

MITIGATING CIRCUMSTANCES POLICY



1. Introduction and scope

During the course of their studies, 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. This Policy sets out the Institute's arrangements for considering requests for mitigation in such circumstances. This Policy applies to Undergraduate and Postgraduate taught students.

2. Policy

1. The Institute defines mitigating circumstances as unforeseeable or unpreventable circumstances that could have, or did have, a significant adverse effect on the academic performance of a student.
2. Students are responsible for submitting their own requests for consideration of mitigating circumstances.
3. Institute must 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 must be included in course handbooks, and staff responsible for advising students need to be fully aware of what circumstances might warrant consideration under this Policy (see Grounds for Mitigation).
4. Institute must publicise the deadlines for submission of requests for mitigation and how to submit such requests in appropriate places, for example, in course handbooks, by email or on notice boards.
5. 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) will not be considered without a credible and compelling explanation as to why the circumstances were not known before the beginning of the assessment period or why the student was unable to complete or submit an application prior to the published date.
6. A student cannot submit the same standalone, individual circumstance as a request for mitigation more than once, unless the student can show that the

circumstance has exacerbated in some way, or the effects on the student have lasted longer than expected.

7. Requests for mitigation must be processed formally and judged impartially. The mechanism need to be applied consistently and in line with this Policy, but with enough flexibility to apply equally to undergraduate and taught postgraduate students and to allow Institute to meet any discipline-specific or professional requirements. Arrangements must also be proportionate, so that, where necessary, requests for mitigation can be dealt with quickly with a minimum of bureaucracy.
8. Mitigating Circumstances Panels must 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 the Examination Board to consider the effects of this and apply the recommendations of the Mitigating Circumstances Panel.
9. Institute must inform students of the outcome and progress, as appropriate, of their request for mitigation, in a timely manner.

3. Grounds for mitigation

Possible mitigating circumstances include:

- significant illness or injury; or worsening of an ongoing illness or disability, including mental health.
- the death or critical/significant illness of a close family member/dependant.
- significant family or personal crises or major financial problems leading to acute stress.
- absence from the Institute for public service, for example, jury service.
- bereavement due to COVID-19.
- hospitalised due to contracting COVID-19.
- ill at home due to having COVID-19-like symptoms.

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.
- the act of religious observance.
- exam stress or panic attacks not diagnosed as illness or supported by medical evidence.

Events may arise during pregnancy that may constitute mitigating circumstances, and these need to be judged on a case-by-case basis. It is recommended that, at a minimum, students are required to take two weeks' compulsory maternity-related absence, or four weeks if they are on placement in a factory, to ensure the health and safety of the mother following birth.

4. Stages for considering requests for mitigation

Mitigating circumstances are considered in three stages:

Stage 1: Identifying cases. This stage 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 must be advised that their claims cannot be considered and be referred to the Policy on Mitigating Circumstances and the section in their course handbook which refers to the submission of mitigating circumstances.

Stage 2: Accepting mitigation (responsibility of Mitigating Circumstances Panel). This stage establishes whether those cases received, and which have

passed the first stage have sufficient grounds for mitigation, and, if they have, the case will proceed to the third and final stage.

Stage 3: Applying mitigation (responsibility of the Examination Board). This stage determines what mitigation should be applied to the outcomes of the students' assessments.

Institute should designate a member of 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 Mitigating Circumstances Panel.

Where reasonably possible, accepted mitigating circumstances should be handled by flexibility in the arrangements for assessment.

5. Handling requests for mitigation

It is the sole responsibility of the student to submit a request for mitigation according to the published deadlines. 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) prior to the meeting of the Examination Board to allow for decisions on academic progress to be made.

Prompt submission makes it easier, for example, to offer flexibility in the arrangements for assessment. All requests for consideration of mitigation by the Mitigating Circumstances Panel should be submitted by the student in writing, via an electronic method or in hard copy, to the Mitigating Circumstances Panel.

Requests for mitigation submitted after the published date for the beginning of an 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 assessment period must be

submitted to the Examination Board. Not informing the Institute of circumstances due to personal feelings of 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.

Requests should be accompanied by appropriate, independent, third-party supporting or collaborative documentation, which will be checked to ensure there are no doubts regarding their authenticity and which should be written in English (or suitably translated). 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 request for mitigation, together with the supporting documentary evidence. Mitigating Circumstances Panels must have due regard for the confidentiality of any application they receive.

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 Examination Board and serviced by a member of the Student Office, plus others as necessary.

Panels will operate by considering documentary evidence, and students are not normally required to attend meetings.

Mitigating Circumstances Panels (and Examination Board as necessary to fulfil the requirements of this Policy) must maintain a written record of the minutes from their meetings, which Institute is able to report on and which are held by Institute.

Mitigating Circumstances Panel must make one of the following decisions for each element of assessment for which a student has made a claim:

Accept: The claim is accepted as affecting that item of assessment.

Allow Late: No penalty will be applied in respect of late submission.

Reject: The claim is not accepted for that item of assessment.

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.

6. Accepting mitigation

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.

7. Applying mitigation

The acceptance of a request for mitigation by the Mitigating Circumstances Panel should be accompanied by a recommendation on mitigation, 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.

Possible recommendations could include that the student:

- a. should be given another assessment opportunity which shall not count as an additional attempt at the assessment (known as a reassessment without penalty).
- b. should not be penalised for late submission of coursework and allow the student their true mark for the element in question.
- c. should only use the marks from non-affected elements of the assessment to

decide the course result.

d. should have their final classification raised.

The Examination Board may, in some circumstances, choose not to adopt the recommendation of the Mitigating Circumstances Panel, where an alternative action may be more appropriate or beneficial, based on the student's overall marks/results.

The application of mitigation is considered to be an academic judgement; therefore, the final decision on what action to be applied rests with the Examination Board. Mitigating Circumstances Panels are only empowered to make recommendations as to mitigation. The Examination Board has a more holistic view of the student's performance and is therefore better placed to make a final decision on the most appropriate course of action to address the request for mitigation.

As soon as possible after the meeting of the Examination Board, the final decisions made should be conveyed by the Institute to students who have applied for mitigation.

8. Right of appeal

Since Panels operate under delegated powers from the Examination Board, their decisions will not normally be subject to review unless some 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 the Examination Board, or equivalent body, under Academic Appeals Procedure, if appropriate.

Should students have not requested mitigation prior to the Institute's published deadline but consider that they have a credible and compelling explanation for this, requests can thereafter be made following the publication of results by following Academic Appeals Procedure.

9. Composition of Mitigating Circumstances Panel and Examination Board

Institute is required to have at least one constituted Mitigating Circumstances Panel whose decisions are ratified by the Examination Board.

The Mitigating Circumstances Panel must be composed a member of the Student Office, by appropriate members of both academic staff (e.g., professor, associate professor) and Student Council (e.g., President Student Council) and will normally be chaired by a member of the Examination Board.

A Mitigating Circumstances Panel shall have a quorum of 5 members.

The Examination Board is composed by senior members of academic staff.

10. Meeting frequency

Mitigating Circumstances Panels and Examination Boards should be convened for each significant assessment period with a minimum of two per academic year (Semester One and Semester Two).

Mitigating Circumstances Panels should meet prior to the Examination Board for an assessment period.

Mitigating Circumstances Panels and Examination Boards may wish to hold more meetings than the minimum requirement, which may depend on:

- the number of requests for mitigation that Institute receive.
- the timing in which it is felt necessary to respond to or consider the impact of a request for mitigation.