This guidance document has been produced to guide and advise staff on the implementation of the new Mitigating Circumstances Procedure from September 2018. If there are any additional questions or areas of clarification needed following reading this guidance, please contact the Assistant Registrar (Academic Standards) for support in the first instance.
Introduction

1. The updated procedure has been developed by the cross-College working party following a review of current protocols, feedback and casework outcomes, and with reference to recognised sector best practice, such as that identified in the Academic Registrar’s Council guidance and by the Office of the Independent Adjudicator for Higher Education (OIA).

2. The underlying principles have not changed from the previous process. The updated procedure seeks to bring greater clarity and timely interventions to those student that find themselves in temporary difficulties in completing their studies.

3. This guidance also provides detailed information to support those responsible for considering the claims presented. Regular reviews of the documentation and work of the Boards may lead to updates to this guidance.

Scope

4. The updated procedure applies to all taught programme students, and those on the taught aspects of research programmes, from academic year 2018/2019. Claims received before this date will normally be considered under the previous process.

5. Where this is not reasonably practical, due to the date of submission for example, the student should be informed and provided with information as to the differences in process and the possible decision outcomes.

6. Where Mitigating Circumstances have been accepted prior to the implementation date of the policy, but have yet to have been considered by a Board of Examiners, the decision will be carried forward to the next Board, and considered in line with the regulations that were in place at the time of the decision.

Confidentiality and GDPR

7. By their nature, claims for mitigating circumstances are likely to contain sensitive and personal information. It is important that this is acknowledged by ensuring that all claims are considered in a confidential manner and that due care and attention is paid to the secure storage and timely destruction of papers, in both paper and electronic form.

8. On submission of the claim, students will be asked to confirm that they understand that their information will be shared only so far as it is necessary to fully consider the claim. They will also be informed that if the claim raises concern regarding their personal welfare or that of others the College may be required to take further steps, such as referring the student to other sources of support and guidance.

9. Whilst most claims will be considered in Mitigating Circumstances Board meetings should it be necessary to consider a claim ‘virtually’ the documentation must not be shared outside the EU (as it currently applies), must be deleted as appropriate from any electronic devices used to view it and/or any email accounts. Please be aware that sharing applies to the server/ service provider as much to the physical location of the person accessing the information. If there is any doubt of compliance to data protection legislation, an alternative method should be sought.
10. Students should also be encouraged as far as possible to not provide sensitive and personal data about 3rd parties. Where 3rd party data is supplied and is not necessary to the claim it should be returned, and measures should be taken to limit any further dissemination where this is not possible. For example when a claim is received and details confirmed, the 3rd party data could be redacted. Further guidance on this can be sought from Registry, your local data protection coordinator or the Data Protection Officer.

Claim submission
11. Students should make a claim for mitigation within 5 working days of the assessment deadline using the mitigating circumstances form and supplying the relevant independent evidence.

12. As claims will not be reviewed centrally, the method such as the email account/person to whom a submission should be given to must be clearly provided to students. This may be on department webpages and/or in the programme handbook for example.

13. A student should not delay to make a claim whilst they are seeking supporting documentation. They should submit the form within the deadline and indicate when evidence will be provided.

14. Where a student misses the deadline they may make a late claim using the same process. They should not use notification of late mitigating circumstances as grounds for appeal as from September 2018 this will no longer be valid. If this occurs, the Registry will refer the student to the correct procedure.

15. When making a claim for mitigation after the 5 day deadline, students will be required to explain the reason for the delayed submission and provide appropriate corroborating evidence. Acceptable reasons for a late submission include; hospitalisation or other form of incapacitation, significant mental health difficulties or grief. Examples of reasons that will not be accepted are a lack of understanding or knowledge of the process and the deadline for submission.

16. It is the responsibility of the student to complete the claim form in full and to provide independent supporting evidence. A failure to understand the process or to provide the correct evidence when it is or could reasonably be expected to be available will not be grounds for a subsequent appeal.

17. All claims that are made should be considered by a Mitigating Circumstances Board. Any potential consequences to the student should not be known by the members in considering the claim, which should be looked at on its merits.

Mitigating Circumstances Boards (MCB)
18. Each Faculty will be responsible for designating either faculty or department-level boards for the consideration of claims.

19. Where it is agreed to have department level boards, a Faculty Mitigation Oversight Panel (FMOP) will be constituted. The role of the oversight panel is not to reassess
the claims but to act as auditor, identifying best practice and ensuring consistency in practice across the Faculty.

20. The membership of the FMOP will be designated within each faculty but should be sufficiently broad to meet its remit. It should include members of staff with experience of considering mitigating circumstance claims, such as current MCB members, and may also include co-opted members from central College services such as Disability Advisory Service, Registry or Student Services. They may also choose to co-opt an appropriate representative from the Imperial College Union. The Faculty will decide the number of FMOP meetings required through the year.

21. Within each area (faculty or department) for consideration of claims, a group of academic staff will be agreed to be the members of the MCB. It is not necessary for the full group to meet at each occasion. Each MCB considering claims will be drawn from a minimum of 3 members of the group, with a secretary to the Board responsible for recording the decision(s), providing the outcome to the students and to the Board of Examiners in an appropriate format.

22. Those considering claims should be free from any perception of bias. Where there is the potential for a perception of bias, for example where there is a conflict of interests or the Board member has been supporting the student with regards to the claim, they should excuse themselves from the consideration of the case.

23. In a change to the previous policy, it is not the role to assess the actual impact of a given set of circumstances on the performance of the student, rather it should be considering whether the circumstances could have had a detrimental impact, and that this is sufficiently evidenced.

24. MCBs should be planned to occur throughout the academic year, considering any major assessment points and timed to occur prior to the Boards of Examiners. This may mean Boards will occur at different frequencies across the College and/or during the year.

25. As it is likely that claims for mitigating circumstances will be raised late, it would be appropriate to plan a MCB to fall after the absolute deadline (10 working days after the official notification of results).

26. If necessary an MCB may be convened on an ad hoc basis.

Guidance regarding what a Board may or may not accept

27. During a period of study, there are likely to be a number of issues that arise that could have an impact on a student. To a certain extent, students are expected to continue their studies at the same time as dealing with these circumstances.

28. There may be occasions however where serious and unforeseen circumstances have a significant adverse effect on the ability of the student. The mitigating circumstances policy is there to provide support in these cases.

29. It should be recognised that just as each student is different, the impact of a similar set of circumstances on individual students will also differ. Factors that may influence this impact may include their personal support mechanisms, underlying stress
factors, cultural background, a previously confirmed disability, physical or mental health condition.

30. The following list provides an indication of the types of circumstances that may be accepted where there is appropriate corroborating evidence and the claim has been made in a timely manner. It is not exhaustive, and the Board should always consider the definition of Mitigating Circumstances in the procedure document when making their decisions.

   a. Serious short term illness at the time of the assessment (or immediately prior)
   b. Bereavement
   c. Significant adverse personal or family circumstances
   d. Victim of a serious crime
   e. Unavoidable transport issues
   f. Acute exacerbation of a chronic condition or disability
   g. Public service, such as jury service or being required to act as a witness in court.

31. The following are examples of circumstances that would not normally be accepted:

   a. Holidays, house moves or events that were planned or could reasonably been expected
   b. Misreading the timetable, or misunderstanding requirements for assessment
   c. Conflicting deadlines
   d. Inadequate planning or time management
   e. Failure, loss or theft of a computer or printer
   f. Consequence of paid employment

Considering claims related to bereavement

32. As previously stated the impact on each student of any circumstances will differ. This is particularly the case where a claim relates to a bereavement. For example the death of a grandparent may in one case have no significant effect where the relationship was limited, but in other cases may be as devastating as may be expected at the loss of a parent.

33. In addition ‘trigger-factors’ such as birthdays or anniversaries may continue to impact on a student beyond a period of their initial grieving. The MCB is expected to consider claims in a sympathetic manner.

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1 Students must demonstrate they made sufficient allowance whilst traveling to campus for an assessment or handin. Planned closures (such as strike action) will not normally be considered.
2 NB students may no longer defer jury service on the basis of their studies
3 Where a programme of study expects a student to be in work, such as PT MBA, unexpected demands of an employer may be considered for mitigating circumstances.
34. The policy document makes it clear that the MCB has greater discretion in cases of bereavement than for other factors. This applies to the availability of appropriate evidence as well as the period in which the student has been impacted.

35. The College has agreed that it will consider that assessments within a 6 month period of the death as being negatively impacted. As such evidence of the death would be the only supporting documentation required.

36. It is acknowledged that this period may not be sufficient in some circumstances. In these cases it is expected that additional evidence beyond that of the death would be required to demonstrate this continuing impact, such as would be the stance of an employer.

37. Where a student is significantly impacted over a long period, those supporting the student should consider the appropriateness of continuing study at that time, and offer a period of interruption of studies. For some students this may be beneficial, but it should also be noted that the ability to continue studying may be an important part of managing their grief.

38. The MCB should take into account any specific cultural or religious observances that may contribute to the impact of the circumstances on the student. This may include requirements for burial to be at a certain time or place, remembrance services at a set period after the death or other such expected observances.

**Ongoing/Chronic issues**

39. The mitigating circumstances process is in place to support short term serious unforeseen events during a student’s studies. They are not the correct mechanism to manage known long-term conditions or circumstances.

40. Where a student is impacted in their studies due to a chronic condition or disability they should be encouraged to register with the Disability Advisory Service, who will then be able to assess and support the student with agreed reasonable adjustments. Further details can be found of the support that is offered at [http://www.imperial.ac.uk/disability-advisory-service/](http://www.imperial.ac.uk/disability-advisory-service/).

41. There will be occasions that there is a flare up or exacerbation of a chronic condition or an additional unforeseen impact of a known disability. It may not be possible to support the student at these times with reasonable adjustments. In these circumstances a mitigating circumstances claim would be appropriate and students should be supported in making a claim. This may also include where the initial assessment for reasonable adjustments has been made however, there is insufficient time to put the adjustments in place prior to assessment.

42. Where a student has encountered serious personal difficulties that extend over a significant period; following the first submission, continued claims for mitigating circumstances relating to the same issue may not be appropriate. Students in these circumstances should be supported to consider the best course of action for them which may include interrupting their studies, and must be clearly informed where an MCB has agreed that no further claims are likely to be accepted.
Evidence

43. All claims are expected to be supported by independent documentary evidence. This evidence is required to demonstrate the impact on the student of the circumstances, rather than the circumstances themselves.

44. Evidence may be received in hard copy or electronic format (electronic is preferred) such as emails, PDFs or picture files. Students are responsible for ensuring that the document is legible in the format it is supplied in. If the original evidence is in a language other than English, the student is responsible for providing an official translation.

45. The table gives an indication of the types of evidence that a student may provide to support their claim. This list is not exhaustive and is provided to give guidance as to the types of information expected.

<table>
<thead>
<tr>
<th>Incident/ circumstance</th>
<th>Evidence</th>
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<tbody>
<tr>
<td>Personal illness</td>
<td>GP or other medical professional official letter/documentation</td>
</tr>
<tr>
<td></td>
<td>Hospital admission/discharge papers</td>
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<td></td>
<td>Emergency responder official papers/notes</td>
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<tr>
<td></td>
<td>Exam invigilator report</td>
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<tr>
<td>Bereavement</td>
<td>Death certificate</td>
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<td></td>
<td>Media report</td>
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<tr>
<td></td>
<td>Letter from religious leader/funeral director</td>
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<td></td>
<td>Order of service</td>
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<tr>
<td></td>
<td>Letter from a legal professional/notary/executor of the estate</td>
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<tr>
<td>Victim of a crime</td>
<td>Crime reference number</td>
</tr>
<tr>
<td></td>
<td>Official court or police correspondence</td>
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<tr>
<td></td>
<td>GP/medical professional letter</td>
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<tr>
<td></td>
<td>Counselling/support service provider information</td>
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<tr>
<td></td>
<td>Hospital admission/discharge papers</td>
</tr>
<tr>
<td>Personal issues</td>
<td>Letter from a counsellor</td>
</tr>
<tr>
<td></td>
<td>Letter from religious leader</td>
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<tr>
<td>Significant transport issues</td>
<td>Media report</td>
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<tr>
<td></td>
<td>Official communication from transport provider</td>
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<tr>
<td></td>
<td>Breakdown report/repair report</td>
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</tbody>
</table>

46. MCBs are expected to come to reasonable conclusions based on the evidence provided. They are not expected to draw inference from the claim that is not supported by the evidence provided. Where the evidence is not entirely clear or details are missing, MCBs should provide one final opportunity for the student to present their claim with additional evidence (see decision-making below).
Self-certification

47. In certain circumstances it may not be possible for a student to provide independent evidence of a particular event. This may be for a number of different reasons. There is the facility for a student to self-certificate under this process. The maximum period which may be self-certificated is 7 calendar days.

48. The self-certification should clearly indicate:

a. What the circumstances were;

b. The impact of this on the student's ability to complete their assessment;

c. Why independent evidence could not be obtained.

49. Circumstances in which it would normally be acceptable to permit self-certification include:

a. Illness of short duration for which medical help is not normally required (e.g. episodes of vomiting and diarrhoea lasting less than 48hrs, flu etc.)

b. Acute flare up of a known condition, such as a migraine, hypoglycaemic attack or an epileptic fit. *N.B. corroborating evidence of the underlying condition is likely to be required.*

c. Acute flare up of a known registered disability *N.B. corroborating information could be sought from the Disability Advisory Service if necessary.*

50. Where it becomes apparent that a student is making regular claims using self-certification, the Board should consider what alternative support mechanisms need to be put in place for the student, or if there are underlying concerns that need to be addressed.

Potential Fraudulent Evidence

51. The College considers that presenting a fraudulent claim, and/or providing fraudulent evidence is an attempt to gain an unfair academic advantage. Allegations will be considered under the College Academic Misconduct procedure.

52. Where the Board has concerns of the veracity of the claim and/or the evidence presented an initial investigation to ascertain if the concerns are founded should be completed.

53. If the investigation lays any concerns to rest the claim should be considered in line with normal procedure.

54. If the investigation suggests that the concern may be valid, the claim, evidence and details of the actions taken to that point should be forwarded to student.discipline@imperial.ac.uk for action. The outcome of the allegation under the Academic Misconduct procedure will then indicate how the mitigating circumstances claim would then be considered.
Decision making process

55. The key points that the MCB must consider for each claim are:

a. Is the submission on time?
   
i. If not, is the rationale for the late submission acceptable under the policy?
   
ii. Does any additional evidence (or the evidence of the circumstances themselves) support the late rationale?

b. Do the circumstances described meet the definition in the policy i.e.:
   
i. Unforeseen;
   
ii. Out of the control of the student and could not have been prevented.

c. Does the description and evidence support that it occurred in the period of (or immediately preceding) the assessment being claimed for?

56. Where the answer to each of the above is 'yes', the claim would therefore be accepted. The MCB should then decide any recommendations that they may consider making to the Board of Examiners (uncapped resit, capped resit, allow late submission etc.) If the answer to any of the points in para 54 above is no, the claim should be rejected.

57. The official record of the MCB must include the rationale for each decision it has made.

58. In addition to the records for each MCB, the Faculty should consider how an anonymised list of decisions should be retained for analysis on a yearly basis. The analysis will be used to identify any areas in which updates to the procedure or guidance could be given, or for example to provide targeted action to future students where particular trends or patterns emerge.

Notification of outcomes

59. The student should receive written notification of the outcome of any claim that they have made. This would normally be expected to be by email.

60. Where the claim has been accepted, the notification should include the decision regarding the recommendation to the Board of Examiners. The notification should also include the caveat that any recommendation is subject to the review of their academic profile as part of the Board of Examiners decision making process.

61. Where the claim is rejected, the notification must clearly indicate why the MCB came to the decision, and invite the student to resubmit an amended claim within 5 working days in line with the procedure where appropriate.

62. The resubmitted claim may not add additional grounds to that provided originally, and students must only be given one opportunity to resubmit.

63. Where a claim is rejected the details of the appeal process must also be included in the notification to the student.
64. An anonymised notification of accepted claims will be provided to the Boards of Examiners. This notification should only state that mitigating circumstances have been accepted and the recommendation. There should be no indication in the notification nor discussion in the Board of Examiners of the circumstances of the claim.

**Extension requests**

65. Greater detail regarding extension to deadline requests is provided in the policy than has been provided previously. Extensions were previously referenced in the late submission policy only.

66. Departments must agree protocols for their department based on the policy and procedure:
   
   a. Who is the person responsible for granting extensions?
   
   b. What specific requirements need to be taken into account? For example the assessments for which an extension request may or may not be considered.
   
   c. What are the requirements for evidence?
   
   d. Limits for self-certification with extension requests.
   
   e. The method for requests to be made by the student.
   
   f. Deadline for requests prior to assessment
   
   g. Deputy/cover for periods of unavailability.

67. This information should be clearly outlined to the student, such as part of the programme handbook or student support webpages.

68. Students are expected to request an extension in advance of deadline. Departments need to agree the protocols for dealing with requests after the deadline, for example referring the student to make a claim for mitigation ‘to allow late’.

69. A template extension request form is produced by the Quality Assurance team which may be adapted by each department to support their agreed protocols.

70. The length of an extension given should reflect the period that has been affected by the circumstances. It should not normally extend beyond 2 weeks so that the student cannot benefit from the feedback given to other students.

71. If the period required is longer than 2 weeks, careful consideration should be given as to whether a claim for mitigation or an interruption of studies is more appropriate.

72. Exceptionally and in limited circumstances an extension request can be given for longer than 2 weeks. This must be agreed with 2 other members of the MCB and must take into account other assessment deadlines and the type of assessment for which the request is for. It is likely that this would only be used for individual research projects.
73. The person in each department authorised to grant extensions should keep records of extension requests and the outcomes. This is to:

a. Identify those students that may require additional pastoral support
b. Identify students that may need consideration for additional academic support or assessment for reasonable adjustments
c. Monitor the use of self-certification in the extension process
d. To provide evidence in complaints or appeals.