

05.1E

MITIGATING CIRCUMSTANCES PROCEDURE

Cardiff Metropolitan University

Mitigating Circumstances Procedure

Introduction

1. Mitigating Circumstances, often called Exceptional Personal Circumstances, are significant changes in the candidate's circumstances during the programme, which are outside the control of the candidate, and which the candidate believes have adversely affected his/her academic performance on one or more assessments.
2. Students are encouraged to work with their Personal Tutor/Year Tutor as soon as difficulties are foreseen or occur, in order to attempt to prevent those difficulties from adversely affecting the student's academic performance, and reduce the need to submit a Mitigating Circumstances Application.
3. Students with a disability or chronic illness are advised to contact The University's Disability Service to make special arrangements for assessments, such as extra time allowance.

Nature of Mitigating Circumstances

4. It is not possible to provide a definitive list of all possible mitigating circumstances, but for example claims might be on the basis of:
 - (i) illness of the candidate
 - (ii) illness of a partner/spouse, close family member or close friend
 - (iii) bereavement
 - (iv) pregnancy and child birth
 - (v) accident
 - (vi) court appearance.
5. A disability or chronic illness does not constitute 'exceptional personal circumstances' unless there is medical evidence of a sudden and unforeseen deterioration or a particularly severe episode.
6. The usual financial difficulties experienced by most students do not constitute mitigating circumstances, unless there has been a sudden and unforeseen change in financial circumstances, such as the loss of a job or death of a sponsor.
7. The usual professional commitments or employment demands do not constitute mitigating circumstances, unless there is evidence from an employer that commitments and demands have been exceptionally substantial and temporary.

8. The loss of material due to failure or theft of a computer or ancillary device thereof (e.g. pen drive or printer) does not normally constitute mitigating circumstances, as students are required to back up their work.

Submission of Mitigating Circumstances Application

9. The Mitigating Circumstances Application and supporting evidence must be submitted to the relevant Mitigating Circumstances Committee in accordance with instructions in the relevant Programme Handbook. It is a student's responsibility to submit the Application.
10. Ideally, students must submit the Mitigating Circumstances Application within 5 working days following the date of the examination(s) or coursework submission deadline. Where this is not possible, Applications must be submitted as soon as possible thereafter, and in any event, **Mitigating Circumstances Applications must be submitted and considered before the date of the relevant Examination Board.**
11. An Examination Board's decision is final. If a student submits a Mitigating Circumstances Application and supporting evidence after the Examination Board has taken its decision, the mitigating circumstances cannot be considered. Subject only to circumstances following a successful appeal against a decision of an Examination Board, no person or Board may alter the academic decision or the recommendation which formalizes the academic decision of a properly constituted Examination Board (paragraph 9.5 of *Assessment Regulations*). Therefore, the student must invoke the *Verification and Appeals Procedure*.

Acceptable Evidence of Mitigating Circumstances

12. It is not possible to provide a definitive list of all acceptable supporting evidence, but the following are typical examples of evidence that would be acceptable:
 - (i) a Medical Certificate obtained at the time of the illness
 - (ii) a signed and dated letter from a medical practitioner confirming the illness of the candidate or other person (this must include dates covered by the illness)
 - (iii) a signed and dated letter from a Student Counsellor
 - (iv) copy of Death Certificate
 - (v) copy of Birth Certificate
 - (vi) a signed and dated letter from the candidate's employer
 - (vii) a signed and dated letter from a coroner, legal practitioner, police officer, court official, minister of religion or other professional.

All letters must be on the official headed notepaper of the individual or organisation concerned. Scanned images are acceptable by email.

13. If a student does not consult a medical practitioner at the time of the illness, it is not acceptable for a student to attempt to obtain corroborative medical evidence at a later date. A letter from a medical practitioner stating, for example, “the student informs me that he/she was unwell during...” will not be deemed acceptable supporting evidence.
14. A photograph or photocopy of medication prescribed by a medical practitioner (without having seen the student or other individual in person), will be deemed acceptable supporting evidence, providing the name of the individual, identity of the medication, identity of the issuing pharmacy, and date are clearly visible.
15. In circumstances where the above are not available, students should consult the Programme Director before submitting the Mitigating Circumstances Application, as alternative forms of evidence may be acceptable.
16. Where the supporting evidence relates to a third party with a different family name from the candidate, the candidate should attach a note to explain his/her relationship to the third party.

Consideration of Mitigating Circumstances

17. Decisions on requests for extension of the submission date for an assignment of up to four weeks may be taken by Programme Directors. Otherwise, all Mitigating Circumstances Applications must be considered by the relevant School’s Mitigating Circumstances Committee.
18. If Mitigating Circumstances Applications are submitted at times when the Mitigating Circumstances Committee is not scheduled to meet, its Chair shall be empowered to have discretion to take decisions on behalf of the Committee, taking advice from other members of the Committee if appropriate. All decisions taken by the Chair shall come before the next meeting of the Committee for ratification.
19. The Membership and Terms of Reference for School Mitigating Circumstances are laid down in the Academic Constitutional Framework. Details can be found in the Academic Handbook, Volume 3: *Constitution of Schools*.
20. The question of how far mitigating circumstances could have had an adverse effect on performance and should be taken into account is a matter of academic judgement solely for the Mitigating Circumstances Committee and/or Examination Board.
21. Where a claim for mitigating circumstances is upheld, the Mitigating Circumstances Committee shall recommend a course of action to the Examination Board. The Chair or Convenor of the Committee will notify the Examination Board of the decisions and recommendations. It is impossible to provide a definitive list of all possible recommendations, but

typical examples might include:

- (i) to accept a late submission without penalty
 - (ii) to extend the deadline for submission
 - (iii) if a missed or failed assessment was a first attempt, to allow a re-take of the missed or failed assessment as if a first attempt
 - (iv) if the missed or failed assessment was the final attempt, to re-instate the final attempt
 - (v) If the assessment had been passed, to allow a re-take of the assessment as if a first attempt; the higher attempt mark shall be counted
 - (vi) to take account of the possible effect of the mitigating circumstances on a candidate's academic performance if the candidate's overall performance is borderline for a higher degree class.
22. Individual module or component marks will **not** be changed as a result of upheld mitigating circumstances, but an Examination Board might apply compensation for failure of module or of a component within a module in accordance with the *Assessment Regulations*.
23. Any extension to a submission deadline must be within the overall deadline for completion of studies. If it is not, the School must complete a Special Request Application for approval by The University's Regulations and Special Cases Committee for an extension to the deadline for completion of studies.
24. Students must be informed in writing, in the standard format required by the University, of the outcome of their submission of the Mitigating Circumstances Application, whether the mitigating circumstances claim is upheld or rejected. In the latter case, a brief rationale for rejecting the claim must be given. The letter sent to the student must be copied to the Programme Director and Chair of the Examination Board.

Confidentiality

25. The first page of the Mitigating Circumstances Application bearing the candidate's personal details will be detached before the rest of the Application is presented to the Mitigating Circumstances Committee.
26. Every attempt must be made to assure appropriate privacy and confidentiality in respect of the information on the Application and supporting evidence.