

Policy and Procedure on Mitigating Circumstances

1 Introduction

- 1.1 Students may suffer from serious and unforeseen circumstances during the course of their studies that adversely affect their ability to complete an assessment task and/or their performance in a piece of assessment. This Policy and following procedure set out how such circumstances should be reported to, and, considered by, the College.
- 1.2 This policy applies to Undergraduate and Postgraduate taught students. It will only apply to Postgraduate Research students in relation to taught elements of a doctoral programme of study.
- 1.3 Students are responsible for submitting their own requests for mitigating circumstances and for providing relevant, independent documentary evidence to support their claim. Student requests for mitigation should be made in accordance with the deadline (5 working days) and must clearly state which assessments have been affected by the circumstances. Students who submit requests after the published timescales will need to provide a credible and compelling explanation as to why the circumstances were not known, or could not have been shown/notified, before the published deadline for the submission of claims. Failure to submit due to lack of understanding of the procedure or the timeframe will not normally be considered acceptable. Submissions made without supporting evidence will not be considered.
- 1.4 Any exceptions to the application of the College's Mitigating Circumstances procedure as a result of external accreditation of Imperial College London programmes must be agreed at the point at which the programme is approved and students must be informed clearly and unambiguously in the relevant programme handbook.
- 1.5 All requests for mitigation will be treated confidentially, processed formally and judged impartially. Procedures for consideration of claims will be applied consistently.
- 1.6 Each department will convene a Mitigating Circumstances Board (MCB) to meet regularly throughout the year in order to provide timely consideration of claims. The MCB will consider the claim and the evidence submitted in support of that claim. The purpose of the MCB is to establish whether there is substantiated evidence of eligible circumstances, and that there is clear evidence that the dates of the assessment and the dates of the Mitigating Circumstances demonstrate that the student's performance would have been affected. The MCB will not consider the marks or the academic profile of the individual student concerned. Mitigation should be dealt with on a department-wide basis as far as possible to facilitate consistent and equitable treatment. Where appropriate, a Faculty-wide Board could also be established.
- 1.7 The outcome of consideration of the MCB will be made available to the Board of Examiners to inform their decision making.
- 1.8 Where reasonably possible, accepted mitigating circumstances should be handled by flexibility in the arrangements for students to take the affected assessment. Such arrangements will be supported wherever possible but students, even where mitigating circumstances have been accepted, have no automatic right to individual assessment.

- 1.9 Students with a disability or a long term or chronic condition are normally supported through the mechanisms set out in '[Procedures for Consideration of Additional Examination Arrangements in Respect of Disability](#)' and it is not therefore anticipated that such students would normally be required to submit mitigating circumstances in relation to these conditions where reasonable adjustments have already been put in place for the student's assessments. An exception to this would be where there is a sudden or acute exacerbation which could not be managed through these adjustments. This will need to be evidenced appropriately.
- 1.10 Students are responsible for ensuring that they are registered with a medical practice during the course of their studies at the College.
- 1.11 As part of this procedure students can request an extension to deadline for selected assessments. See section 12 of the procedure.

2 MITIGATING CIRCUMSTANCES PROCEDURE

- 2.1 Claims must be submitted within 5 working days of the assessment date. This allows for the claim to be considered and a response to be made back to student as close to the point of assessment as possible. For claims beyond this period see section 9 (late claims).
- 2.2 A mitigating circumstances claim should be submitted, by the student, using the Mitigating Circumstances Form if valid detrimental circumstances result in:
- a) the late or non-submission of an assessment task; or
 - b) non participation in an assessment task such as non-attendance of examinations(s), presentation or practical assessment
 - c) impaired performance in a piece of assessment.

3 Grounds for Mitigation

- 3.1 Grounds for mitigation are unforeseeable and unpreventable circumstances that could have, or did have, a significant impact on the academic performance of a student. This may occur at the time of the assessment or period immediately preceding it (e.g. revision period).
- 3.2 They are:
- a) unforeseeable: the student would not have anticipated the event,
 - b) unavoidable: it would not be possible for the student to have reasonably avoided or prevented the circumstances.
- 3.3 Below is a non-exhaustive list of examples of mitigating circumstances which, with relevant evidence, are likely to be accepted:
- significant personal illness or injury;
 - the death or critical/significant illness of a close family member/dependant or friend;
 - significant family crisis or major financial problems leading to acute stress;
 - absence for public service e.g., jury service.
- 3.4 Below is a non-exhaustive list of examples of mitigating circumstances which are unlikely to be accepted:

- holidays, house moves and events that were planned or could reasonably have been expected;
- misreading the timetable or misunderstanding the requirements of assessments;
- assessments that are scheduled close together;
- inadequate planning and time management;
- failure, loss or theft of a computer or printer that prevents the submission of work on time. Students should back up their 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);

4 Conditions for acceptance of claims

- 4.1 In order for a claim to be accepted, a student must provide independent documentary evidence to demonstrate that the circumstances:
- a) were unforeseen;
 - b) were out of their control and could not have been prevented;
 - c) relate directly to the timing of the assessment affected; and
 - d) meet the requirements relating to documentary evidence set out in section 5 below.

5. Independent documentary evidence

- 5.1 All claims must be supported by independent documentary evidence. Copies of evidence can only be accepted where there is a reasonable explanation for the original not being available. The evidence must be an official document e.g. a letter signed on official headed paper and must include the dates during which the circumstances applied and the contact details of the person or company supplying the evidence for verification purposes if required.
- 5.2 In limited circumstances, such as an illness of short duration where a medical certificate could not be obtained (e.g. Influenza), a student may 'self-certificate'. They must clearly describe the nature of the circumstances, the impact that they have had on the student's ability to complete the assessment, as well as the reason for being unable to provide independent evidence. The use of self-certification will be monitored to ensure this is not abused.
- 5.3 A student can seek a supporting statement from their Personal Tutor (or other suitably qualified member of College staff) in order to help them articulate their claim, if that individual is aware of the circumstances and the impact on the student. However, this cannot in itself constitute independent documentary evidence.
- 5.4 The College reserves the right to check the authenticity of all documentation submitted as part of a mitigating circumstances claim. In the event that a student is found to have submitted evidence which is not authentic, this will normally be investigated in accordance with the Academic Misconduct Procedure.
- 5.5 All documentary evidence should be presented in English. Any evidence that is not in English must be translated using an authorised translator before it is submitted.

6 Sources and types of documentary evidence

Counselling

- 6.1 College Counsellors, Psychiatrists and Counsellors with a recognised professional qualification may be asked to provide a confidential statement.
- 6.2 The College Student Counselling Service can only provide a letter on request for a student who is already attending counselling with the service. Letters will not be provided at a first meeting with a Counsellor or Advisor.

Illness and injury

- 6.3 Medical conditions which prevent attendance at, or submission of, an assessment must be supported by written evidence from a registered medical practitioner. This should be the person, practice or institution that diagnosed or assessed the illness/injury at the time it occurred.
- 6.4 The College Health Centre can certify illness only for absence from the College lasting more than one week (7 days) or absence from an examination. They cannot certify an illness if the student had not been seen at the Health Centre during the illness.

Bereavement

- 6.5 The College recognises that the impact of a bereavement will vary significantly from person to person. This may be due to the relationship with the deceased, the individual student's personal circumstances, or due to the manner of the death. The MCB therefore has further discretion when considering claims on these grounds.
- 6.6 The normal expectation of the College where the mitigating circumstances relate to the death of someone related to or known to the student, is that the claim will be supported by a death certificate or an officially certified copy of a death certificate. Alternative forms of evidence may be considered on an individual basis and advice should be sought from the personal tutor, Registry or Imperial College Union. Examples of alternative forms of evidence include an order of service, statement from a religious leader or a media/police report.
- 6.6 Where a student has been affected by a death of someone other than a partner, parent, child or close family member, the College expects the student to explain their relationship to the deceased and the impact this had on their studies.
- 6.8 Bereavement will normally be considered to cover the assessments within the period of 6 months of the bereavement occurring. Where a student feels that they have been affected by a bereavement beyond this, they will normally need to provide additional evidence to indicate the ongoing impact on their studies e.g. supporting medical documentation.

Financial and accommodation issues

- 6.9 Financial and accommodation problems must be substantiated by documentary evidence. Claims and evidence for financial and accommodation problems are considered on a case-by-case basis and must meet the conditions for acceptance as set out in paragraph 2.1 above.

Employment

- 6.10 Part-time students in employment who are prevented by their employer's action(s) from attending or completing assessments by the published deadline must provide documentary evidence from their employer.
- 6.11 Full-time students will not normally be eligible to claim for mitigating circumstances in relation to employment. The College expects that full-time students make their studies a priority.

7 Confidentiality

- 7.1 The Mitigating Circumstances form and evidence will need to be considered by members of the Mitigating Circumstances Board for the purpose of processing the students claim.
- 7.2 If a student is reluctant to disclose evidence of a highly personal and sensitive nature, they should submit the evidence in a sealed envelope marked with their name, programme of study and the module(s)/assessment(s) for which they wish the circumstances to be taken into account alongside the form. The envelope should be clearly identified as *Mitigating Circumstances Board: Strictly Confidential*.
- 7.3 Communication to any other parties must only describe the form of mitigation which has been agreed and must not disclose any details of the circumstance itself. Only the student details and the decision will be made available to the Examination Board.

8 Mitigating Circumstances Board

- 8.1 The membership of the Mitigating Circumstances Board should be drawn as widely as possible so as to allow for the independent scrutiny of claims by staff who are not involved in the delivery of the individual student's programme.
- 8.2 A member of academic staff must be nominated to act as Chair of the Board and an administrator to act as Secretary to the Board. A nominee of the Academic Registrar can attend the Board as an Observer.
- 8.3 Where a student is known to a member of staff other than in their professional capacity, or where there has been significant prior involvement in the case, that staff member must declare an interest to the Chair of the Board and must not participate in any discussion of that student's claim.
- 8.4 Mitigating circumstances claims should normally be considered by at least three members of the Mitigating Circumstances Board. The Board should have planned meetings to allow for the timely consideration of the claims, such as after any major assessment period, as well as periodically through the year. This enables the student to know the outcome of their claim as soon as possible.

Decisions

- 8.5 The Mitigating Circumstances Board can make the following decisions:
 - 1) Accept the claim is accepted as affecting the item(s) of assessment.
 - 2) Reject the claim is not accepted for the affected item(s) of assessment.

Accepted Claims

8.6 Where a claim has been accepted, the Mitigating Circumstances Board should identify which of the following outcomes should be applied:

- 1) **Defer:** This will allow the Board of Examiners to consider offering the student:
 - a) a further opportunity to attempt the assessment(s) at the next available assessment point. If relating to a first attempt at the assessment this will receive an uncapped mark.
 - b) to take an uncapped SQT(s) to retrieve outstanding modules
 - c) to be permitted to take an SQT(s) to enable progression
 - d) to be offered an opportunity to retake the year as a first attempt

Where the assessment has been passed or the module overall is a pass, the Board may also consider:

- e) extended consideration at the borderline for an uplift in classification in accordance with the regulations
- f) consideration at the borderline where a qualifying mark is required for continued progression

Whilst the above options would normally be sufficient, and the Mitigating Circumstances Board may make a recommendation in the light of the information that it holds, it is ultimately the decision of the Board of Examiners in the knowledge that the student has an accepted claim for mitigation to consider the appropriate 'mitigation' to be offered, subject to the regulations and any programmes specific requirements.

- 2) **Allow Late.** The late submission assessment(s) is accepted as though 'on time' and will receive an uncapped mark.

8.7 The Board of Examiners will determine the form and timing of the deferred assessment. In cases where the assessment involved group work and presentation or another format that cannot be replicated out of term time, an alternative assessment will be provided at the next opportunity. The Board of Examiners must consider any programme or assessment specific conditions or regulations with regards to any options for further assessment.

8.8 Some Professional Statutory and Regulatory Bodies set out conditions for the acceptance of Mitigating Circumstances. Where this is relevant, students must be advised of this in their Programme Handbooks and the Department must ensure that those providing advice to students are aware of this.

Rejected claims

8.9 Where a claim has been rejected, the student must be written to in order to explain why the claim could not be accepted.

8.10 A student will have one further opportunity to re-submit the claim within 5 working days of the notification. This must be based on, and accompanied by, new evidence that was not previously made available to the Mitigating Circumstances Board at the time of the original submission for mitigation. Valid reasons as to why this evidence was not originally provided should be detailed on the updated Mitigating Circumstances form. In these instances the MCB must first consider if the reason given for not providing the evidence in the first submission is acceptable, only considering the substance of the claim if this is deemed to be the case. Submission of a claim on new grounds will not be considered as part of this process.

- 8.11 In the correspondence regarding rejected claims the right to appeal (see 10.1), acceptable grounds, process and time limits must be clearly stated to the student.

Record Keeping

- 8.12 A full written record of the consideration of all mitigating circumstances claims must be kept which details the outcome and the reason for the decision being reached. Once considered, forms will be securely and confidentially stored in accordance with the College [retention schedule](#).

9 Faculty Oversight of Claims for Mitigation

- 9.1 Where department level boards are held for the consideration of mitigating circumstances claims, each Faculty is responsible for ensuring consistency in the decision-making processes across its provision.
- 9.2 In these areas the Faculty will appoint an oversight panel. The members of the panel will be drawn from across the Faculty, and should include staff with experience of considering claims for mitigation, such as members of the individual MCBs.
- 9.3 The Faculty may also consider inviting ex-officio members from other areas of the College such as Registry, Student Services, Imperial College Union or the Disability Service to provide additional expertise and a degree of 'externality'.
- 9.4 The Faculty Mitigation Oversight Panel (FMOP) will agree the appropriate method for reviewing claims in its remit. The method will depend on the number and timing of the claims received.
- 9.5 The FMOP do not have the remit to overturn the decision of the MCB, rather it is expected that the review of claims will identify areas of best practice for dissemination across the Faculty and the wider College. It may also make specific recommendations to individual MCBs.

10 Late Mitigating Circumstances Claims

- 10.1 Where a student is unable to submit their claim because the circumstances are ongoing and the Examination Board has not yet confirmed the results, they should make their claim using the procedure outlined above.
- 10.2 Where the student is unable to submit their claim because the circumstances are ongoing and the Board of Examiners has already made a decision, the student is able to submit a late claim. The final deadline for the late claim to be made is no more than 10 working days after receiving their formal results. Claims submitted after this final deadline will not be accepted.
- 10.3 In making any claim beyond the normal 5 working day deadline, under 10.1 or 10.2 above, the student must provide a credible and compelling reason(s) for the late submission and independent documentary evidence to support the lateness of the claim. A lack of awareness of the procedure is unlikely to be accepted. Reasons that are likely to be accepted relate to an incapacity to follow the process at the time such as physical or mental ill health, trauma, or documented incorrect advice by a member of College staff.
- 10.4 If new evidence comes to light following a rejected claim, the late submission route may be followed subject to 10.1 and 10.2 above. The late claim must clearly explain what new evidence has been submitted and why this could not have been provided

at the time. Evidence that could have been made available, but was not requested by the student from the 'holder', for example a letter from a medical practitioner, will not be accepted as eligible for a late submission.

- 10.5 The claim form should be considered by the Mitigating Circumstances Board in accordance with the procedure above. Where the Mitigating Circumstances Board considers that there are valid grounds for the late submission of the request and that the student has provided appropriate supporting documentary evidence, it will agree an outcome for the accepted claim as set out in 6.6 above and this will be reported back to the Board of Examiners.

11 Appeals against the decision of an Mitigating Circumstances Board

- 11.1 Students cannot appeal against the outcome of a mitigating circumstances claim on the basis of the judgement made by the Board. However, if the student considers that there has been a material procedural irregularity or evidence of procedural unfairness in the handling of the request, the student can submit an appeal under the College's [Academic Appeals procedure](#).

12 Requesting an extension to assessment deadline.

- 12.1 For some types of assessment where a student finds prior to the assessment hand in date that their studies are being impacted by unforeseen or unavoidable mitigating circumstances (see definition at section 3), they may be able to request an extension to the deadline. Extension requests will not normally be accepted after the deadline, a claim for mitigating circumstances must normally be made instead.
- 12.2 Each department will agree protocols for students to request an extension to deadline and how they will be managed. This will include those authorised to grant extensions, the process by which students may request an extension and the requirements for supporting evidence. These protocols will be initially agreed by Faculty Education Committee (FEC) or equivalent and forwarded to the Quality Assurance team. Updates to the protocols will be made as necessary by FEC. A template extension request proforma is available from Quality Assurance team in Registry which can be adapted for use in individual departments.
- 12.3 For extensions of less than one week, the claim may be self-certificated. For longer extensions the evidence requirements are expected to follow the guidance in the Mitigating Circumstances policy.
- 12.4 Whilst supporting evidence is expected to be provided at the time of the request, the person authorising the extension may give a set period for the evidence to be supplied. Failure to provide the evidence by the period given will mean that the assessment will be considered a late submission. This information will be clearly outlined in the programme handbook/ student support webpages.
- 12.4 Those designated within their department to grant extensions have the authority to decide the length of the extension, taking into account feedback deadlines etc. It would be expected that the length of extension would take into account the circumstances of the student. For example if the extension request is due to a 48 hour sickness, then the extension should be of a similar length. The maximum period of extension will normally be two weeks.
- 12.5 Exceptionally if the circumstances mean that an extension is required beyond the normal two week period and there is thought to be an exceptional reason to accept

the request, this should be discussed with at least 2 members of the Mitigating Circumstances Board. This would normally only apply where the student would not gain advantage from the feedback of other students, for example in individual research projects.

- 12.6 An extension to deadline may not always be suitable due the nature of the assessment or the individual circumstances of the student. For example an extension cannot be granted for an examination type assessment or where the assessment deadline forms part of the learning outcomes for the module. Alternatively the circumstance of the student may be likely to extend for a period beyond which an extension would be viable, that is after any provisional feedback or marks have been released to the other students in the cohort. An interruption of studies or claim for mitigating circumstances may be more appropriate.
- 12.7 Where a request has been rejected the student should be given a clear reason for this and given advice about any appropriate support mechanisms such as applying for mitigating circumstances, an interruption of studies or other welfare support mechanism available within the College.
- 12.8 Where a student has been granted an extension, a claim for mitigating circumstances will not normally be accepted for the same assessment. Exceptions will be made where a different circumstance occurs in the same period or the original reason extends beyond the expected end date. For example a bout of illness that extends beyond the normal recovery period.
- 12.9 Students who have been granted an extension, but submit after this new deadline will be treated as a late submission i.e. if it is handed in up to 24hrs after the new deadline the assessment will be capped at the pass mark, and after 24hrs the usual 0% capping will apply.
- 12.10 Departments are expected to keep a record of requests and decisions. This record will be used to support students by identifying any concerning patterns of behaviour and to monitor the demand within the department.

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