

LCIBS

Mitigating Circumstances Policy

Policy Name:	Mitigating Circumstances Policy
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Approved by	Academic Board

Mitigating circumstances are also known as extenuating circumstances.

1.0 Definition

“Mitigating circumstances can be defined as circumstances that are *beyond the student’s control* and which *could not be reasonably predicted/accommodated* by the students and which *impair the performance of the student in assessment*. “

Normally Mitigating Circumstances will cover, though not limited to, sudden illness and bereavement. Normally the following are not considered Mitigating Circumstances: the number of assessments and the proximity of those assessments, pressure of work, mis-reading of the assessment timetable, the scheduling of vacations and other times abroad (Please see the examples below).

On-going conditions and other disabilities are normally considered under separate regulations and thus should not fall within the confines of this definition. However, some students affected by on-going conditions may be impacted by ‘specific’ difficulties related to their on-going condition. When there is a specific ‘flare up’ in their condition at the time of the assessment, the Mitigating Circumstances Panel (MCP) may consider the additional difficulties experienced by the student under these regulations.

2.0 Process

The student must complete a Mitigating Circumstances Form (MCF - which is available from either Student Services or via Moodle) and provide documented evidence to support their submission. Documented evidence includes, but is not limited to, medical certificates, counsellor’s statement and death certificates. However it should be noted that there could be cases where either no documented evidence is available or would be difficult to obtain. In such cases the panel can still consider the merits of the case; this may include interviewing the student who has lodged the submission. However these will be considered as rare cases.

It is the responsibility of the student to provide the necessary documentation. These documents must be submitted to Student Services either immediately prior to or shortly after the specified assessment.

The MCF and supporting evidence is then reviewed by the Mitigating Circumstances Panel in relation to the definition of MCs. The panel must decide whether or not the case, as presented, demonstrates a significant impact upon the student and their performance whilst meeting the criteria of the definition.

Where the panel does not uphold the submission of Mitigating Circumstances this does not necessarily mean that the student was not impacted to some degree by the events. However, the circumstances might have been within the control of the student and/or the institution (LCIBS and/or awarding bodies). An example, being where the event could have been foreseen by the parties involved.

The decision of the Mitigating Circumstances Panel will be reported to the Examination Committee however the specific details of the MCs remains confidential.

3.0 Guidance on Grounds for Mitigating Circumstances

The following examples are for guidance only. If you are in any doubt whether or not your situation warrants applying for Mitigating Circumstances you should discuss the situation with Student Services who may be able to advise you.

Examples of circumstances beyond the reasonable control of the student:

1. Bereavement (near relative only)
2. Serious accident, illness or serious infectious disease.
3. Medical operation (if an emergency)
4. Hospital tests (if an emergency)
5. Burglary and theft.
6. Childbirth (for instance, going into labour on the day of an assessment)

Examples of situations which *may* be considered beyond the reasonable control of the student:

1. Medical operation (if approved prior to the point of assessment).
2. Hospital tests (if approved prior to the point of assessment).
3. Being taken ill during an examination.
4. Unanticipated and unavoidable professional obligations.
5. Private or public transport failure leading to delays of more than one hour (corroborative evidence is required to verify such delays).

Examples of situations that would NOT normally be considered as mitigating circumstances:

1. Accidents to friends or relatives (unless within three days prior to deadlines or an examination or where the student is the sole carer).
2. Family illness (unless in an emergency or where the student is the sole carer).
3. Examination nerves.
4. Feeling generally anxious, depressed or stressed (unless medically certified and notified in advance, normally at least two weeks).
5. Minor injuries.
6. Pregnancy (but pregnancy related illness may e.g. on set of early labour, pre-eclampsia or gestational diabetes).
7. Cold, cough, upper respiratory tract infection, throat infection, unspecified viral infection.
8. Childcare problems that could have been anticipated.
9. Domestic problems (unless supported by independent evidence).
10. Mistaking deadlines or time management problems (including alarm not working or sounding at the right time).
11. Private or public transport problems leading to delays of less than one hour.
12. General financial problems.
13. Legal problems (unless required to attend Court or a Police Station on the day of the assessment).
14. Holidays or booked travel arrangements.
15. House moves.
16. Notes damaged in a flood, by fire or stolen (unless supported by fire, police and insurance reports).
17. Intermittent or last minute computing problems (including memory sticks, machines, printers, viruses and internet connections).
18. Submission problems.
19. Inclement weather (unless exceptional/severe weather where the police have advised not to travel).
20. Ignorance of the Regulations or Assessment/Examination arrangements.
21. Any event that could have reasonably been expected or anticipated.

4.0 Panel Membership

There should be at least three panel members (for a quorum) that will include a mixture of academic and student services staff. However, the chair of the Mitigating Circumstances Panel cannot be the Chair of the Awards Committee.

4.1 Meeting Schedule

The MCP meets at least three times per year. All documentation should be lodged with Registry at least two days before the MCP meets.

5.0 Possible Allowances

- Programme work: The student could be allowed up to additional five weeks.
- Examinations: The student would normally be allowed either an examination re-sit or module re-take opportunity. This opportunity can be granted irrespective of the mark obtained if the student had undertaken the examination.

Students can decline their resit/retake opportunity and the current mark obtain stands and no other allowance can be provided.

If the student attains a lower mark in their re-assessment then the mark obtain within the affected period of assessment will stand.

Where a student is unable to undertake resits/retakes due to mitigating circumstances then consideration will be identical to first sit assessment.

6.0 Consequences of Referral

A student should not in normal circumstances carry more than 3 Modules where the first recovery attempt has been made and is unsuccessful and where there is referred or non-submitted work. This would be considered as likely grounds for non-performance, halted progression and removal from the programme. This could be mitigated by appeal and the actions and behaviours of the student in recovery and response to an action plan.

Given that module assessments differs across the programmes, the following guide should be used for second attempted recovery.

- Where approximately up to 40% of assessment is referred or not submitted, then the student will have 3 weeks to recover the Module.
- Where assessment exceeds approximately 40% of the module the student will have 5 weeks.

This is cumulative and applies to one or more assignments.

If the student is not successful within this time frame, yet progress is being made, then additional time of one month may be granted on receipt of a mitigation supported by academic staff and an action plan. If this is not successful, no more time can be granted without the student retaking all outstanding modules which may carry visa implications. Depending on the sequencing of Modules, time frames may have to be amended and visa duration may be a deciding factor in any college action if applicable.

MITIGATING CIRCUMSTANCES (MCs) CLAIM FORM

DATE: _____ / _____ / _____

FIRST NAME: _____

SURNAME/FAMILY NAME _____

ADDRESS in UK (if applicable):

OVERSEAS ADDRESS:

DATE OF BIRTH: DAY _____ MONTH _____ YEAR _____

UK MOBILE NUMBER: _____

EMAIL ADDRESS: _____

COURSE ENROLLED: _____

LOCATION OF STUDY: _____

STUDENT ID# _____

COURSE START DATE: _____ / _____ / _____

COURSE END DATE: _____ / _____ / _____

Please list all Module(s) for which you are submitting a claim of Mitigating Circumstances:

Unit Title	Assessment affected (e.g., first coursework, in-class	Coursework	
		Deadline	Date submitted

Please complete the following information by ticking the appropriate box and completing the related columns

Type of Original Evidence you are Submitting	Tick	Date Covered by Evidence	
		Date From	Date To
Doctor's note or other medical evidence			
Police letter or form			
Employer's letter			
Death Certificate			
Other (<i>Please specify</i>)			

- All claims should include wherever possible original independent documentary evidence, e.g. medical certificate.
- If you fail to provide this information your claim may not be considered.
- Please note that you may resubmit a previously rejected claim only if it is supported by significant additional evidence.
- All claims made after the set deadline should give valid reasons for the late submission of the claim.
- Please explain how the circumstances have affected your work and/or studies:

I confirm that the above information is correct:

Student Signature: _____

FOR OFFICE USE ONLY

Date Received:	Leave Authorised: Yes / No	Leave Authorised by:
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ADDITIONAL NOTES:

Date: _____