



DERBY COLLEGE GROUP POLICY

PROCEDURE

HE Mitigating Circumstances Procedure

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Procedure

1. Eligibility for Claims

If a student believes that they are unlikely to perform to the best of their ability in an assessment due to mitigating circumstances, they are strongly advised not to take the assessment and submit a mitigating circumstances claim. Claims must not be submitted as insurance against poor performance in an assessment. By submitting a claim for mitigating circumstances the student is confirming that their circumstances are severe and have impacted on their assessment. It is the College's responsibility to ensure that students are not unfairly disadvantaged by such circumstances and to treat all claims fairly and equitably.

Submitting false claims or evidence is a serious matter and will be dealt with under the College's disciplinary procedures.

Long-term health conditions (including pregnancy) and/or disabilities are not in themselves considered a basis for mitigating circumstances. However, students with long term conditions and/or disabilities are eligible to submit mitigating circumstances claims if they experience a serious unforeseen effect of their condition or if they experience mitigating circumstances based on factors not connected with their condition.

An approved mitigating circumstances claim will not excuse a student from completing the assessment. Students will still have to demonstrate that they can achieve the required learning outcomes to pass each module and meet the programme requirements for progression or award.

In relation to assessment (excluding examinations), claims will normally be submitted in advance of the handing-in date. The deadline for the submission of a claim is five (5) working days after the published assessment due date. By exception a claim may be accepted after that date.

In relation to examinations, claims must be submitted no later than five (5) working days after the date of the examination, unless there is good reason why the evidence to support the claim was not yet available. In all cases it is the student's responsibility to submit the form by the specified deadline.

2. Submission of Claims

It is the responsibility of a student wishing to make a claim to ensure they are aware of the deadline for the submission of a claim and that it is submitted by the published deadline. Submission of the form should not be delayed due to staff absence and late claims made on the basis of staff availability are unlikely to be upheld.

A claim for mitigating circumstances must be submitted on a Mitigating Circumstances Form, accessible via the college website or course VLE. For it to be considered valid it must be completed in full and specify:

- (a) the full name of the student;
- (b) the correct student ID number;
- (c) the correct module code(s);
- (d) the assessment item(s) affected;
- (e) the relevant assessment item due date(s);
- (f) provide full details of the circumstances, and how these circumstances have affected the student;
- (g) be signed and dated by the student, (unless it is impossible for the student to sign) or submitted from an electronic account clearly associated with the student (i.e. College email address);

- (h) be accompanied with the appropriate independent documentary evidence.

It is the student's responsibility to obtain evidence to support the claim; the College will not obtain evidence on the student's behalf or reimburse any charges that a student may incur in obtaining the evidence. Incomplete claims, or claims which are not supported by evidence, will not be considered.

Examples of appropriate evidence include:

- Medical Certificate (obtained at the time of illness)
- Letter from medical practitioner confirming the illness of the student or another person
- Letter from a counsellor
- Letter from an employer
- Death certificate or Order of Service
- Birth certificate
- A signed and dated letter from a coroner, legal practitioner, police officer, court official, minister of religion or other professional
- A signed supporting statement from a sporting National Governing Body
- Letter of support from a member of staff

Examples of inappropriate evidence include:

- If a student does not consult a medical practitioner at the time of the illness, it is not acceptable for a student to attempt to obtain corroborative medical evidence at a later date. A letter from a medical practitioner stating, for example, "*the student informs me that they were unwell during....*" will not be deemed acceptable supporting evidence.
- Letters of support from family members, friends or fellow students

Students may withdraw their application up until 24 hours before the meeting of the Mitigating Circumstances Panel but claims cannot be withdrawn after the panel has met.

3. Mitigating Circumstances Panel

The Mitigating Circumstances Panel will be part of the role of the Academic Quality and Standards Committee, is responsible for considering claims of mitigating circumstances. No other person or body may consider claims of mitigating or a request for an extension.

The Terms of Reference of the Mitigating Circumstances Panel are:

- (a) To review claims for mitigating circumstances submitted by students and to consider whether they are admissible in terms of timeliness of submission, whether they meet the published definition and whether the evidence is appropriate;
- (b) To consider whether the mitigating circumstances claimed are such that they may have affected the student's performance for the module(s) identified;
- (c) To recommend to the appropriate Board of Examiners whether the mitigating circumstances have been accepted or rejected;
- (d) To ensure that there is a record of all claims received

Membership of the Mitigating Circumstances Panel will comprise four members from a pool which will include:

- (i) Director of Higher Education (or nominee) (who will normally act as Chair)
- (ii) Higher Education and Higher Levels Skills Manager
- (iii) Two academic members of staff involved in higher education

Members will be appointed in a way which ensures that where necessary, the Panel has access to specialist knowledge of the programme concerned (e.g. where the claim relates to a course of professional training)

Secretary to the Panel will be nominated by the Chair. The Secretary is not a member of the Panel.

4. Conduct of the Meeting

The student will not be permitted to attend the meeting at which their claim is considered.

The Panel's decision on the validity of the claim will be based entirely upon consideration of the student's claim and supporting evidence.

The Panel will take into account the following when considering the claim:

- (a) The seriousness of the circumstances, including the length of time they lasted;
- (b) The documentary evidence provided, and the dates identified in the evidence;
- (c) The amount of work that was affected by the circumstances.

The Panel should establish whether there is acceptable evidence of mitigating circumstances in order to determine either:

- (a) That a valid claim has been made and that the claim should be upheld and agreeing that it is likely that the performance will have been adversely affected (when indicated on the claim) or
- (b) That a valid claim has been made and that the claim should be upheld but not agreeing that it is likely that the performance will have been adversely affected (when indicated on the claim) or
- (c) That there are none or insufficient grounds and/or evidence and that the claim should not be upheld.

5. Decision and Remedy Offered

Where a student's claim for mitigating circumstances is upheld, the Panel will make recommendations to the Board of Examiners as follows:

- (a) Permit a repeat assessment with no penalty e.g. reassessment for an uncapped mark on the same basis as a first attempt.
- (b) Permit reassessment, subject to any capping of marks, where the successful claim refers to reassessment work.
- (c) Permit a student to undertake a passed assessment in order to gain a better mark, even if the student has been successful in the module. If the student should receive a lower mark in the re-taken assessment, the highest mark achieved will stand.
- (d) Permit an alternative assessment, to be determined by the Board.
- (e) Waive late submission penalties.

Individual assessment item grades will not be changed as a result of a successful claim for mitigating circumstances.

Where a rejected claim relates to reassessment submitted after the published due date, a mark of zero will be awarded for the assessment item(s).

Where a rejected claim relates to assessment items submitted later than the published due date, the grade awarded will:

either

- (a) be in accordance with the assessment regulations published by the awarding organisation/institution when this takes precedence, or;
- (b) remain capped at the minimum pass mark for items submitted up to 5 days late, or;
- (c) be zero for items submitted after 5 days

Where a student's application for an extension is approved, the new submission deadline will be set based upon the nature of the claim.

Where a claim for mitigating circumstances has been successful, this cannot be used as grounds for redeeming academic performance. In this situation, the Board of Examiners cannot recommend the award of additional marks.

6. Communication of Decisions

Following the decision of the Mitigating Circumstances Panel, the student will be informed whether their claim was accepted or rejected together with the rationale for so doing. This will be sent by e-mail to the address listed on the completed form or from which the claim was submitted. As the proceedings of Boards of Examiners are confidential, no student can be informed of the details of any discussion which may have taken place regarding their claim.

The Academy/Department concerned will be required to make arrangements for the student to take the assessment again at the next available opportunity.

7. Procedures for Review of the Decision

A student may request a review of the decision made by the Mitigating Circumstance Panel only if they believe the procedures have not been properly followed.

A request to review the decision should be made to the Director of Quality and should be made within ten working days of the written decision of the Panel.

The Director of Quality (or nominee) will decide whether the student has shown proper grounds for review.

Where the Director of Quality (or nominee) is satisfied that grounds for a review have been established, the case will be referred back to the Mitigating Circumstances Panel. In all other cases, the original decisions will stand.

The Academic Appeals Procedures cannot be used to challenge the outcome of a claim of mitigating circumstances.