

# Academic Regulations

## Section 12

### Mitigating Circumstances Regulations

## 2020-21

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## **Introduction**

1. These regulations set down the process by which a student should bring to the University's attention any unforeseen circumstances that prevented them submitting an item of assessed work by the published deadline or prevented them attending an examination, class-test, presentation etc.
2. The Pro Vice-Chancellor: Academic and Student Services (Interim) (or nominee) has overall responsibility for the Procedures for the submission of Mitigating Circumstances.
3. No student making a claim under these Procedures, whether successfully or otherwise, shall be treated less favourably than would have been the case had the claim not been made.

## **Fit to Sit and Fit to Submit**

4. Notwithstanding any other provision of these regulations, by submitting work or sitting an examination, class-test, presentation etc. a student is taken to be confirming that they are fit to submit/sit the assessment concerned and any mitigating circumstances claim in respect of the assessment will be deemed invalid unless:
  - 4.1. there is clear evidence that the student was not in a fit state to decide whether they were fit to submit/sit the assessment concerned
  - 4.2. there is clear evidence that the student became ill during an exam, class-test, presentation etc. and was not in a fit state to continue with the assessment.

## **Mitigating Circumstances Criteria**

5. Mitigating circumstances are defined by the University as circumstances that are acute, severe, unforeseen and outside a student's control that occur immediately before or during the assessment period in question.
6. The deadline for submission of a claim for Mitigating Circumstance is 10 working days from the published submission date of the component concerned or the date of the examination. Students are however encouraged to submit a claim as soon as practicable. All claims must be submitted to a School Office (formerly the Student Hub).
7. A claim for Mitigating Circumstances may be submitted in relation to:
  - 7.1. non-attendance at an examination;
  - 7.2. non-submission of coursework;

## **Validity and Invalidity**

8. Normally, a student may have a mitigating circumstances claim accepted on one occasion only for a particular item of assessed work. The Associate Pro Vice-Chancellor Academic and Student Services (Interim) (or nominee) can exceptionally grant one further occasion upon which a mitigating circumstances claim can be accepted.

9. Any claim supported by false documentary evidence shall be deemed invalid and will lead the University to take action under its disciplinary procedures.
10. A claim for Mitigating Circumstances must be submitted on the prescribed Mitigating Circumstances Form and must:
  - 10.1. Specify the full name of the student;
  - 10.2. Specify the correct student ID number;
  - 10.3. Specify the title(s) and code(s) of the module(s) affected;
  - 10.4. Specify the component(s) affected;
  - 10.5. Specify the relevant assessment date(s);
  - 10.6. Provide full details of the circumstances, explain how these circumstances have affected the student, and be supported by appropriate, independent documentary evidence. Examples of acceptable evidence can be found in the [Student Guidance](#);
  - 10.7. Be signed and dated by the student, unless it is impossible for the student to sign;
  - 10.8. Be received by a School Office (formerly known as the Student Hub) no later than 10 working days from the published submission date of the component concerned or the date of the examination.
  - 10.9. The University shall accept self-certification for a period of illness of 5 working days or less. Self-certification through the mitigating circumstances procedure will normally provide the student with a maximum extension of 5 working days for the relevant module(s) and component(s) affected around the assessment date(s). Self-certification can only be used in unforeseen circumstances and normally be utilised twice in one academic year as a maximum.
  - 10.10. A student is required to provide appropriate, independent evidence for periods of illness of more than 5 working days and in instances where the student has self-certified twice in one academic year, the requirements of paragraph 10 subparagraphs 10.1-10.8 should be followed.
11. Claims in relation to non-attendance at an examination normally require evidence to demonstrate mitigating circumstances for the period immediately leading up to the examination and/or the date of the examination in question.
12. Claims in relation to non-submission of coursework normally require evidence to demonstrate mitigating circumstances for the period immediately leading up to the assessment and/or the published coursework deadline.
13. Claims submitted without independent supporting evidence will not be considered.

## **Late Submission of Mitigating Circumstances**

14. Claims received after the deadline specified in paragraph 6 will be deemed invalid and will not be considered unless the student has demonstrated good reason, supported by appropriate independent evidence, for any period of delay.

## **Examples as to why Mitigating Circumstances will be rejected**

15. The Associate Pro Vice-Chancellor: Academic and Student Services (Interim) (or their nominee) shall reject claims that do not meet the requirements of paragraphs 8-14.
16. Without prejudice to the generality of the requirements in paragraphs 8-14, a Mitigating Circumstances claim will be rejected for any of the following reasons:
  - 16.1. The claim is not supported by appropriate, independent documentary evidence (the original documents must be submitted) and:
    - 16.1.1. Signed by an appropriate third party and give details of the circumstance, the date and duration of the period affected and, where possible, its impact on the student.
    - 16.1.2. Evidence from medical practitioners must specify the nature of the illness and where possible a confirmed diagnosis by the practitioner who saw the student at the onset of illness. The date of such medical evidence is critical to the consideration and post-dated certificates and evidence is not accepted).
    - 16.1.3. For bereavements, a death certificate and evidence of the relationship of the student to the deceased person. The University may require a notarised and legalised copy of the certificate or similar corroboration of its authenticity.
  - 16.2. The period of illness is 5 working days or more and/or the student has reached the maximum self-certification for one academic year.
  - 16.3. The claim does not relate, in terms of timing, to the examinations or submission dates affected.
  - 16.4. There are reasonable grounds to believe that the circumstances could have been avoided by the student, or the student could reasonably have been expected to take steps to limit the impact of the circumstances. (Examples include: leaving coursework to the last minute; missing the deadline because of computer problems or late transport; failure to make alternative travel plans when disruptions were known in advance; losing work which had not been backed up on disc).
  - 16.5. The claim results from misreading or ignorance of the University's examination timetable, or of instructions regarding the submission of coursework.
  - 16.6. There are reasonable grounds to believe that the circumstances described would not have prevented the student from taking the examination(s) and/or submitting the assignment(s) by the published assignment deadline date(s).
17. Please note that the examples listed are not exhaustive but refer to the most common reasons for invalidation or rejection of a claim. Students are advised to refer to the Mitigating Circumstances FAQ and [Student Guidance](#) notes on the University's website at: [www.londonmet.ac.uk/mitigation](http://www.londonmet.ac.uk/mitigation) for further details and information.

## **Consideration of Mitigating Circumstances**

18. Claims that have not been rejected under paragraphs 15-17 shall be considered by a Mitigating Circumstances Panel. Members of the panel shall be appointed by the Associate Pro Vice-Chancellor: Academic and Student Services (Interim).
19. Each valid claim shall be assessed against the Mitigating Circumstances Criteria in paragraphs 5-7. If a claim relates to more than one item of assessment, the circumstances relating to each item of assessment shall be considered individually against the criteria in paragraphs 5-7.

## **Outcomes of Consideration**

20. Claims which demonstrate that the criteria in paragraphs 5-7 have been met shall be accepted. The student will be given the opportunity to be assessed at the next assessment point in the component(s) in question. This attempt shall replace the opportunity to which the mitigating circumstances pertained.
21. Claims which do not demonstrate that the criteria in paragraphs 5-7 has/have been met shall be rejected. Claims in respect of non-attendance at an examination/non-submission of coursework– a mark of zero will be awarded in the component concerned. If the claim relates to a first assessment, a student shall have the opportunity to undertake reassessment in the component concerned.
22. All Mitigating Circumstances outcomes shall be communicated by Academic Quality and Student Administration to the relevant Subject Standards Board.
23. Mitigating Circumstances outcomes shall be published via Evision as soon as practicable following the decision of the Mitigating Circumstances Panel and prior to publication of the relevant module results. Students will be notified by email when the outcome is available; this will normally be within 20 working days of the University receiving the claim, however, where this proves not to be possible, the student will be notified of the progress of the consideration of the claim.

## **Rejected Mitigating Circumstances**

24. Where a claim is rejected whether by the Associate Pro Vice-Chancellor: Academic and Student Services (Interim) (or their nominee) or Mitigating Circumstances Panel, a student can submit an appeal. The deadline for submitting an appeal is 10 working days from the notification of the Mitigating Circumstances outcome, published via Evision.
25. A student may submit an appeal under the Academic Regulations, Section 13 Appeals Regulations and Procedure.