

## **Policy on Mitigating Circumstances (updated for implementation from September 2015)**

### **Policy**

1. Students may suffer from some illness or misfortune that adversely affects their ability to complete an assessment or the results they obtain for an assessment.
2. Requests for mitigation submitted after the published date for the beginning of an assessment period (except those requests made as a result of circumstances that have arisen during the course of that assessment period) should not be considered without a credible and compelling explanation as to why the circumstances were not known, or could not have been shown, before the beginning of the assessment period.
3. Procedures for handling mitigating circumstances need to be clear and easily understood by both staff and students. Requests for mitigation should be processed formally and judged impartially. Schools should develop processes that properly document each case. The procedures need to be applied consistently, but with enough flexibility to apply equally to undergraduate and taught postgraduate students and to allow Schools to meet any discipline-specific or professional requirements. Arrangements should also be proportionate, so that, where necessary, requests for mitigation can be dealt with quickly with a minimum of bureaucracy, such as through sub-panels on the delegated authority of the Mitigating Circumstances Panel through their agreed terms of reference. A Mitigating Circumstances Panel: Terms of Reference document (<http://documents.manchester.ac.uk/display.aspx?DocID=23163>) is also available to provide further guidance to this Policy.
4. This Policy applies to Undergraduate and Postgraduate Taught students. It will only apply to Postgraduate Research students when they are studying the taught elements of a doctoral programme of study. The policy referring to mitigating circumstances affecting Postgraduate Research students is the Policy on the Circumstances Leading to Changes to Postgraduate Research Study (<http://documents.manchester.ac.uk/display.aspx?DocID=8162>).
5. Mitigating Circumstances Panels should meet prior to the Examination Board and should not consider the marks or profile of the individual students concerned. The purpose of the Panels is to determine whether there is substantiated evidence of circumstances eligible for mitigation and, if so, to determine if they might, or did, have an adverse effect on the student's performance and, if so, it will judge how significant that effect was or would have been. It is then the role of an Examination Board to consider the effects of this and apply the recommendations of the Mitigating Circumstances Panel.
6. Students are responsible for submitting their own requests for consideration of mitigating circumstances. As such, they should be made aware by Schools of the University's definition of mitigating circumstances and of the procedures for submitting a request for mitigation. Schools should also ensure that students have a realistic appreciation of the range of actions or remedies available to deal with the circumstances in relation to which they claim mitigation. To this end, information about the consideration of mitigating circumstances should be included in programme handbooks, and staff responsible for advising students need to be fully aware of what circumstances might warrant consideration under this policy.
7. Deadlines for the submission of mitigating circumstances prior to an assessment period and the procedure for doing so should be documented in the programme handbook, on School websites, by email and on notice boards.

8. Mitigating circumstances are considered in three stages. The first stage, dealt with by Schools and Faculties, identifies all the cases that were received after the published date for the beginning of an assessment period. If there is no credible and compelling explanation for mitigating circumstances not being submitted prior to the published date for the beginning of an assessment period, these students should be advised that their claims cannot be considered and be referred to this policy and the section in their programme handbook which refers to the submission of mitigating circumstances. The second stage will establish whether those cases received and which have passed the first stage have sufficient grounds for mitigation (see Paragraph 21), and, if they have, the final stage determines what mitigation should be applied to the outcomes of the students' assessments (see Paragraph 22 onwards).
9. The second and final stages are the responsibility of academic staff who make up the Mitigating Circumstances Panel and Examination Board but, subject to this, Schools should designate a member of administrative staff to take overall responsibility for handling mitigating circumstances cases. Duties would include making information available to staff and to students, observing the deadlines for submission, advising students and academic colleagues, receiving submissions and servicing the School Mitigating Circumstances Panel (see Handling Requests for Mitigation, paragraph 15). Mitigating circumstances should be dealt with on a School-wide basis to facilitate consistent and equitable treatment, but it may be appropriate to deal with undergraduates and taught postgraduates separately.
10. Where reasonably possible, accepted mitigating circumstances should be handled by flexibility in the arrangements for assessment, e.g., by extending a coursework deadline (including an extension of time to submit a dissertation as governed by Regulations), rescheduling a presentation, setting a special examination paper, or allowing an examination to be sat outside the normal examination period. Such arrangements are often convenient for the School and the student alike, but are always at the discretion of the School: students have no automatic right to individual assessment. In the interests of speed and efficiency, Schools should agree guidelines for standard arrangements like these to be handled as administrative matters outside the full procedure described below, but subject to the same principles in order to ensure consistent treatment of students e.g. through the use of sub-panels.

### **Grounds for mitigation**

11. Grounds for mitigation are unforeseeable or unpreventable circumstances that could have, or did have, a significant adverse effect on the academic performance of a student. Possible mitigating circumstances include:
  - significant illness or injury;
  - the death or critical/significant illness of a close family member/dependant;
  - significant family crises or major financial problems leading to acute stress; and
  - absence for public service e.g., jury service.
12. Circumstances that will not normally be regarded as grounds for mitigation include:
  - holidays, moving house and events that were planned or could reasonably have been expected;
  - assessments that are scheduled close together;
  - misreading the timetable or misunderstanding the requirements for assessments;
  - inadequate planning and time management;
  - failure, loss or theft of a computer or printer that prevents submission of work on time; students should back up work regularly and not leave completion so late that they cannot find another computer or printer;
  - consequences of paid employment (except in some special cases for part-time students);

- exam stress or panic attacks not diagnosed as illness or supported by medical evidence; and
  - disruption in an examination room during the course of an assessment which has not been recorded by the invigilators.
13. Events may arise during pregnancy that may constitute mitigating circumstances, and these need to be judged on an individual basis. Note that U.K. legislation does not allow a woman to work in the first two weeks following the birth.
14. Absence from the University during a semester for any period of no more than five consecutive working days will not normally be regarded as grounds for mitigation.

### Handling requests for mitigation

15. It is the sole responsibility of the student to submit a request for consideration of mitigating circumstances according to the published procedures and deadlines. Students may wish to consult the Basic Guide to Mitigating Circumstances (<http://documents.manchester.ac.uk/display.aspx?DocID=23886>). Prompt submission makes it easier, for example, to offer flexibility in the arrangements for assessment as envisaged under Paragraph 10 of this Policy. All requests for consideration of mitigation by the Mitigating Circumstances Panel should be submitted by the student on a University Notification of Mitigation Circumstances Form (<http://documents.manchester.ac.uk/DocuInfo.aspx?DocID=23160>) via an electronic method or in hard copy to their School. It should be noted that some Schools have their own versions of the form or system for submission so students should check (e.g. in programme handbooks or their School intranet) regarding the version and format of the form that needs to be completed.
16. Requests for mitigation submitted after the published date for the beginning of an assessment period (except as a result of circumstances that have arisen during the course of that assessment period which should be submitted within one working day of the end of that assessment period) will not be considered without a credible and compelling explanation as to why the circumstances were not, or could not, have been shown before the beginning of the assessment period. Requests submitted as a result of circumstances that arose during that course of assessment should be submitted in time for the relevant meeting of the Examination Board if possible, or for subsequent Chair's action on behalf of the Examination Board (subject to consultation with the External Examiners). Not informing the University of circumstances due to personal feelings, e.g., shame, embarrassment and pride, or having concerns over the confidential treatment of requests for mitigation, are not considered to be credible and compelling explanations as to why the circumstances could not be made known or shown before the beginning of the assessment period. Students are advised to consult Mitigating Circumstances: Guidance for Students which directs them to seek advice and support before and whilst submitting a request for mitigation.
17. Requests should normally be accompanied by appropriate, independent, third-party supporting or collaborative documentation, which will be subject to verification (see Basic Guide to Mitigating Circumstances, paragraph 10 of the Mitigating Circumstances Panels: Terms of Reference Appendix 1, or seek advice from the relevant School). If the information, and details of the mitigating circumstances, are considered to be highly confidential, students should submit these in a sealed envelope attached to the Notification of Mitigating Circumstances Form, together with the supporting documentary evidence. Mitigating Circumstances Panels should have due regard for the confidentiality of any application they receive.
18. A specifically constituted Mitigating Circumstances Panel will deal with requests for consideration of mitigating circumstances. Its membership will be taken from and

approved by the Examination Board; it will be chaired by a member of the Board and serviced by the member of administrative staff responsible for dealing with mitigating circumstances, plus others as necessary. In the Faculty of Medical and Human Sciences, Progress Committees may act in this way and fulfill the same role as a Mitigating Circumstances Panel. In large Schools, it may be appropriate for sub-panels, with appropriate academic input and approval from Mitigating Circumstances Panels, to handle different groups of programmes separately. Mitigating Circumstances Panels should ensure that decisions are consistent across the School. Panels will operate by considering documentary evidence, and students are not required to attend meetings. Panels may at their discretion consult with University support services where a student has indicated that he/she is receiving support and has consented to the Panel making contact. In regards to any requests for mitigation that mention disability support, lack of disability support or the impact of a disability, these should be referred to the Disability Support Office for confirmation of the individual circumstances and veracity of information provided before consideration by the Panel (see paragraph 8 of the Mitigating Circumstances: Terms of Reference Appendix 1). Since Panels will operate under delegated powers from the Examination Board (as defined under the Panel terms of reference), their decisions will not normally be subject to review unless some procedural irregularity has occurred. Students have no right of appeal against the decision of a Mitigating Circumstances Panel, although they can appeal against the final decision of an Examination Board, or equivalent body, under Regulation XIX (Academic Appeals Procedure) (<http://documents.manchester.ac.uk/DocuInfo.aspx?DocID=1872>), if appropriate.

19. Mitigating Circumstances Panels are reasonably expected to be convened for each significant assessment period, at a minimum of three per academic year (Semester One, Semester Two, Resit Period). Mitigating Circumstances Panels (and Examination Boards as necessary to fulfil the requirements of this policy) should maintain a written record of the minutes from their meetings, which Schools are able to report on and which are held by Schools in accordance with the University's Records Retention Schedule.
20. Arrangements for dealing with mitigating circumstances should be coordinated with procedures for related student matters including disability support and the certification of ill health, e.g., as under Regulation XX, Monitoring Attendance and Wellbeing of Students (<http://documents.manchester.ac.uk/DocuInfo.aspx?DocID=1895>) (for which specific procedures should be outlined locally in programme handbooks).

### **Accepting mitigation**

21. The Mitigating Circumstances Panel will determine whether there is substantiated evidence of circumstances eligible for mitigation. It will then decide whether the circumstances will have had or could have had an adverse effect on the student's performance, and, if so, it will judge how significant the effect was likely to have been. If the Mitigating Circumstances Panel judges that the effect was or would have been significant, the mitigation request will be accepted. Mitigation requests may be accepted for a specific assessment, or more general impairment over a number of assessments, or for both.

### **Applying mitigation**

22. If a mitigation request is accepted, then the Examination Board will determine how to apply it, given the student's assessment results. Where a preliminary internal meeting of the Examination Board is held to review the results before they are sent to External Examiners, that meeting may conveniently be used for applying mitigation. Otherwise, the whole Board may meet, with or without External Examiners, or it may delegate the task to a sub-group of the Board. Whatever arrangements are adopted, they should be clearly defined in advance and acceptable to the External Examiners.

23. For each case, the Examination Board will start from the available assessment results and the assessment outcome that they imply. It will receive a recommendation on mitigation from the Chair of the Mitigating Circumstances Panel, who will convey the Panel's view of the severity of the impairment suffered by the student. Students will not be granted mitigation more than once for any one assessment. However, a student may be granted specific mitigation (e.g., for an illness or operation that prevents completion of an assessment) as well as more general mitigation (e.g., because of prior symptoms or after-effects).
24. The Examination Board may agree that, notwithstanding the accepted mitigating circumstances, the available results provide insufficient evidence of achievement to judge whether the student would have demonstrated appropriate learning outcomes. The remedies available may then be restricted to granting permission to take any missing assessments on a subsequent occasion or to re-take an assessment in which performance was severely impaired. Such further assessment would be equivalent to the one affected by the mitigating circumstances, so that the student would not forfeit any re-assessment opportunities.
25. When mitigating circumstances mean that assessment has been completed only partially for some units and no further attempt is available, the Examination Board will judge whether it has sufficient evidence to award the percentage mark (if at least half the assessment has been completed) or a pass (if less than half the assessment has been completed). A pass is not included in calculating the average mark, and has the same effect as giving that unit the average mark for the other units. If any results are revised in this way in the absence of any general mitigation, the Examination Board will simply adopt the decision that the revised results imply.
26. When assessment has been only partially completed for some units and no further attempt is available, the Examination Board may judge that it has insufficient evidence to award the percentage mark or a pass despite mitigating circumstances. The Examination Board may also agree to apply general mitigation to the overall performance of the student. In such cases, the Examination Board will judge, in the light of the severity of the impairment and of other available evidence such as prior performance, whether without the impairment the student would have reached higher overall marks sufficient to demonstrate appropriate learning outcomes. It will then determine in the light of the available results whether the student satisfies the published requirements for progression, for a given degree award or classification, or for treatment under its usual procedures for a borderline candidate. The Examination Board will not adjust the mark of the student in individual units or overall, but will flag marks in respect of which mitigation has been applied so that this can be taken into account by the Examination Board in a subsequent year. (For example, when using that year's marks in computing the overall average for the programme in a subsequent year, the Examination Board will need to allow for the consequent reduction in the overall average if it falls close to a borderline.)
27. In some programmes of study, discipline-specific or professional requirements may mean that the options available to the Board for dealing with mitigation are very restricted, e.g., permission to re-sit an examination or to re-submit a piece of assessed coursework. In such instances, students must be informed clearly and unambiguously in the relevant programme handbook.
28. If there is a credible and compelling explanation as to why the circumstances were not brought to the attention of the School at an earlier stage, requests made after the publication of results may be considered under Regulation XIX.
29. Schools should inform students of the outcome and progress, as appropriate, of their request for mitigation.

<b>Document Control Box</b>	
Policy / Procedure title	Policy on Mitigating Circumstances
Date approved	June 2014 (Senate)
Approving Body	Senate / Teaching and Learning Group (TLG)
Version	June 2015 (TLG) (with effect from September 2015)
Supersedes	June 2014 version
Previous review dates	June 2009, February 2009, April 2006
Related information	<ul style="list-style-type: none"> <li>• Basic Guide to Mitigating Circumstances</li> <li>• Notification of Mitigating Circumstances Form</li> <li>• Mitigating Circumstances Panels: Terms of Reference</li> </ul>
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