

Higher Education Mitigating Circumstances Procedures

The purpose of these procedures is to:

- ensure that students and staff are aware of examples of exceptional mitigating circumstances
- set out guidelines for staff and students on how to deal with exceptional mitigating circumstances that may affect a student’s study – in particular relation to assessment.
- detail the procedure for requesting the consideration of mitigating circumstances in relation to an assessment
- detail the procedure for requesting an extension to an assessment deadline as a result of mitigating circumstances
- set out the support available to students in relation to mitigating circumstances.

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1. Scope

- 1.1. The scope of this procedure is higher education programmes – courses at level 4 or above.
- 1.2. The procedure applies to higher education programmes which are subject to Bournemouth and Poole College’s (BPC’s) process for HE academic misconduct - students can check with their Programme Manager or their course handbook directly to confirm whether this procedure applies or one of a partner university or awarding organisation.

2. Definitions

- 2.1. *Mitigating circumstances*
- 2.2. A student may feel that they failed or did not do as well as possible in an assessment because of exceptional extenuating circumstances, also known as mitigating circumstances. Such mitigating circumstances may be:
 - personal serious illness or accident
 - death or serious illness of a very close relative
 - serious family or personal problem
 - sudden deterioration of a chronic health condition.

- 2.3. The following circumstances are not likely to be considered as exceptional:
- a minor illness
 - normal family or work commitments
 - chronic or long standing illness
 - pressure of study arising from re-assessment.
- 2.4. These procedures are for sudden unforeseen events; these are not the appropriate procedures for use in cases of prolonged illness or incapacity, such as physical injury resulting in inability to attend college for an extended period or prolonged issues of ill-health such as stress.
- 2.5. *Mitigated assessment* - In cases when it is agreed that mitigating circumstances are exceptional and may have led to under-performance in assessment, students will have an opportunity to have their assessment result re-considered and/or an opportunity to retake the assessment. Mitigated assessment may also apply where a student is unable meet an assessment deadline due to sudden and unforeseen circumstances, such as serious illness on the day of an exam or other circumstance listed in 2.2 above. These circumstances are dealt with under 'Mitigated assessment' in sections 4 and 5 below.
- 2.6. *Deadline extensions* - There may be instances when mitigating circumstances affect a student's ability to meet a given deadline, e.g. for submission of coursework. The College recognises that in such circumstances an extension to a deadline is reasonable but any extension needs to be agreed prior to the deadline. This is dealt with under 'Deadline extensions' in section 6 below.

3. Evidence

- 3.1. Evidence submitted to support exceptional mitigating circumstances claims must be independent third-party evidence. The evidence must include dates which are relevant to the assessment(s) for the claim and must clearly demonstrate the impact the circumstances had on the relevant assessment(s).
- 3.2. Students are responsible for meeting the costs of supplying evidence.
- 3.3. Evidence may include:
- medical certificate to cover the period of illness which is affecting the assessment.
 - death certificate or other evidence (such as order of service for a funeral)
 - letter from an independent third-party professional (eg dentist, police officer, counsellor).

4. Mitigated assessment procedure

- 4.1. Any student wishing to have mitigating circumstances considered for assessment purposes must provide written documentation to their Programme Leader or tutor within 5 working days of the assessment deadline (date of exam, etc).
- 4.2. Written documentation should include evidence such as a doctor's certificate in the case of illness or a death certificate, where appropriate.
- 4.3. The Programme Leader or tutor should notify the relevant HE Administrator (HEunit@bpc.ac.uk) using the appropriate documentation. The request will firstly be considered by a Mitigating Circumstances Committee to determine whether the circumstances are appropriate and fall into the guidelines set out in these procedures.

5. Mitigating Circumstances Committee

- 5.1. A small Mitigating Circumstances Committee (MCC) will be convened by the HE Administrator once a request to have mitigating circumstances considered is received in writing. The MCC will comprise 3 members of staff, usually the HE Manager, a Learning Manager and an HE lecturer. Normally, the Learning Manager or HE lecturer would be from a subject area that is different to that of the student. The MCC can meet in person or

via Teams, but where this is impracticable the MCC can communicate and make decisions through email.

- 5.2. The MCC will determine whether the circumstances are appropriate and fall into the guidelines set out in these procedures. The MCC must record their decision and notify the student of this decision – making it clear that the outcome will not be decided until after the relevant exam/assessment board met. The decision will also be sent to the Learning Manager and the Chair of the relevant exam/assessment board for consideration at the next meeting. All MCC decisions will collated for anonymised quality monitoring purposes by the HE Manager
- 5.3. The decision of the MCC will be considered by the appropriate exam/assessment board or equivalent, who will determine what mitigation, if any, will be granted. At this stage the regulations of the relevant awarding body/organisation will be used to determine what is allowed. Typically, mitigating circumstances will only be taken into consideration by an exam/assessment board if a student has failed the assessment for which the circumstances have been submitted. Most courses require students to complete and pass all units before progressing to the next stage/level of the course. The exam/assessment board may agree that an assessment may be retaken, such during the summer, without penalty, for example.

6. **Deadline extensions**

Students are strongly advised to submit requests for extensions at the earliest opportunity to avoid missed deadlines.

- 6.1. Any student requiring a deadline extension must provide a written request detailing the reasons they are unable to meet the original deadline. This request must be received by the Programme Leader at least 48 hours **prior** to the deadline.
- 6.2. The request will be considered by a Mitigating Circumstances Committee (MCC) to determine whether the request is reasonable and falls within the guidelines set out in these procedures. The MCC will comprise 3 members of staff, usually the HE Manager, a Learning Manager and an HE lecturer. Normally, the Learning Manager or HE lecturer would be from a subject area that is different to that of the student. The MCC can meet in person or via Teams, but where this is impracticable the MCC can communicate and make decisions through email. The MCC must record their decision and notify the student of their decision.
- 6.3. If the MCC agrees to an extension, the student will be notified in writing that an extension has been granted and notify the new submission deadline. A copy of this extension will be sent to the internal verifier and a copy also retained in the student's personal file. In the event that an extended deadline is not met, the work will be treated as 'late' and dealt with accordingly.
- 6.4. Extensions are normally granted for two weeks with a maximum of four weeks in unusual circumstances. If the MCC considers four weeks to be insufficient – the Chair (if not the HE Manager) should contact the HE Manager for guidance. Typically, lengthy extensions only serve to further disadvantage students in difficult personal circumstances.
- 6.5. If the MCC does not grant an extension the original deadline will apply and any late submission will be dealt with according to the awarding body/organisation assessment regulations.
- 6.6. Assessors are strongly advised not to accept late coursework for marking. A penalty for late submission may only be applied where this is in line with the specified assessment criteria.
- 6.7. Students who fail to meet agreed deadlines normally have an opportunity to re-submit their work the next time the unit is delivered or at a given time notified by the Programme Leader. In some cases, this re-submission may fall within the next academic year and students may be required to pay to re-enrol on the relevant unit to have work accepted for marking.

7. Disclosure of information and data protection

- 7.1. Help is available for all students from a range of College staff such as tutors or, members of the Student Inclusion and Support Team.
- 7.2. For students who have declared a disability or learning need, information can be made available in appropriate formats.
- 7.3. Personal data relating to academic misconduct will be handled in line with The College's Data Protection Policy.
- 7.4. Any personal data that is relayed to other members of staff will only be disclosed to those persons who are directly involved for the purpose of considering a mitigating circumstances request.

8. Related policies and procedures

- 8.1. Related policies and procedures can be viewed or downloaded from The College website at: <https://www.thecollege.co.uk/about-us/college-information/college-policies>
 - HE Academic Appeals Procedure
 - Data Protection Policy
 - HE Fitness to Practice Guidelines
 - Managing Student Behaviour and Performance Policy
 - Equality Diversity and Inclusion Policy.

9. Help with this procedure

- 9.1. Students can seek support in this process from their Programme Leader or tutor. Additionally, the Student Inclusion and Support Team will provide help and support for students on request. This may include:
 - explanation of the procedures described in this document
 - help in completing a request for mitigating circumstances to be considered
 - support in relation to personal circumstances.

Approved by HE Academic Board, March 2024

Review date: March 2026

10. Mitigating circumstances flow chart for students

