

Mitigating Circumstances Panels: Terms of Reference (updated from implementation from September 2015)

Membership

1. All Schools are required to have at least one constituted Mitigating Circumstances Panel whose decisions are ratified by the Examination Board (Schools may wish to have more depending on student cohort and staffing numbers).
2. The Mitigating Circumstances Panel must be composed of appropriate members of both academic (e.g. lecturer, Programme Director) and PSS staff (e.g. Student Support Officer, Assessment Officer) and will normally be chaired by the Head of School/Director of Teaching and Learning, or a delegated nominee of appropriate seniority.
 - a. Membership will be taken from the School's Examination Board.
 - b. A Mitigating Circumstances Panel shall have a quorum of five members.
3. In the case of both summative (please see Role below) and non-summative assessments, when proportionate to do so, requests for mitigation may be referred to a Mitigating Circumstances Sub-Panel acting on delegated authority of the full Mitigating Circumstances Panel. The role of both panels is the same.
 - a. A Sub-Panel will be comprised of PSS staff in conjunction with a member of the Mitigating Circumstances Panel, who will usually be the Chair, alongside other appropriate academic colleagues (e.g. unit coordinators, programme directors) as may be considered necessary.
 - b. A Mitigating Circumstances Sub-Panel shall have a quorum of two members.

Role

1. Mitigating Circumstances Panels should determine:
 - a. Whether a student has presented substantiated evidence of circumstances eligible for mitigation;
 - b. Whether the circumstances could have had an effect on the student's performance;
 - c. How significant the effect of any mitigating circumstances would likely have been.
2. Mitigating Circumstances Panels should make a recommendation to the Examination Board for proposed mitigation for an accepted request.
3. Mitigating Circumstances Panels should refer to Appendix 1 (Mitigating Circumstances: Handling Mitigation Acceptance and Application) for the mechanism by which requests for mitigation should be handled by Schools and the fundamental tenets upon which cases should be decided upon.
4. For summative assessments falling outside of key assessment periods, it is acceptable for Sub-Panels to be used to ensure the timely consideration of requests for mitigation. However Sub-Panels are only empowered to make recommendations C3-C5 and these recommendations still require ratification by an Examination Board (or through use of Chair's Action).

Meeting frequency

1. Paragraph 19 of the Policy on Mitigating Circumstances states that Mitigating Circumstances Panels should be convened for each significant assessment period with a minimum of three per academic year (Semester One, Semester Two, Resit Period)
2. Mitigating Circumstances Panels should meet prior to the assessment period Examination Board.
3. Mitigating Circumstances Panels may wish to hold more meetings than the minimum requirement, which may depend on:

- a. The number of requests for mitigation that Schools receive;
- b. The timing in which it is felt necessary to respond to or consider the impact of request for mitigation;
- c. The use of Mitigating Circumstances Sub-Panels.

Mitigating Circumstances: Handling Mitigation Acceptance and Application

The process below outlines the proposed mechanism by which requests for mitigation should be handled by Schools and the fundamental tenets upon which cases should be decided upon.

1. Requests for mitigation should be submitted by a student to his/her Programme owning School only; even if the student is submitting a request for mitigation for a unit managed by another School. All cases will be considered and decided upon by the Programme owning School, although external Schools may be consulted at the discretion of the Mitigating Circumstances Panel.
2. All Schools must have a constituted Mitigating Circumstances Panel. The Panel should meet prior to the Examination Board and should not consider the marks or profile of the individual student concerned. The purpose of the Mitigating Circumstances Panel is to establish the severity of the mitigating circumstances and to determine whether such circumstances have had a significant effect on the outcomes of the assessment.
3. The Mitigating Circumstances Panel must be composed of appropriate members of both academic (e.g. lecturer, Programme Director) and PSS staff (e.g. Student Support Officer, Assessment Officer) and will normally be chaired by the Head of School/Director of Teaching and Learning, or a delegated nominee of appropriate seniority. In the case of non-summative assessments, when proportionate to do so requests for mitigation may be referred to the Mitigating Circumstances Sub-Panel (see paragraph 5). The Mitigating Circumstances Panel should be constituted in line with its terms of reference.
4. Requests for mitigation must be submitted prior to the outcome of any assessment being known. For most practical purposes, this will mean the submission of a request in sufficient time (at least 5 working days depending on the application of paragraph 5 below) prior to the meeting of an Examination Board to allow for decisions on academic progress to be made. Schools should publish the deadlines for the submission of requests for mitigation in programme handbooks, websites, by email and on notice boards.
5. 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 the assessment period) will 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. Requests submitted as a result of circumstances that arose during the course of an assessment should be submitted in time for the relevant meeting of the Examination Board or for subsequent Chair's action on behalf of the Examination Board.
6. Requests for mitigation that do not involve summative assessments may be considered by a Sub-Panel of the Mitigating Circumstances Panel which will be comprised of PSS staff in conjunction with a member of the Mitigating Circumstances Panel, who will usually be the Chair, alongside other appropriate academic colleagues (e.g. unit coordinators, programme directors) without recourse to a full meeting of the Mitigating Circumstances Panel. All decisions made by the Mitigating Circumstances Sub-Panel must be suitably documented, and be available to the full Mitigating Circumstances Panel.

7. Requests for mitigation of a summative assessment must be considered by the Mitigating Circumstances Panel, and any recommendations made passed on to the Examination Board for consideration.
8. Any requests for mitigation that mention disability support, lack of disability support or the impact of a disability¹ should be referred to the Disability Advisory and Support Service (DASS, formerly DSO) for confirmation of the individual circumstances and veracity of information provided before consideration by the panel. This should apply regardless of whether or not the student is registered with the DASS, as legislative duties may still apply.
9. The table below (Accepting Mitigation) outlines potential outcomes from the Mitigating Circumstances Panel that should normally be applied to each individual student claim following appropriate consideration.

Accepting Mitigation

| Code | Outcome | |
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| A | Accepted – circumstances meet the grounds for mitigation and the Mitigating Circumstances Panel is satisfied with the supporting evidence. A recommendation based on the severity of the impairment suffered by the student is indicated by the alpha-numeric codes described below. | |
| PA | Provisionally accepted – student has referred to difficulties in obtaining evidence, but based on the description of the circumstances the request is approved pending the evidence being provided (submission date must be before the Examination Board in which the mitigation is considered). A recommendation based on the severity of the impairment suffered by the student is indicated by the alpha-numeric codes described in Section 10 below but it would not be applied if the requested evidence is not presented to support the claim. | |
| N | Not accepted – circumstances provided by the student are not regarded as grounds for mitigation under the Policy on Mitigating Circumstances. The following codes may be helpful as part of the process of providing feedback to students. | |
| | N1 | Not accepted - supporting evidence does not cover the relevant period. |
| | N2 | Not accepted - supporting evidence not supplied by an appropriate source |
| | N3 | Not accepted - evidence is deemed insufficient to support the student's claim of seriousness of impact on their assessment performance. |
| | N4 | Not accepted - wording of evidence supplied does not support the student's claim e.g. the material does not provide a medical diagnosis. |
| | N5 | Not accepted – no evidence is provided, and the student has not given any explanation as to the reasons why nor indicated when evidence could be available. |
| N6 | Not accepted - the evidence relates to a chronic condition which the student | |

¹ A 'disability' can include long-standing health conditions, long-standing or severe mental health conditions including depression and anxiety, specific learning difficulties such as dyslexia and physical impairments or a combination of any or all of these.

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| | | is already in receipt of support from the Disability Advisory and Support Service (DASS, formerly DSO). This does not include instances where the student has an acute flare up of a pre-existing condition which may be accepted if properly evidenced. This decision should always be confirmed by the DASS, as there are occasions when the support available will not be able to fully mitigate the student's need. |
| | N7 | Not accepted - evidence relates to a condition or circumstance previously used to claim mitigation where the Panel, on the earlier occasion, instructed the student that this mitigation could not be used again and may have instructed the student to obtain support from the Disability Advisory and Support Service. This decision should always be confirmed by the DASS as some conditions will inevitably recur, sometimes without warning and mitigation may still be relevant. |
| | N8 | Not accepted - other stated reason. [Note: Must be recorded.] |

Note: In principle, all that needs to go forward to the Examination Board is whether there is mitigation to be applied (i.e. accepted – or not) although it is felt the codes above will be helpful in giving an outcome to the student if the mitigation is not accepted. The Mitigating Circumstances Panel minutes and communication with the student may require further explanation as to why a code is allocated.

10. Students are advised to submit independent and time-specific evidence to support a request for mitigation. Mitigating Circumstances Panels should be satisfied that any evidence is sufficiently independent and contemporaneous to confirm the veracity and impact of the circumstances that the student is describing. Any evidence should allow for a Mitigating Circumstances Panel to verify that it is accurate e.g. provided on letter headed paper, written in English (or certifiably translated), clearly state the name and signature of the author of the material, include relevant dates, have the student's name visible etc.
11. As soon as possible after the meeting of the Mitigating Circumstances Panel, the decision as to whether or not the request for mitigation has been accepted or not accepted should be conveyed to the student. In instances where a student has disclosed a disability or a possible health concern then the student should be directed to an appropriate University support service in the same communication.
12. The acceptance of mitigation by the Mitigating Circumstances Panel should be accompanied by a recommendation on mitigation from the Chair of the Mitigating Circumstances Panel, which will assist in conveying the Panel's view of the severity of the impairment suffered by the student, to the Examination Board. This recommendation, which must be made in the absence of any knowledge of a student's assessment results, may or may not be adopted by the Examination Board which has the final say in all matters. A preliminary internal meeting of an Examination Board may also be conveniently used for applying mitigation.
13. In accordance with the Undergraduate and Postgraduate Taught Degree Regulations, as reassessment cannot be undertaken by final year undergraduate or penultimate year integrated masters students, the recommendations available to Mitigating Circumstances Panels take into account distinct year groups alongside the types of assessment. The exception to this is Schools which have alternative progression and assessment regulations where these are required by Professional, Statutory and Regulatory Bodies (PSRBs).

14. The coding below (Applying Mitigation) outlines potential recommendations which could be provided by the Chair of the Mitigating Circumstances Panel to the Examination Board. Such a recommendation should be forwarded to the Examination Board for individual students with approved mitigation for summative assessments. One or more of the codes below may be recommended and may depend on the intended learning outcomes for a Programme.

Applying Mitigation

Coursework (including dissertations)

Code Recommendation

- C1. Coursework to be submitted as a first attempt (deferral) in the next possible reassessment period appropriate to the programme.
- C2. Coursework to be submitted as a reassessment (referral) in the next possible reassessment period appropriate to the programme.
- C3. A reasonable extension to coursework to be granted within an assessment period (new deadline will need to be stated). This would include the removal of any late submission penalties imposed.

If feedback for coursework has been provided to a programme cohort Mitigating Circumstances Panels may request that the programme lead sets a new coursework question.

It is recognised that the ability to complete some assessments close for students once the date for the assessment has passed (e.g. an eLearning assessment in Blackboard or carrying out some laboratory work). In such cases there will be no opportunity to award a student an extension; Mitigating Circumstances Panels should, therefore, consider whether the assessment forms a core component of the programme in terms of learning outcomes.

Code Recommendation

- C4. Student to sit paper copy version of the e-learning assessment at a date set by the Mitigating Circumstances Panel.
- C5. Student to sit an alternative assessment to be agreed with the unit co-ordinator.
- C6. Exclude the assessment mark from the calculation of the unit average if it is 30% or less of the unit assessment.

Assessments (where resit opportunities exist e.g. at level 4 and 5 and programmes with PSRB requirements)

Code Recommendation

- A1. If affected assessments have been passed at first attempt (i.e. attaining the pass mark without compensation) the Examination Board may exclude the results from the degree classification calculation if there is evidence of underperformance compared to unaffected assessments/units. Alternatively if failed or missed, the assessment(s) is/are to be taken as a first attempt (deferral) or reassessment (referral) in the next possible reassessment period.
- A2. In exceptional circumstances, only if the Examination Board determine that more evidence (e.g. other assessment results) is required to conduct a result comparison, the Examination Board may recommend that the mitigation is carried forward to be evaluated in a future year/Examination Board.

Code Recommendation

- A3. The affected assessment(s) should be disregarded from the degree classification calculation if there is evidence of underperformance compared to unaffected assessments (to a limit of 45 credits for the academic year).
 - A4. Extend the limit of the boundary zone for students falling between degree classifications to a maximum of 2%. The Mitigating Circumstances Panel will determine the extent of this depending on their assessment of evidence relating to severity, duration, timing and impact of the mitigating circumstance.
 - A5. In exceptional circumstances for scenarios not addressed in a recommendation above a Mitigating Circumstances Panel may make an alternative recommendation considered to be reasonable; however an explanation of the reasons must be fully documented.
15. Where a request for mitigation covers a significant number of units which the Mitigating Circumstances Panel feels unable to mitigate, rather than a specific component of assessment, then it may be more appropriate for the student to be directed by the School on the advice of the Mitigating Circumstances Panel to the Principles for Granting Interruptions to an Undergraduate or Postgraduate Taught Programme of Study (<http://documents.manchester.ac.uk/display.aspx?DocID=4779>). [**Note:** a student can only carry forward 20 failed credits to their next year of study under their programme degree regulations].
16. When a student who is registered with the DASS misses the first sit of an assessment citing 'disability' reasons, but the level of assessment means resit opportunities are not available, Schools should enquire with the DASS to see if the reasons can be substantiated. If so, the DASS's likely recommendation would be to allow the student an opportunity to take the assessment as a first sit in a subsequent assessment period, but NOT to discount the assessment altogether without the student having the opportunity to sit it as a first sit.
17. As soon as possible after the meeting of the Examination Board, the final decisions made should be conveyed by the School to students who have applied for mitigation.
18. The decision of the Examination Board is final. Students may however choose to submit a formal academic appeal in accordance with Regulation XIX (Academic Appeals Procedure).
19. Students who submit a request for mitigation after the publication of results should be referred to the Regulation XIX (Academic Appeals Procedure) and are required to include a statement explaining the reason for the delay with their submission.

| Document Control Box | |
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| Policy / Procedure title | Mitigating Circumstances Panels: Terms of Reference |
| Date approved | September 2014 |
| Approving Body | Teaching and Learning Group (TLG) |
| Version | June 2015 (with effect from September 2015) |
| Supersedes | September 2014 |

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| Previous review dates | N/A |
| Related information | <ul style="list-style-type: none">• Policy on Mitigating Circumstances• Basic Guide to Mitigating Circumstances• Notification of Mitigating Circumstances Form |
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