

Mitigation Policy (Approved July 2018)

1.0 Introduction

- 1.1 As a student you are responsible for managing your learning and assessment activities throughout your study at the University; it is recognised that occasionally illness or difficult circumstances arise but it is believed that this is part of normal life and should be managed by students to enable them to continue with their studies accordingly.
- 1.2 However, where prolonged illness or exceptional circumstances arise, the University operates a policy under which mitigating circumstances are recognised and appropriate action taken to ensure that your academic performance is not adversely affected by these circumstances.
- 1.3 The principles governing the mitigation process are that it should be:
- **Clear** – the claim form and process should be easily understood by all staff and students.
 - **Timely** – any mitigation claim should be dealt with at the relevant assessment point.
 - **Fair** – by dealing with claims under the same central system, decisions will be made by senior staff who are not directly concerned with you, and who are following guidance laid down in the mitigation policy. Annual reviews take place to ensure consistency of approach.
 - **Confidential** – only staff who are directly involved in the process will have knowledge of any claim.

If you choose not to notify the University of mitigating circumstances at the time that they affect assessment, it is highly unlikely that any retrospective allowance will be made through the appeal process.

- 1.4 It is important to understand that in considering your mitigating circumstances the University cannot make an academic judgement on the extent to which your performance in assessment has been affected. For this reason, if mitigation is agreed action taken will take the form of either, an extension or one of the actions as indicated in Section 5 of this Policy.
- 1.5 Circumstances which applied before you enrolled on the course, or which have developed during the course but are on-going (such as responsibility as a carer) are not recognised as mitigating circumstances within the context of this policy. You are expected to manage life circumstances, and in enrolling for your course, you are indicating that you are able to commit sufficient time to it. If you have experienced a change in circumstances you should contact your Course Leader for further discussion.

- 1.6 **NB** Students are required to back up their work and therefore if you experience computer failure, this will not normally be considered as grounds for mitigation.

2.0 Essential rules governing the process

NB You are seeking mitigation for yourself and whilst staff will provide help and support, it is ultimately your responsibility to make a mitigation claim.

- 2.1 If you wish to claim mitigation you should contact the Course Leader/Unit Tutor prior to the assessment deadline.

- 2.2 Any claim must be submitted prior to the unit assessment deadline with a fully completed mitigation form and backed by appropriate evidence.

- 2.3 Evidence is needed to support any claim. Medical evidence must confirm a medical condition that is current and so a doctor's note that indicates you were seen after the illness occurred, and does not include a professional diagnosis, will not be accepted as evidence. A report from a professionally qualified counsellor will normally be required to support a claim of personal crisis.

Using evidence from a third party and GDPR

- 2.4 It may be that it is the illness or crisis of a close relative that is impacting upon your performance. If this is the case it is important to show how the situation has affected you. If you do need to provide evidence giving personal details about a third person, you should ensure that you are using their information in line with General Data Protection Regulation (GDPR). This means that you must ask permission from the person, explain to them how their information will be used (see Section 9.0 below) and ask them to sign a statement on the mitigation form.

3.0 Requests for extensions of one week or less on assessment deadlines

- 3.1 An individual Course Leader or Unit Tutor (in consultation with the Course Leader) is able to grant an extension of up to one working week so long as they are satisfied that you have particular or exceptional circumstances.
- 3.2 Only one week's extension should be allowed per student for any unit and no more than two such extensions should be permitted in all, per student per year.
- 3.3 The Faculty Office should be informed of these decisions and a record maintained within the Faculty that indicates the student name, ID number, unit of assessment and reason for extension. This information will be reviewed at the end of the year Mitigation Board to ensure consistency.

4.0 Requests for extensions of more than one week on assessment deadlines

- 4.1 If you wish to apply for an extension of more than one week, a formal claim must be submitted to the Course Leader using the mitigation form and the production of appropriate evidence. **This claim must be received prior to the assessment deadline.**
- 4.2 It should be noted that the extension should match approximately the number of days lost due to illness or other reason as indicated by the evidence provided.

- 4.3 The Course Leader will review the form and supporting evidence. If fully satisfied with the claim, they should sign the form to signify their support and pass the form to the Head of Quality and Standards.
- 4.4 No claim will be accepted by the Head of Quality and Standards unless it has been correctly completed and evidence has been provided.
- 4.5 The Head of Quality and Standards will review the claim to ensure clarity of information, appropriateness of claim in terms of the evidence provided, and consistency with claims from students in other courses. Further clarification may be sought from the student as required.
- 4.6 Claims for extensions of four weeks or less will be submitted to the Dean of the Faculty in which your course is placed. A summary paper will also be supplied by the Head of Quality and Standards outlining any particular issues associated with the claim.
- 4.7 The Dean will consider the claims in the light of past practice and in line with the Mitigation Policy.
- 4.8 When a claim is received requesting an extension of more than 4 weeks, this will be considered by the relevant Dean and the University Secretary, or in their absence, the Dean of a different Faculty.
- 4.9 If you are seeking an extension which would take you beyond the deadline for consideration by the summer examination board, the request will be considered by the relevant meeting of the Mitigation Board (see Section 8 below)
- 4.10 A claim for mitigation should be made in agreement with the Course Leader. If the Course Leader does not support you in making a claim, you may present the completed form and evidence to the Head of Quality and Standards for consideration; such claims will only be considered by a full meeting of the Mitigation Board. It should be noted that this would require an extraordinary meeting of the Board and is likely to extend the timeline in processing the claim.

5.0 Requests for action other than an extension

- 5.1 It is anticipated that an extension of time in which to complete outstanding work will resolve the majority of claims under the mitigation process; however, circumstances may be such that an extension is not the most appropriate way to resolve the situation or that the extension requested would take the student beyond the examination board deadlines. Other types of action that could be requested are:
- 5.1.1 Where a student has produced sufficient work as a result of complete or partial fulfilment of a unit, a mark may be awarded taking into account the student's overall mark profile.
- 5.1.2 A reduction in the assessment load may be negotiated, which ensures that appropriate learning outcomes are still met.
- 5.1.3 If insufficient work exists to enable assessment to take place, evidence of learning by other means such as viva voce examination may be sought, for which a mark may be awarded.

- 5.1.4 In extremely severe cases, credit may be awarded without a corresponding mark. It should be noted that where no mark is given, this unit will not be taken into account within the final award calculation.
- 5.1.5 In exceptional cases a summer extension may be agreed which would enable the student to present work in time for the Autumn examination board, which takes place in September.
- 5.2 If a mitigation request is made seeking any of the above actions, it can only be considered by a full meeting of the Mitigation Board.
- 5.3 A formal claim must be submitted to the Course Leader using the mitigation form and the production of appropriate evidence. This claim must be received prior to the deadline for the relevant Mitigation Board.
- 5.4 The Course Leader will review the form and supporting evidence. If fully satisfied with the claim, they should sign the form to signify their support and pass the form to the Head of Quality and Standards.
- 5.5 The Head of Quality and Standards will review the claim to ensure clarity of information, appropriateness of claim in terms of the evidence provided, and consistency with claims from students in other courses. Further clarification may be requested as required.
- 5.6 The Mitigation Board will consider the request and the student will be notified of the outcome by the Head of Quality and Standards. For the operation of the Mitigation Board, see Section 8 below.

6.0 Decisions under the mitigation process

- 6.1 When evaluating a mitigation claim, the following will be taken into consideration:
- The severity and the timing of the circumstances alleged.
 - The appropriateness of the evidence provided.
 - The extent to which the circumstances would have affected the assessment indicated in the claim.
 - The extent of work affected by the mitigating circumstances and the implications of any extension of time or other requested action on the whole assessment portfolio.
- 6.2 In order to ensure parity of treatment for all students, decisions will always be made in the light of past practice with regard to similar claims.
- 6.3 Where the Mitigation Board has agreed a summer extension allowing submission of work for consideration at the Resit Board, this means that final year students will not be able to complete all assessment in time for graduation. In line with the University Regulations, if at the time of the Examination Boards in June, a student has achieved 60 credits at Level 6, they will be automatically awarded a BA without honours which will enable them to attend graduation. On successful completion of the outstanding units, this will be upgraded to an honours degree. If continuing students do not successfully complete all outstanding assessment by the Resit Board, this may affect their ability to progress to the next year of study.

6.4 The University has a duty of care for its students; the decision taken on a mitigation claim will ensure that a realistic timeframe is agreed which enable a student to complete outstanding assessment requirements without undue pressure. Where there is clear evidence of mitigating circumstances that has been affecting you over a lengthy period of time, this may mean that you are recommended to intermit and complete studies in the following academic year.

7.0 Communication of the decision following a mitigation claim

7.1 Decisions regarding any claim will be communicated to the Head of Quality and Standards.

7.2 It will be the responsibility of the Head of Quality and Standards to write to students informing them of the outcome with copies sent to the Faculty Office and Course Leader.

8.0 Meeting of the Mitigation Board

8.1 The Mitigation Board chaired by the Deputy Vice Chancellor will normally meet prior to meetings of the Progression and Awards Board. A deadline for the submission of any outstanding claims will be set on an annual basis and notified to students accordingly. It will consider

- A review of the decisions made throughout the year to ensure consistency and parity of treatment; analysis will identify by Faculty and course, reasons for claims (grouped under standard headings) and length of extension given; identification of any non-standard reasons for claim and length of extension given. The analysis should include an analysis of one week extensions to be provided by the Faculty Office.
- Consideration of any outstanding claims submitted by the University Mitigation deadline
- A review of the process including an analysis of claims by different groupings (see Para 9.3 below).
- Possible changes to any regulations appertaining to mitigation or the mitigation process.

8.2 In the case of student appeal against an assessment decision: if a student makes an appeal on grounds of previously undisclosed mitigating circumstances (2.1.1 Appeals Policy), the Mitigation Board will be convened to consider the case for mitigation. This will ensure that the consideration of any claim is consistent with other mitigation claims received by the University throughout the year. For further information see the Appeals Policy for HE Taught Courses.

9.0 Accessing and maintaining records in line with General Data Protection Regulation (GDPR) and monitoring the process.

9.1 The documentation and records associated with a mitigation claim will only be accessed by staff who are directly involved with the processing of the claim – see below:

9.3 A log of one week extensions will be maintained by the Faculty Office.

- 9.4 A log of claims and decisions will be maintained within Quality and Standards together with the original claim form. This log will be available through controlled access to Student Records, Faculty Offices and the Head of Student Services during the year for oversight of the process. The original claim will only be seen by the Course Leader, member(s) of the Mitigation Board making a decision on the claim, and relevant Professional Service staff directly involved in the processing.
- 9.5 Copies of all the documentation will be retained within Quality and Standards and in the student file for two years after which it will be destroyed.
- 9.6 The operation of the process will be reviewed by the Mitigation Board on an annual basis. This review will include analysis of claims by ethnicity, gender and disability to ensure that the process meets equality and inclusivity requirements. This will be summary information which does not identify any individual student.

10.0 Complaints and Appeals

- 10.1 If you are not satisfied with the decision made, you are entitled to request that your claim is reviewed. You should make this request in writing to the University Secretary outlining the reasons for the request within 10 days of notification of the decision. The University Secretary will convene a meeting of the Mitigation Board.
- 10.2 If you are still dissatisfied with the decision made, or the initial decision was made by the full Mitigation Board, you may appeal in writing to the Vice-Chancellor. The letter of appeal must be lodged with the Vice-Chancellor's office within ten working days of the date of notification of the decision.
- 10.3 You may appeal on the following grounds:
- 10.3.1 That new substantive evidence has become available which is relevant to the case and has material impact such that the outcome may have been affected.
 - 10.3.2 That due process was not followed and that this had a material bearing on the outcome of the case.
 - 10.3.3 That the decision of the Mitigation Board was perverse, taking into account all the evidence presented.
- 10.4 The Vice-Chancellor and an independent member of academic community will conduct a full review of the documentation relating to the case, including all documentation considered by the panel and its decision. He/she will not normally meet with the parties concerned but may request a meeting with the Deputy Vice Chancellor who chaired the Mitigation Board to request clarification of any points raised by the student in his/her appeal, or to discuss the impact of any new evidence. The Vice-Chancellor will reach a judgement on the balance of the evidence, and will either:
- Confirm the original decision
 - Uphold the appeal and require the Mitigation Board to reconsider its original decision.
- 10.5 The Vice-Chancellor will write to the student to confirm his decision. This will normally be within 10 working days of receipt of the letter of appeal although, as this authority cannot be delegated, there may be occasions where a longer time period is required,

and in these cases the Vice-Chancellor's Office will contact the relevant parties to explain the circumstances..

All members of the University's community including staff, students, visitors and contractors have a responsibility to treat others fairly and respectfully regardless of the characteristics which may define their identity. These include the legally protected characteristics which are: Age, Disability, Gender reassignment, Marriage and Civil partnership, Pregnancy and maternity, Race, Religion or belief (including lack of belief), Sex and Sexual orientation. The University has committed to provide a working and learning environment founded on dignity, respect and equity where discrimination of any kind is treated with the utmost seriousness.

This policy has been subject to an equality analysis to ensure consideration with regard to the provisions of the Equality Act 2010.

Date of last Equality Analysis review: 07/2018

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To be reviewed 2021