost because of a technical failure which is not where college hardware/network fails or where there are failures/ outages with external providers (e.g., Turnitin/ Uniwise) and where this can be evidenced.

This list is not exhaustive, and the College has the right to reject an application for mitigation is the reason is not deemed to be of a serious nature.

2.5 Students are advised that false or overstated claims of mitigating circumstances, including the submission of forged or unsubstantiated evidence, will be treated seriously, and may be referred to the Academic Misconduct panel.

2.6 Students who enter the examination room or submit assessed work are considered to have declared themselves fit for assessment, and may not therefore retrospectively make a claim for mitigation if they have presented themselves for an assessment, or submitted work for assessment

2.7 A student who has difficulties with the conditions in an examination room must bring this to the attention of the invigilator immediately. If this is not done, the conditions in the examination may not be used as mitigating circumstances.

2.8 The Progression and Award Board will, in confidence, consider the mitigating circumstances, in making decisions on module condonement, student progression and final awards. A copy of the claim and documentary evidence will be retained, in confidence, by the Higher Education Office for one year following the student's completion or withdrawal from the programme.

3. CATEGORIES OF MITIGATING CIRCUMSTANCES

3.1 Coursework Extension Requests

A student may request an extension from the Course Manager of up to 2 weeks. Requests beyond this time: The Mitigating Circumstances Panel can give discretionary approval for reasons sitting outside of the grounds below, where there is reasonable evidence to support the claim.

Where a student wishes to request, in advance, an extension to a coursework submission deadline they should firstly discuss their difficulties with their Course Manager. If the Course Manager agree that there may be acceptable mitigating circumstances, students must discuss their needs with their course manager, students must complete the online Mitigating Circumstances Extension Request Form, including accompanying evidence. The course manager will automatically receive an email asking them to confirm they agree to the mitigating circumstances request. Extension requests may only normally be granted within the current academic session. Any request to complete work for submission for the first time (i.e., not a reassessment)

within the following academic session (or for courses with a non-standard start date, within 12 months of enrolment) would, normally, be rejected. Exceptionally, a part-time student may be permitted to withdraw, voluntarily, from the module with a view to starting the module tuition and associated assessments afresh.

3.2 Deferral and Condonement Requests

Where a student wishes to request that either:

- Where mitigating circumstances are demonstrated to have affected student performance, the course assessments board has discretion to condone marginal failure (35-39%) excluding the individual major project. The original mark achieved in a condoned module will be used in the classification of awards and the corresponding grade will be included in the transcript, with a reference to the condonement.

- No more than 40 combined credits or 15% of the total requirement, (whichever is the lesser), from compensated and/or condoned modules can contribute to award requirements.

- Condonement requests based on illness affecting examination performance would not, normally, be considered, unless there is written evidence to suggest that the student could not have reasonably known that their performance would be affected before entering the examination room or submitting an assessment. It is not possible for the assessment board to speculate on how a student might have performed had the mitigating circumstances not impeded performance therefore condonement requests will only be considered if a student's overall performance or classification is borderline. Any decision made on condonement claims is at the discretion of the assessment board. Where a module condonement request is approved, the original mark achieved in the condoned module will remain unchanged. Where a student attempts the assessment again through a re-take, then the mark achieved in the retake assessment will represent the final, definitive mark for that assessment component. The relevant assessment board will consider the claim and the outcome will be reflected in the results notified to students.

3.3 Provision for incomplete assessment of poor performance due to illness or other valid cause, which was not known at the point of the Mitigating Circumstances Panel.

If it is established to the satisfaction of a course assessments board that a student's absence, failure to submit work or poor performance in one or more modules was due to illness or other cause found valid on production of acceptable evidence, then the board shall act under 'a to d' below. It is for the board to decide whether the student has presented a valid case and, where the board is not satisfied, the student does not have a right to resit as if for the first time.

a) The student will have the right to be assessed as if for the first time in one or more modules in the normal way or as specified by the Progression and Award Board. If the assessment(s) affected by illness was itself a second attempt the student shall be permitted to resit as if for the second time.

b) Where the Progression and Award Board is satisfied that there is sufficient evidence of the student's achievement, or this evidence is subsequently obtained, the student may be recommended for the award for which he or she is a candidate, with or without honours classification as appropriate. To reach a decision the Progression and Award Board may assess the candidate by whatever means it considers appropriate.

c) An aegrotat award may be recommended when the course assessments board has insufficient evidence of the student's performance to recommend the award for which the student was a candidate. Aegrotat awards are unclassified, but this word does not appear on the degree certificate.

d) Before a Progression and Award Board's recommendation under b and c above is confirmed, the student must have signified in writing that he or she is willing to accept the award and understands that this implies waiving the right to be reassessed under (a) above.

4. ACCEPTABLE FORMS OF EVIDENCE

Below are acceptable forms of evidence, this list is not exhaustive, and the mitigating circumstances panel have discretion to accept or decline the application on the validity of the evidence provided.

4.1. Medical reports/letters: for significant illnesses, students must visit the doctor or nurse whilst they have the symptoms so that a signed note can be issued which includes precise dates of illness, a diagnosis or description of symptoms and assessment of the impact on the student's ability to prepare for assessments. Notes or reports from health professionals which are imprecise and state, for example, that the illness, "may have had an impact," or that, "the patient informs me," will not normally be accepted as valid evidence.

4.2. *Verification of needs assessment evidence:* *f*or students that have previously submitted documented evidence relating to a long-term condition/disability to the College. Students should contact the Learning Support Coordinator to request a summary narrative of the condition and the likely impact of the condition on student performance. This should be submitted to the Mitigating Circumstances Panel for consideration. This summary of the assessment must be signed by the College's Learner Support Co-ordinator (or nominee).

4.3. ***Counsellor's reports / Mental Health Advisor reports:*** *f*or those students who are receiving **ongoing support** from a Counsellor and/or Mental Health Advisor, a signed note (prepared by the Counsellor or Mental Health Advisor) may be submitted that includes a description of the symptoms, an assessment of the impact on student's ability to prepare for assessment over specified time periods and confirmation that a plan for ongoing support and/or treatment is in place. The panel will not normally be able to accept notes that relate to initial consultation appointments or meetings, unless supported by other appropriate evidence.

4.4 ***Death Certificates:*** for those students relating to the death of an immediate family member a copy of the death certificate should be provided, it is accepted that this may be later than the time of submission of the mitigating circumstances application

4.5 The College Mitigating Circumstances Panel reserves the right to refer a student to the Fitness to Study panel if recurring or ongoing health issues suggest the student cannot reasonably succeed on the course at the present time.

5. SCOPE AND LIMITATIONS

5.1 This policy must be used in conjunction with the validating universities policies and procedures, which are available on Moodle for all staff and students.

5.2 This policy applies to students enrolled on Higher Education programmes validated by Harper Adams University, Royal Agricultural University and Leeds Trinity University, and outlines the normal College procedures relating to applications for mitigating circumstances in relation to course assessments, including examinations.

6. RESPONSIBILITIES

6.1 Students should complete the electronic Mitigating Circumstances forms in consultation with their Course Manager including the supporting evidence.

6.2 Course Managers should confirm whether they support the mitigating circumstances claim .

6.3 Final dates for receipt of mitigating circumstances forms are advertised at the beginning of each academic year, and no late applications will normally be considered.

6.4 The UCAB Mitigating Circumstances Panel will meet no less than once per semester to collate and discuss applications to date.

6.5 Students are advised that evidence of mitigating circumstances is treated sensitively and in confidence. For extension requests, the Course Manager logs these on the 'extensions log form.' For deferral and condonement requests, the Mitigating Circumstances Panel, chaired by the HE or VN Curriculum Area Manager with Course Managers in attendance, will normally review written claims, in confidence, before assessment board meetings. A

student may request, in writing, that supporting evidence is not reviewed by their Course Manager, although the broad nature of mitigating circumstance claims (e.g., medical treatment, family bereavement, court appearance) will be shared with the Course Manager even if they request that the evidence is not reviewed by them. The precise nature of personal circumstances or medical conditions is not normally discussed at Course Assessment Board meetings, unless, exceptionally, it is considered necessary to do so, at the discretion of the Chair.

7. MONITORING AND REVIEW

7.1 The HE Academic Registrar will maintain oversight of the effectiveness of these arrangements. This policy and the implementation arrangements which underpin it will be reviewed annually by the HE Academic Board.

8. SUPPORTING/RELATED DOCUMENTS

- University Centre Askham Bryan (UCAB) Academic Regulations. Available at: https://www.askham-bryan.ac.uk/publication-scheme-higher-education/

- Harper Adams University Academic Regulations. Available at: https://www.harper-adams.ac.uk/apply/applicants/key-info.cfm

- Royal Agricultural University Academic Regulations. Available at: https://www.rau.ac.uk/about/organisation/public-information/academichttps://www.rau.ac.uk/about/organisation/public-information/academic-information/academic-policies-and-proceduresinformation/academic-policies-and-procedures

- Leeds Trinity University Academic Regulations, available at http://www.leedstrinity.ac.uk/Key%20Documents/Taught_Programme_Academic_Regulations_New_Students.pdf

- Higher Education Mitigating Circumstances Procedure

- Student Guide to Mitigating Circumstances

- Lecturers Guide to Mitigating Circumstances

- Higher Education Assessment Policy and Procedure

- OSCE Policy and Procedure (Veterinary Nursing students only)

9. REGULATIONS

In all aspects of this policy, the UCAB will comply with the following regulations:

- Validating University's regulations, policies, and procedures, as appropriate
- Data Protection Act 2018
- General Data Protection Regulations (GDPR)
- Equality Act 2010

Appendices

Acceptable and Non-Acceptable grounds for claiming mitigating circumstances

Harper Adams University

ACCEPTABLE GROUNDS	NOT ACCEPTABLE GROUNDS
Serious illness which is not permanent medical General life problems (family, financial, condition/disability (e.g., broken arm, employment) hospitalisation)	
The death of an immediate family member Minor illnesses (e.g., headaches, upset shortly before the date of the assessment stomachs, coughs, colds) (typically, 28 days immediately before the scheduled assessment)	
Other serious circumstances, beyond the computer or printer difficulties or back-up control of a student, which could not have failure been foreseen or prevented (typically 28 days immediately before the scheduled assessment)	
	Student unaware of assessment regulations
	Missed examination or assessment deadline through misreading timetable
	Lost work due to technical or delivery problems
	Holiday or social occasions
	Car breakdowns or public transport delays

Royal Agricultural University

ACCEPTABLE GROUNDS	NOT ACCEPTABLE GROUNDS
Sudden and unforeseen physical or mental Technology failures such as loss of computer illness that hinders your academic files performance in assessment	
Bereavement of a close family member Jury service (partner, parent, brother, sister or child) or significant other or fellow student	
Exacerbation of an ongoing registered Failure of childcare arrangements medical condition	
Representing your country in competitive Holiday arrangements/wedding arrangements international events such as sports or cultural competitions	
Severe weather preventing your journey to Minor illness/ailment the University	
	Travel disruption

Leeds Trinity University

ACCEPTABLE GROUNDS
Significant illness, accident or injury
The death or serious illness of a close family member or dependent
Family crisis directly affecting the student
Absence caused by paternity leave and jury service (deferral of which has been denied by the Court)
Exceptional and unforeseen financial hardship
Acute personal and emotional circumstances.