

# Policy

## Mitigating Circumstances and Extensions

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Note: Hyperlinks have been provided for ease of reference. For other documents see the Policies page on the main University website (<http://bucks.ac.uk/about-us/governance-and-policies/policies>) or visit the Academic Advice webpages (<http://bucks.ac.uk/students/academicadvice>)

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## Introduction

- 1 All students have a responsibility to manage their learning during their studies at the University. It is therefore essential that students manage their workload efficiently, and do not leave activities until too late. Difficulties and stress are a part of everyday life and it is expected that students will manage their work accordingly.
- 2 The University recognises that sometimes events happen to students over which they have no control and which can have a serious effect on their capacity to sit examinations, attend prescribed placements, or complete assessments to their usual level of achievement or to published deadlines. These regulations set out the processes through which students can ask the University to take such events into account.
- 3 These regulations are to support students who have been affected by exceptional mitigating circumstances and apply to all registered students of the institution including those on apprenticeships, regardless of fee status or place of study.

## Options Available

- 4 If a student is experiencing difficulties, they must contact their Registry Officer as soon as possible. They will be able to advise the student of the most appropriate course of action, which may be:
  - a An application for an extension to deadline: where the agreement of a later deadline for submission will enable the student to complete the coursework
  - b Claim for Mitigating Circumstances: where an unexpected event seriously affects the student's performance and an extension is not feasible or appropriate
  - c An application to interrupt their studies: where changes in the student's personal circumstances or illness make it difficult for them to continue with their studies at the current time.
- 5 There may be occasions when, as a result of changes in a student's personal life or a prolonged/serious bout of illness, the student has difficulty in fulfilling all the requirements of their course. In this situation, the student may wish to consider interrupting their studies and returning when they are able to focus again on the course.
- 6 If a student is considering interrupting their studies, they should discuss the implications with their Personal Tutor and their Registry Officer as soon as possible. They may also wish to explore the financial implications with the Students' Union Advice Centre or Student Centre, or discuss any disability related implications with the Disability Service.
- 7 International students should note that an interruption of studies may invalidate their visa. Students should contact the international office for further advice.
- 8 Further information regarding interruption of studies can be found in the Interruption, Withdrawal and Transfer Procedure.

## Assignment/Practice Extensions

- 9 Where a student experiences a serious disruption of studies in the days before the deadline for an assignment/practice, an extension is normally the most appropriate course of action. This will enable them to complete the assessment required for that part of the course before embarking on the next phase of their studies.
- 10 A request for an extension may be requested up to a maximum of 2 working days following the submission deadline.
- 11 The deadline for an extension will normally fall before the date for feedback to the cohort and the relevant Board of Examiners so students cannot benefit from feedback on marked work provided to other students.
- 12 Extension request forms are available [online](#) and from the Academic Registry. Completed forms must be returned to the relevant Module Leader, accompanied by appropriate documentary evidence.
- 13 Decisions regarding a request for an extension should be actioned in a timely manner, normally within 5 working days. Whilst a request is being considered, the student should continue with their studies as though it had not been granted.
- 14 When reviewing applications from international students studying in the UK, additional consideration should be given due to the visa limitations that would prevent a student from interrupting their studies.
- 15 Schools may make special arrangements to accommodate students who have missed class-based assessments, for example lab work, time constrained assessments or presentations, because of illness, bereavement or similar before the end of the academic year.
- 16 Where an extension has been granted, a student will only be able to enter a claim of mitigation in respect of this assignment/practice if they experience a different unavoidable or unforeseen event during the period of the extension; including a sudden deterioration or continuation of a previously notified condition or disability. In this situation, the student will be required to submit supporting evidence. This means that a student cannot be given both an extension and mitigating circumstances for the same reason over the same time period.

## Definition of Mitigating Circumstances

- 17 Mitigating Circumstances are defined as:

**“A serious disruption of studies caused by circumstances which are beyond the student’s control and which occurred in the period immediately preceding or during the completion of assessment tasks.”**

- 18 Mitigating Circumstances are expected to have caused serious disruption, either significantly impairing the student’s performance, or preventing attendance at an examination or submitting coursework assessments by the hand in date. They are also expected to be either:

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- a. unforeseeable in that the student could have no prior knowledge of the event concerned;
  - b. unavoidable in that the student could have done nothing reasonably in their power to prevent or avoid such an event.
- 19 Mitigating Circumstances relate to a specific incident which has affected the student's performance. Ongoing or continued problems of which the student was aware prior to the immediate period of study will **not** normally be accepted as mitigating circumstances
- 20 .A long term health condition, an ongoing effect of a disability or unresolved difficult personal circumstances do not constitute mitigating circumstances and students should seek advice and support from the relevant University services such as Disability Service, Personal Tutor or other pastoral care.
- 21 However, where an underlying disability, condition or chronic illness suddenly flares up, or is exacerbated, the student may submit a claim for Mitigating Circumstances supported by appropriate evidence. In this situation, students should discuss with their Personal Tutor the best way in which these issues can be addressed.
- 22 It is anticipated that the timeframe in which an incident may have an effect on a student's studies would normally be during the three weeks prior to the assessment point, on the day of submission for assessment or the day of examination. It is noted however, in some circumstances the disruption may have an effect at an earlier stage or the assessment requires specific resources. All claims will be considered on an individual basis.
- 23 Examples of circumstances which constitute grounds for mitigation may include:
- d Illness at the time of an examination or in the period preceding coursework submission or during placement
  - e Death of a family member or close friend
  - f Severe unforeseen personal or psychological problems
  - g Flare-up or exacerbation of a chronic condition
  - h Complication of an existing condition
  - i Additional impact of a disability
  - j Complications in pregnancy e.g. premature labour
  - k Serious transport difficulties which could not have been avoided.
  - l Specific religious observance
  - m University technical difficulties of a temporary nature e.g. such as an unscheduled disruption to the usual VLE provision
- 24 Indicative examples of circumstances which will **not normally** be considered as grounds for mitigation include:
- a Paid employment, although exceptions may be made where an employer makes additional and unforeseen demands on an employee e.g. sending an employee overseas at short notice
  - b Misunderstanding of the University procedures e.g. not knowing an examination date or coursework deadline
  - c Transport problems e.g. missed bus or train, lateness of lift
  - d Computer or printing problems
  - e Holiday
  - f An inability to effectively manage their time

- g Group coursework tasks – failure by one member of the group to submit work or undertake the tasks assigned by the group; this will be taken into account in the marking guidelines
  - h A back-dated claim for reasonable adjustments completed prior to the release of a formal assessment by The Disability Service e.g. retaking an examination with extra time.
- 25 In accordance with current legislation where a disabled person is entitled to ‘more favourable treatment’, the panel may use its discretion, in conjunction with advice from the Disability Service.
- 26 Students may be referred to the University’s Fitness to Study Procedure if their application/requests raise concern for their ability to continue without further support. This may be due to the number of claims received or the severity/nature of the situation described.

## How to Claim for Mitigating Circumstances

- 27 Mitigating Circumstances Claim Forms are available [online](#) and from Academic Registry. Completed forms and supporting evidence must be submitted by email to the Academic Registry within 3 weeks (15 working days) of the assessment deadline, i.e. examination or hand in date in respect of which mitigation is sought. If it is not possible to provide the evidence within this timeframe, the form must be submitted within the 3 week (15 working days) deadline, stating which pieces of evidence are to follow and an expected date of their submission.
- 28 The University operates a system of appraisal for all submitted claims of mitigating circumstances. This will be conducted within the School of study, by a Registry Officer on behalf of the Mitigating Circumstances Panel.
- 29 Mitigating Circumstances claims received within two days of the assessment point will be reviewed to consider if an extension to deadline would be more appropriate.
- 30 At appraisal, a claim may be accepted, rejected, referred to the next mitigating circumstances panel or returned to the student for further evidence or additional information.
- 31 If a claim is received beyond the deadline (please see section ‘late claims’) with no explanation for the lateness, it will not be accepted for consideration by the Registry Officer undertaking the appraisal. The student will be advised to consult the section on late claims and follow the procedure as outlined.
- 32 A claim which is submitted without appropriate evidence will be referred back to the student with a reasonable deadline for resubmission. If the required evidence has not been received after that deadline, the Registry Officer will inform the student that the case has been rejected.
- 33 Complex cases will be referred to the Mitigating Circumstances Panel for consideration. These are generally held monthly and are timed to be completed prior to the Board of Examiners.

## Confidential Claims

- 34 All procedures described in this policy are confidential and are handled in accordance with the University's Data Protection Policy.
- 35 Where the student considers the claim highly confidential or sensitive, evidence may be submitted in a sealed envelope. The evidence will be reviewed by the Registry Officer who may consult the Chair of the Mitigating Circumstances Panel, where required. Such cases will generally not be referred to a panel unless they are particularly complex.
- 36 Where the evidence relates to a request for an extension, this should also be submitted in a sealed envelope to the delegated academic member of staff reviewing the extension request.
- 37 The Academic Registry will retain a confidential record of all claims submitted and details of the outcome in line with the University Records & Retention policy.

## 'Late' claims for Mitigating Circumstances

- 38 It is recognised that under certain **exceptional** circumstances, a student may not be able to submit a claim for Mitigating Circumstances within 3 weeks (15 working days). If the deadline has been missed, a student may still be able to make a claim of Mitigating Circumstances.
- 39 Normally a late claim will be considered where it can be demonstrated that the student was unable to submit their claim at the appropriate time; that is where a student is in a position to prove, with the support of documentary evidence, that they could not reasonably have been expected to have complied with the University's regulations in respect of mitigating circumstances owing to the specific nature of the issues involved.
- 40 Late claims must be submitted in accordance with the normal procedure.
- 41 When submitting a late claim of Mitigating Circumstances, students must provide a justification or reason and evidence as to why they did not submit a claim of Mitigating Circumstances at the appropriate time and when their studies were affected.
- 42 If the late claim of Mitigating Circumstances was received following a Board of Examiners ratification of results and if the late claim of Mitigating Circumstances is upheld then the Registry Officer who undertook the appraisal will consider the students' academic profile and advise the School to arrange a re-consideration at a Board of Examiners or take Chair's Action as most appropriate. The student will be informed of the mitigating circumstances panel's decision within 10 working days as to how the decision will be taken forward.

**Note:** No claim, regardless for the reason for the delay will be accepted after an award has been formally conferred upon the student. In practice the deadline is the graduation ceremony which the student attended or would have been eligible to attend. If no award has been made at all (i.e. for short courses or when no credits or named award of the institution has been given due to failure), the absolute deadline will be 6 months from the final Board of Examiners.

## Submission of fraudulent claims

- 43 The University considers the submission of a fraudulent claim for mitigation as an attempt to gain unfair advantage and therefore a fraudulent claim will be considered as a disciplinary offence.
- 44 A false or untrue claim or the provision of false evidence is considered fraudulent.
- 45 Where a student is demonstrated to have submitted a false claim for mitigation this will be dealt with under the University's Disciplinary Procedures. Students on professional programmes may also be referred to their Head of School under the Fitness to Practise procedures.
- 46 Where a fraudulent claim is suspected, the claim will not be reviewed until such time as the full disciplinary process has been completed.
- 47 If the disciplinary case is proven, the fraudulent evidence will be disregarded for the purposes of the claim and any decision will be made in line with the policy.

## Evidence

- 48 Claims for Mitigating Circumstances or Extensions will normally only be considered where independent evidence is provided. If the evidence is of a particularly sensitive nature, the student should submit it in a sealed envelope marked confidential, see Confidential Claims.
- 49 Evidence must be from an independent source. While copies will normally be accepted, the University may ask for the original versions for verification purposes prior to accepting a claim or granting an extension. All original documentation received will be copied and returned to the student. Multiple emailed photographs of documents will not normally be accepted. Indicative examples of documents which may be acceptable include:
- a Medical certificates which cover the appropriate period of time.
  - b Letters from medical specialists.
  - c Letters from professional counsellors/advisers, which should refer to the appropriate period of time. This may include the Students' Union Advice Centre or University Support Services.
  - d Relevant legal documents
  - e Death certificate
  - f Letters from legal professionals
  - g Letters from church or spiritual leaders
  - h Self-certification forms

**Note:** It is the student's responsibility to provide sufficient independent and documented evidence in order for a decision to be made.

- 50 In exceptional circumstances where the nature of a student's mitigating circumstances prevents the student from gaining independent evidence, a statement from relevant parties will be considered.
- 51 A Support Statement form is available on the Mitigating Circumstances webpage. It must be completed by the independent witness or verifier to ensure that the panel has the full and relevant information required.

## Self-certification

- 52 The expected norm will be that a student will obtain independent evidence, as described above, to support their claim.
- 53 It is accepted that there are occasions when gaining independent evidence relevant to the period in question is not possible. This may include short term medical conditions, such as a cold or gastrointestinal diseases, or acute episodes of migraine. The maximum period the student can be self-certificated is up to 5 working days prior to and including the normal day of submission/assessment or examination.
- 54 A student should use the Student Self-Certification Form, available on the Mitigating Circumstances webpage, and must provide an explanation why other evidence was not available. When a self-certificate is submitted, other additional or supporting evidence may also be required to support the claim.
- 55 Self-certification cannot be used for Late Claims.
- 56 Multiple claims submitted within a 12 month period which are supported by self-certification may be investigated and additional evidence required.

## Claim Appraisal

- 57 Registry Officers act as Claim Appraisers on behalf of the Mitigating Circumstances Panel and may accept, reject or refer cases to the Panel.
- 58 Claims with no evidence will be referred back to the student with a request for appropriate evidence and within a reasonable timescale. Where this is not received, the claim will be rejected.
- 59 Cases may be rejected at the claim appraisal stage only after consultation with a second Registry Officer or other Academic Registry staff member. If agreement is not reached the case will be referred to the Mitigating Circumstances Panel. Claims will be rejected if:
- No evidence is provided to support the claim
  - Inappropriate evidence is submitted which does not support the claim
  - The claim does not meet the definition of Mitigating Circumstances
- 60 Late claims with evidence, including the reason for the lateness, will be considered by the Registry Officer, or in complex cases referred to the Panel.

## Mitigating Circumstances Panel

- 61 Claims for Mitigating Circumstances submitted by students are considered formally by the Registry Officers acting in the capacity of the Panel's representative: more complex cases are referred to a Mitigating Circumstances Panel, prior to the student's results being presented to a Board of Examiners.
- 62 Mitigating Circumstances Panels are University based and will be constituted as follows:
- a Director for Student Success or their nominee (Chair)<sup>1\*</sup>

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<sup>1</sup> \*Designated voting members. The Chair will only vote in the event of a tie.



- b Member of Academic Registry (Panel Secretary)
- c One permanent academic employees from each School, nominated by the Head of School, to serve a minimum two year term\*
- d Students' Union Vice President for Education & Welfare (or nominee)\*
- e A representative from University Disability Service\*
- f Registry Officers<sup>2</sup>

An observer from Students' Union Advice Centre will be invited to each Panel in order to gain understanding of the Panel decisions, with a view to advising students in future cases and cannot contribute to the decision making process.

- 63 The role of a voting member of the panel is to review the claim and evidence provided and decide if, in their opinion, the claim meets the definition of mitigating circumstances and is properly supported by the documentation provided.
- 64 Quorum: The quorum for meetings shall be the Chair, Panel Secretary and a minimum of two of the remaining voting members.
- 65 The Terms of Reference of the Mitigating Circumstances Panel are:
- a To review complex claims for mitigating circumstances submitted by students following the appraisal, and to consider whether they are admissible in terms of timeliness of submission, whether they meet the published definition and whether the evidence is appropriate;
  - b To consider whether the mitigating circumstances claimed are such that they may have affected the student's performance for the module(s) identified;
  - c To inform the appropriate Board of Examiners whether the mitigating circumstances have been accepted or rejected;
  - d To ensure that there is a record of all claims received.
- 66 When reviewing applications from international students studying in the UK, additional consideration should be given due to the visa limitations that would prevent a student from interrupting their studies.

## Notification

- 67 Following the decision of the Claim Appraisal or the Mitigating Circumstances Panel, the student will be informed whether their claim was accepted or rejected together with the rationale for so doing. This will be sent by e-mail to the address listed on the completed form. As the proceedings of Boards of Examiners are confidential, no student can be informed of the details of any discussion which may have taken place regarding their claim.

## Review Stage

- 68 If a student is dissatisfied with the outcome of the formal stage they may be able to request a review. The review stage will **not** consider the case afresh or involve a further investigation and will **not** consider any new issues raised by the student.
- 69 Requests for review will **only** be accepted on the following grounds:
- the procedures during the formal stage were not followed properly
  - the outcome was not reasonable given the circumstances presented

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<sup>2</sup> Registry Officers are authorised to make decisions on behalf of the panel when conducting Claim appraisals

- New evidence which was unable, for valid reasons, to be provided earlier in the process and which would have had a significant ('material') effect on the decision.

**Note:** Students should use the Request for review form which will help them to identify their grounds for a review and provide associated guidance on the process. Completed forms should be submitted **within 10 working days** of receiving notification of the outcome of the formal stage.

70 A Request for review will be allocated to an appropriate member of staff who has not been involved at any previous stage. Reviewers will be asked to consider whether:

- the procedure was followed during the formal stage
- the outcome was reasonable in all circumstances
- the student received clear reasons why their case was previously rejected
- new 'material' evidence has been provided
- valid reasons have been supplied by the student for not submitting such evidence during the formal stage.

**Note:** It is expected that Reviews will be completed **within 10 working days** of receipt.

71 Where a Review identifies issues with the outcome of the case at the formal stage, the Review will be **upheld** and the matter will be **referred back** to the next panel hearing for reconsideration. This decision will be communicated to the student in writing along with an explanation of the next steps in the process and the likely timeframe.

**Note:** Reconsideration of the case should be concluded as soon as possible. If a compelling case to overturn the decision is identified, appropriate action may be taken to ensure that the matter is resolved without further delay.

72 Where a Request for Review is **not accepted** (because it did not correspond to one or more of the grounds above), or is accepted as eligible for investigation, but **not upheld**, this decision will be communicated to the student in writing by issuing a Completion of Procedures letter outlining the reasons for the decision.

**Note:** The Completion of Procedures letter will also advise the student about:

- their right to further action through the Office of the Independent Adjudicator (OIA)
- the timescales for doing so
- where and how to access support.

## Consideration of student profile at a Board of Examiners

73 Decisions from the Mitigating Circumstances Panel can only be considered by an Assessment Board. Where the Panel advises that a student's claim for mitigation has been accepted, the Board may make the following recommendations, as appropriate:

- a Permit a repeat assessment with no penalty e.g. reassessment for an uncapped mark on the same basis as a first attempt.
- b Permit reassessment for a capped mark, where the successful claim refers to reassessment work.
- c Permit a student to undertake a passed assessment in order to gain a better mark, even if the student has been successful in the module. If the student should receive a lower mark in the re-taken assessment, the highest mark achieved will stand.

- d Grant an aegrotat pass in a module or modules
  - e Permit an exceptional reassessment for a capped mark
  - f Permit an alternative assessment, to be determined by the Board
  - g Accept a late submission for an uncapped mark
  - h Exercise discretion in, for example, reassessment limits, exceptional continuation with the student's cohort or at the end of the course, award classification or greater discretion at borderlines
  - i Permit a student to trail a module (up to a maximum of 30 credits) to the next year of the programme.
- 74 In respect of students in the final year of a course, Boards are permitted (subject to programme regulations) to grant an aegrotat pass (P Grade) for module(s) to the total of 30 credits where sufficient work has been submitted to indicate that a pass mark was likely to have been achieved.
- 75 Where a claim for Mitigating Circumstances has been successful, this cannot be used as grounds for redeeming academic performance. In this situation, the Board of Examiners cannot recommend the award of additional marks.
- 76 Mitigating Circumstances do not negate a decision of proven academic misconduct. Where the Board is informed that mitigating circumstances have been accepted and there is also proven academic misconduct for the same element, the Board should consider the profile in the light of the mitigating circumstances (for example extending the reassessment limit) and then apply the academic misconduct penalty as appropriate.

## Advice & Guidance

- 77 Students can seek advice on the submission of a claim for mitigation from their Personal Tutor or Course Leader, Registry Officer, the Students' Union Advice Centre or the Disability Service.
- 78 Where an academic employee offers advice to a student, in order to avoid any conflict of interest, that member of staff will not be eligible to participate in any decision in respect of the claim but will be able to contribute to any discussion at the Mitigating Circumstances Panel.

## Behaviour whilst making a claim

- 79 The University has zero tolerance towards those whose behaviour is considered to be unacceptable and will take action to protect its staff.
- 80 The University's definition of unacceptable behaviour includes communicating with the University in a malicious, vexatious or aggressive manner for example:
- a Making frivolous claims, or multiple claims regarding the same subject
  - b Acting in a threatening manner either verbally, through an e-mail or by letter
  - c Making claims that are knowingly false or unfounded.
- 81 If the behaviour of a student is unacceptable the University will normally tell the student why their behaviour is considered unacceptable and give them an opportunity to amend it. If the behaviour continues, the University will take action.
- 82 Action that may be taken may include but is not limited to:

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- a requesting contact in a particular form (for example letters only);
- b requiring contact to take place with a named person;
- c restricting telephone calls or emails to specified days and times;
- d asking the complainant to appoint a representative to correspond with the University;
- e asking the complainant to enter into an agreement about their conduct.

83 Where a student continues to behave in a way considered to be unacceptable, the student may be referred under the University disciplinary procedure and/or the University will cease consideration of the case.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, the University will consider reporting the matter to the Police or taking legal action.

Issue for which the student is claiming	Appropriate Evidence that covers the timeframe	Timeframe of Claim
<b>Illness at time of assessment</b>	Medical Certificate GP/Consultant Letter Hospital admissions/discharge letter MAU/A&E report First Aider's report Prescription	Period of illness is up to three weeks prior to and/or covers the date of the assessment <i>Or</i> Covers a period of over three weeks in a practice placement setting
<b>Death or illness of a member of family or close friend</b>	Death certificate Order of service Notary letter Coroner's report Media report Police report Medical Certificate GP/Consultant Letter Hospital admissions/discharge letter MAU/A&E report Letter from legal/medical/counselling professional	Occurred within three weeks prior to and/or covers the date of the assessment.  Claims relating to a longer timescale relating to these circumstances may be considered on an individual basis.
<b>Victim of crime</b>	Crime report number Police report Media Report Letter from a University Support Service in cases which have not been formally reported to the police	Event was within three weeks or covers the date of the assessment
<b>Exacerbation of current or chronic condition</b>	Medical Certificate GP/Consultant Letter Hospital admissions/discharge letter MAU/A&E report Letter from Disability Support Service or other suitably trained professional	Period of illness is within three weeks prior to and/or covers the date of the assessment
<b>Natural/ Environmental Events</b>	Media Report Photographic evidence	Occurred within 24 hours of assessment point.

Issue for which the student is claiming	Appropriate Evidence that covers the timeframe	Timeframe of Claim
<b>Transport Issues</b>	Breakdown Service report Transport company document Media report.	Occurred within 24 hours of assessment point.
<b>Religious Observance</b>	Letter from SU Advice Centre Letter from Church/Spiritual Leader	Occurred within 24 hours of assessment point.
<b>Problems at home</b>	Letter from SU Advice Centre Letter from Church/Spiritual Leader Supporting statement	Occurred within 24 hours of assessment point.
<b>Personal (non-medical) matters</b>	Medical Certificate GP/Consultant Letter Hospital admissions/discharge letter MAU/A&E report First Aider's report Prescription Letter from legal/medical/counselling professional Crime report number Police report Student Loan / Debt correspondence Letter from SU Advice Centre Media report Supporting statement	Occurred within 24 hours of assessment point.