



## Mitigating Circumstances Policy

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<b>Approved by</b>	Management Committee
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<b>Staff Member Responsible</b>	Director of Training
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### Amendment History

Revision Summary	Date Approved	Author

**Irish Baptist College**  
**Mitigating Circumstances Policy**

**Purpose**

1. Students are expected to plan their work so that they can meet assessment deadlines at the same time as other obligations which they may have both inside and outside of the College.
2. The College recognises that students may experience exceptional short-term issues outside their control during their studies which adversely impact their ability to complete or perform in assessments by the specified deadline.
3. This policy enables students with a legitimate mitigating circumstance to apply for an extension, deferral or consideration of their circumstances by the Special Cases Committee.

**Responsibilities**

4. Students: to seek advice and support when encountering exceptional individual circumstances and to submit details of these, including appropriate evidence, using the prescribed forms within published deadlines.
5. Special Cases Committee: to consider applications made by individual students for the consideration of mitigating circumstances to inform the decisions made at Progression and Awards Boards.
6. Progression and Awards Board: to receive recommendations from the Special Cases Committee and to consider the outcomes in light of students' individual profiles. To confirm module marks, level aggregate and/or classification.
7. Registrar: to administer the process and, in consultation with the Director of Training, convene the Special Cases Committee.
8. Principal: to hear appeals.

**Scope**

9. This policy is designed to support students who are experiencing short-term personal difficulties that are outside of their control.
10. This policy does not cover 'reasonable adjustments' required when a student has an identified disability. These should be covered by a Learning Support Profile, created through the College Disability Processes.
11. This policy is not intended to cover medium to long-term issues a student may face which causes disruption to their studies. In these circumstances a student should be

referred to more appropriate policies such as the Interruption of Study Policy and Fitness to Study Policy.

12. This policy cannot be used to:

- Make changes to any academic marks awarded;
- Approve a change in the form of assessment;
- Consider requests made in relation to an assessment where marks/decisions made by the Progression and Awards Board have been published to the student (Students may use the Academic Appeals Procedure if they have grounds to do so);
- Approve a further opportunity for coursework assessment.

13. These procedures do not apply to attendance on placements (or practice- based assessments), but do apply to any academic assessments that arise from placements.

### **Definitions**

14. 'Mitigating circumstances' are defined as a serious or acute problem, or an event beyond a student's control or ability to foresee, which has prevented completion of assessment(s) or attendance at examination(s).

15. In order for a personal difficulty to be considered as a Mitigating Circumstance it must meet all of the following criteria:

- Short Term; and
- Exceptional (above and beyond the normal challenges faced by students); and
- Unexpected (i.e., could not reasonably have been anticipated by a student); and
- Outside of the student's control; and
- Have a demonstrable negative impact upon the student's ability to complete an assessment.

16. A student who submits an assessment or attends an examination is considered to have proclaimed themselves 'fit to sit', and therefore s/he may not later claim that any failure is due to mitigating circumstances. The only exception is when a student is taken ill during a set examination, when the Invigilator's report may be used to support a mitigating circumstances claim.

17. A working day is defined as a day on which the College is open, so includes student vacation periods but excludes weekends, Bank Holidays and other times that the College is closed, such as the period between Christmas and New Year. An extended deadline may, therefore, fall in the vacation period.

### **What might be considered valid mitigating circumstances?**

18. People are affected differently by different circumstances. It is therefore difficult to provide a definitive list of valid extenuating circumstances. Circumstances must be unforeseeable, unpreventable and have a significant adverse effect on the performance of a student.

19. Examples of serious, significant situations that the College may consider valid extenuating circumstances include:

- Significant health problems, including major accident or injury, acute ailments, hospitalisation (including for operations), clinical depression or a 'flare up' of other significant long-term health condition or mental health issue;
- The death or critical illness of a close family member or person for whom the student is the sole carer;
- Family crises or major financial problems leading to acute stress;
- Pregnancy-related conditions and childbirth (including a partner in labour);
- Maternity, paternity or adoption leave, or unavoidable commitments with the armed forces;
- Absence for jury service (which cannot be deferred);
- Late diagnosis of a disability, for example, dyslexia, meaning you have not had the appropriate support for assessment, including provision in exams;
- Unavailability of VLE where the issue is a provider-related technical fault and the module leader confirms that this would have a significant impact on a student's preparation or submission for an assessment or exam;
- Disruption in a set exam, such as a fire alarm being triggered, or excessive noise from building works.

**What might NOT be considered a valid mitigating circumstance?**

20. The College expects students to plan their work to allow for the normal ups and downs of life, including minor illnesses or personal issues, so these are not usually considered to be mitigating circumstances.

21. Examples of extenuating circumstances that the College is NOT likely to consider valid include:

- Holidays and events that were planned or could reasonably have been expected or where the student may choose not to participate;
- Childcare problems or other caring responsibilities which could have been anticipated;
- Travel problems, unless students can show that they made reasonable allowance for such disruption;
- 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, printer or the internet 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 or other commitments. By enrolling, students make a commitment to make time available to study. Students who have more work than they can cope with should consider attempting fewer modules per semester or changing their mode of study;
- Exam stress, panic attacks or mild depression not diagnosed as illness;

- Minor illness, such as a cough/cold/sore throat or minor viral infection, unless the illness is incapacitating and at its peak at the time of a time-specific assessment such as an exam;
- Accidents or illness affecting relatives or friends, unless serious, or the student is a sole carer;
- Appointments of any kind, including legal or medical appointments, which could be rearranged;
- Sporting, recreational or voluntary commitments, unless the student is representing their country at international level.

### **Applying for Mitigation**

22. Students should make a request for mitigating circumstances by completing the Mitigating Circumstances Request Form in Appendix 1, which can also be found on the VLE platform. Third parties cannot apply for mitigation on a student's behalf. This should be sent to the Registrar along with any supporting evidence required.
23. In submitting the request, students should include all relevant factors and evidence required. Only the information on the student's written submission will be considered.
24. Requests should be submitted at the earliest opportunity and within the published assessment deadlines or examination period. If the request is made because of known circumstances, it should be made at least 10 working days before the required date. This is so that the student would still have the opportunity to undertake the assessment at the normal time if the application were to be refused. Requests which are submitted closer to the date can be considered if they pertain to new and unforeseen circumstances.
25. Requests will not normally be considered retrospectively unless there are clear reasons why the delay could not have been avoided or reduced.
26. Each case will be reviewed by the College Special Cases Committee on an individual basis, taking into account all the factors and evidence provided. Forms are considered as a matter of priority, and students will be informed of the outcome via email.
27. Claims will be rejected if supporting evidence is inadequate or if the circumstances described are not exceptional, unexpected, outside of the student's control and have a demonstrable negative impact upon the student's ability to complete an assessment.
28. If the claim is deemed invalid then the student will receive an explanation for the decision.
29. Requests for mitigation will be monitored to identify students who make repeated requests, so that these students can be offered any support that may be needed.

## **Outcomes of Mitigation**

30. Valid mitigating circumstances do not change a student's grade but allow the student to complete or attend assessments at a time when they are not affected by the mitigating circumstances. This usually involves granting an extension to an assessment deadline or allowing the deferral of an assessment so that the student has the opportunity of reassessment at the next opportunity, without penalty.
31. Extensions to assessment deadlines allow a student to submit an assignment no more than 10 working days after the original deadline. If mitigating circumstances are agreed, and a student has already submitted work, a penalty for late submission may be waived, or they may submit another version of their work.
32. Should a student fail to meet the extended assessment deadline offered, the procedures for the submission of late coursework will be applied, or the assessment will be recorded as a 'non-submission'.
33. Deferral of an assessment or exam may be granted where the mitigating circumstances and supporting evidence are judged to be sufficient and an extension to the assessment deadline would not be appropriate.
34. The exact opportunities for deferred re-assessment will be decided by the Special Cases Committee. Provision is normally made for a subsequent assessment opportunity in that module before the end of the academic year. This may take place as soon as possible or in the following assessment period. Students may be permitted to undertake deferred assessment in the following academic year, as long as this is within the permitted limit for carrying over credits.
35. A student who has been granted a deferral may nonetheless decide to undertake the assessment at the normal time, in which case the deferral will automatically be cancelled. Otherwise, the decision to defer the assessment will be recorded and appear on the student's file.
36. Exiting students and those changing courses should be aware that late submission in the second semester (whether for good reasons or not) will inevitably prevent them from graduating in that year, whilst changing course could become impossible.

## **Documentary Evidence**

37. Students should provide reliable documentary evidence that confirms the nature and timing of the circumstances. If possible, the original documents should be provided. The nature of the evidence will necessarily depend on the nature of the circumstances in question. The evidence should:
  - be written by appropriately qualified professionals who are independent to the student. Evidence from family and/or friends will not normally be accepted;
  - be on headed paper and signed and dated by the author. Evidence presented by email is acceptable if the email has been sent by the author from the official domain name of the author's organisation;

- confirm specifically that the circumstances were witnessed on the relevant date as opposed to being reported retrospectively;
  - be in English, or in the original language with a certified translation into English.
38. Any confidential evidence should be submitted in a sealed envelope marked 'Confidential'.
39. Exceptionally, the College may accept evidence provided by College staff, such as the student's personal tutor.
40. Students who are taken ill during a set examination must ensure that they inform the invigilator of the nature of their illness, so that this can be recorded and used to support a request.
41. All evidence must be submitted along with the mitigating circumstances request form. The College may exceptionally decide to accept documentary evidence which is presented at a later date if it is clear that the delay could not have been avoided or reduced by the student taking reasonable steps to obtain and provide evidence at the appropriate time. In such cases, however, the delay may limit the action which is available to the College in response to the student's circumstances.

### **Appeal Against a Mitigating Circumstances Decision**

42. If a request for mitigating circumstances is refused, the student has the right to appeal to the College Principal within 10 working days of the outcome of the claim being communicated.
43. An appeal may only be made on the following grounds:
- A material and demonstrable procedural irregularity in the mitigating circumstances process.
  - Evidence that the College did not consider all of the information available to it at the time of its consideration of the claim.
44. Appeals will not be considered on the following grounds:
- Dissatisfaction with the reasonable judgment of the Special Cases Committee;
  - Late submission of an application for extenuating circumstances or late submission of evidence to support an application where there are no compelling grounds why the application was late.
45. In the case of late submission of assignments, launching an appeal does not remove the requirement to submit the work as soon as possible.

### **Completion of Procedures and Independent Review**

46. Once such a student has finished the internal appeals or complaint procedures the College will promptly send a Completion of Procedures letter to the student. This will set out clearly what issues have been considered and the College's final decision.

47. If the appeal is rejected and this procedure has been completed, students registered with a validating institution can request a review of their appeal by the validating institution.
48. If the Student believes the issue has not been appropriately addressed, the student may complain to the Office of the Northern Ireland Public Services Ombudsman:  
<https://nipso.org.uk/>