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# Academic Regulations Extenuating Circumstances and Mitigation

## Section 8

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### Extenuating Circumstances and Mitigation

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# Section 8: Extenuating Circumstances and Mitigation

## 8.1 Purpose

This section of the Academic Regulations defines the regulations for the application of extenuating circumstances and mitigation.

Leeds Beckett University recognises that circumstances may arise in which students are unable to complete or submit assessment. These are known as extenuating circumstances. Students may submit details of their circumstances to request an extension or apply for mitigation to lessen the harmful effect of their extenuating circumstances on assessment outcomes.

## 8.2 General Principles of Student Progression and Award

### 8.2.1 Fit to sit/submit

The University operates a principle of fit to sit/submit in regard to Extenuating Circumstances and Mitigation. The principle asserts that students who undertake an assessment declare themselves fit to take that assessment; any claim for extenuating circumstances in relation to that assessment will not, normally, be considered.

### 8.2.2 Due Consideration

In considering the assessment of students, the University will duly consider extenuating circumstances which might have affected a student's performance.

Students who have declared a disability or long-term condition and have a Reasonable Adjustment Plan in place, will not be required to apply for mitigation to enable implementation of the recommended adjustments. However, students with a disability or long-term condition may need to apply for mitigation in relation to their condition in the following circumstances:

- They experience an exacerbation of their disability/long-term condition, which has not been anticipated in their Reasonable Adjustment Plan.
- Appropriate reasonable adjustments are not in place at the time of assessment, e.g. due to a recent diagnosis or undergoing new treatment.

### **8.2.3 Mitigation Panels**

The University authorises the establishment of mitigation panels, in accordance with current University guidance, to:

- a) consider extenuating circumstances
- b) make appropriate recommendations to the relevant Progression and Award Board.

For collaborative partners, panels will be established at an appropriate level as determined by the University.

### **8.2.4 Confidentiality**

University staff and external examiners will observe due confidentiality with respect to submitted extenuating circumstances.

### **8.2.5 Responsibilities of Students**

It is the responsibility of the student to bring extenuating circumstances to the University's attention in accordance with University Regulations and guidelines.

### **8.2.6 Non-submission**

Where a student has not declared themselves fit to sit/submit and has not completed an extension request or an authorised absence request the respective assessment(s) will normally be recorded as non-submission(s).

### **8.2.7 Consequences of Non-Submission of Information**

Failure without good cause to provide information on extenuating circumstances will normally result in any Request for an Appeal Hearing on these grounds being rejected.

## **8.3 Code of Practice on Extenuating Circumstances and Mitigation**

### **8.3.1 Extenuating Circumstances**

Students may submit requests for consideration of extenuating circumstances in respect of their:

- a) inability to submit assessed coursework on the required date
- b) inability to sit an examination or other scheduled assessment on the required date.

The same extenuating circumstances may not be claimed more than once for the same assessment.

### **8.3.2 Mitigation**

If the submitted extenuating circumstances are found to be valid, mitigation in respect of these will be considered in accordance with the University Regulations. There are two types of mitigation:

- a) mitigation at the point of assessment in respect of coursework submissions will be considered and determined by a mitigation Co-ordinator, and a report of any mitigation granted will be made to the relevant mitigation panel
- b) other mitigation determined by a mitigation panel which must be submitted to the relevant mitigation panel and outcomes are forwarded to the appropriate Progression and Award Board. The details of the extenuating circumstances themselves are not disclosed to the Board.

If without good reason a student fails to seek consideration of extenuating circumstances in accordance with University regulations and guidance, normally any request for an appeal hearing on the grounds of these extenuating circumstances will be rejected.

### **8.3.3 Authorised Absence from Assessment**

Students are permitted to seek permission for an authorised absence from assessment in relation to circumstances which are outside the fit to sit/submit principle. Such circumstances may include, but are not limited to, jury service, UK visa and immigration interviews, and court proceedings.

Students must request authorised absence from assessment from the designated member of academic staff for approval and the request must be supported by original documentary evidence. All requests for authorised absence will be presented to the mitigation panel for information and will be recorded in the University's student record system.

### **8.3.4 Responsibility of Students**

It is the responsibility of students to:

- a) declare themselves fit to sit/submit by attending or submitting assessment.

- b) Inform the University of any extenuating circumstances which they wish to be taken into consideration in respect of inability to submit assessed coursework and/or sit examinations or other scheduled assessment.
- c) Ensure the request is submitted electronically via the online system for mitigation requests and a receipt for this is obtained.
- d) Ensure the request is supported by original documentary evidence.
- e) Ensure that the evidence is submitted with the request and normally no later than 5 working days of the request for extenuating circumstances being received by the University.
- f) Ensure the request clearly states the module or modules affected and the specific assessment(s) affected.
- g) Ensure the request clearly states the date(s) for or between which the submitted extenuating circumstances are being claimed. Failure to do so may result in the mitigation panel being unable to recommend any mitigation.

### **8.3.5 Responsibility of the University**

#### **a) Information**

It is the responsibility of the Dean of School to ensure that students have access to the following information:

- the current University Regulations and associated guidance
- the name of the person(s) designated to receive requests for consideration of extenuating circumstances
- the location of the online submission point for extenuating circumstances requests
- sufficient advance notice of the dates by which such submissions must be submitted to enable them to be presented
- appropriate sources of advice and guidance.

#### **b) Discussion with University Staff**

Discussion of problems or difficulties with a member or members of University staff does not in itself constitute a submission of extenuating circumstances.

#### **c) Statements from University Staff**

Any relevant statement to be presented to a mitigation panel as original documentary evidence arising from previous discussion with or disclosure to a member of University staff:

- needs to be requested from that member of staff by the student

- be in writing
- be submitted by the student.

#### **d) Confidentiality**

All submissions giving details of extenuating circumstances will be confidential to the University staff authorised to receive and consider them, except for the provisions below.

#### **8.3.6 Formal Notification**

A student who has not undertaken assessment because they consider themselves to be unfit must make a request for consideration of their extenuating circumstances at the earliest possible time and normally no later than 5 working days from the date of assessment.

Where a student has declared themselves fit to sit/submit but later deems their declaration to have been incorrect they will, in exceptional circumstances, be permitted to submit extenuating circumstances within 5 working days of the date of assessment. For example, becoming ill during an examination.

#### **8.3.7 Requests for Extenuating Circumstances**

All requests for the consideration of extenuating circumstances, including requests for extensions to submission deadlines for coursework, must adhere to the following:

- a) Be submitted electronically via the online system for mitigation requests in accordance with guidance issued by the University.
- b) Independent documentary or medical evidence will normally be required to be submitted in support of mitigation requests. This should be attached to the online submission.
- c) In exceptional circumstances, third party submission of extenuating circumstances will be accepted, provided they are accompanied by confirmation of the student's inability to submit themselves.

#### **8.3.8 Mitigation at the point of Assessment: Coursework - inability to meet coursework submission date**

Students may seek an extension to a coursework submission date, where they have valid extenuating circumstances in respect of being unable to meet the relevant submission deadline.



Such requests must be submitted to the person designated to receive them, identify the circumstances and provide independent documentary evidence.

Such requests will be considered by a designated member of academic staff. The outcome of the consideration will be that the extension will be permitted or not permitted. There is no appeal against the outcome of this consideration through the regulations for an Appeal against a Decision of a Progression and Award Board or Module Board (see Section 9 of the University Regulations).

### **8.3.9 Length of Extensions**

The length of the extension given will normally be:

- For 5 working days only – “working days” includes weekdays and vacations.

Saturday, Sundays, Bank Holidays and other days when the University is closed are not classed as working days.

If the student requests a longer period of time and the member of staff considering the request finds this to be justified, the length of the extension given may be exceptionally extended to 10 working days.

Such an extension, when permitted, will normally be the sole form of mitigation allowed in respect of these particular extenuating circumstances.

All extensions, where granted, must be reported to the School mitigation panel and recorded in the University’s student record system.

An extension will not normally be given after the date on which the coursework should have been submitted. The member of staff considering such requests can exceptionally allow a student to submit a request for an extension up to one working day after the submission date.

### **8.3.10 Mitigation: Coursework, Examinations or Other Scheduled Assessments**

#### **a) Mitigation: Coursework**

A student who is unable to meet a coursework deadline may submit their extenuating circumstances to the mitigation panel where:

- their circumstances are valid and

- an extension to their course work deadline is not a suitable remedy or has already been exhausted

In cases where an extension has already been granted the student would need to demonstrate that their circumstances had changed in some way and how this had impacted upon their ability to submit assessment.

#### **b) Absence from Examinations or Other Scheduled Assessments**

A student who was absent from an examination or other scheduled assessment and considers that they have valid extenuating circumstances in respect of this, must request consideration of those circumstances in accordance with University Regulations.

If the circumstances are found to be valid, the mitigation panel will permit the student to take the assessment as if at the first attempt (deferral) at the next available opportunity.

No special examination or other scheduled assessment will, normally, be provided for such students.

#### **c) Mitigation: Examinations**

If the circumstances are found to be valid, the mitigation panel will permit the student to take the examination as if at the first attempt (deferral) at the next available opportunity.

No special examination will be provided for such students.

### **8.3.11 Extenuating Circumstances affecting a Cohort of Students**

#### **a) Presentation to Module Boards or Progression and Award Board**

Extenuating circumstances which may have affected the performance of a cohort of students will be presented to the relevant Progression and Award Board or Module Board acting on behalf of a Progression and Award Board.

#### **b) Notification**

The Course Director (or equivalent) (or nominee) is responsible for informing the Committee or Board of such circumstances.

### **c) Consideration**

Consideration of such circumstances will be conducted in accordance with Section 6 of the University Regulations: Progression and Award Boards and Module Boards. Where the circumstances are deemed to warrant this, the marks of the entire cohort may be adjusted upwards.

#### **8.3.12 Mitigation Panels**

Mitigation panels will be established in order to:

- a) consider extenuating circumstances
- b) make appropriate recommendations to the relevant Progression and Award Board.

For collaborative partners, panels will be established at an appropriate level as determined by the University.

Mitigation Panels will meet as often as the Dean of School considers necessary and always prior to the Progression and Award Board where the outcomes of the Panel will be considered.

#### **8.3.13 Membership of Mitigation Panels**

The minimum membership requirements for all mitigation panels is:

- a) Senior member of academic staff nominated by the Dean of School (Chair)
- b) At least two members of academic staff internal to the School
- c) A senior member of support staff
- d) One experienced member of academic or senior support staff external to the School in which the students are located
- e) A secretary to the panel (in attendance)

Mitigation Panels will be conducted, and their proceedings recorded in accordance with guidance issued by the University.

The Panel will receive, for information, a report of authorised absences granted by the designated officer.

The Panel will consider the degree of seriousness of the extenuating circumstances accepted and the assessments which were evidenced by those relevant circumstances.

The Panel will categorise the seriousness of extenuating circumstances as follows:

- a) Category A – Very serious
- b) Category B – Sufficiently serious to defer assessment
- c) Rejected – the Panel will reject claims which are late, not substantiated by original documentary evidence or are not deemed sufficiently serious to warrant deferral.

All outcomes of the Panel will be notified to students in writing in accordance with University guidance.

Discussion of extenuating circumstances by mitigation panels or Boards will be confidential to those members of staff, except for the provisions below.

Submission of extenuating circumstances will not normally be disclosed outside the mitigation panel other than in the following circumstances:

- a) Where the needs of a Professional, Statutory or Regulatory Body requires wider disclosure.
- b) Where the decision of a Progression and Award Board requires wider disclosure.
- c) Where a student subsequently requests and is granted, an Appeal Hearing.
- d) Where investigation of matters under the general student regulations requires wider disclosure.
- e) Where there is a potential threat to life.

Wider disclosure will be limited to the External Examiner, Chair or Designated Officer as appropriate to each circumstance. Where disclosure is deemed to be necessary beyond these person(s) the student(s) will be informed in advance of the requirement for such disclosure.

#### **8.3.14 Report from the Mitigation Panel**

The mitigation panel will make a report to the relevant Progression and Award Board in respect of each student:

- a) identifying the assessments which were affected by the extenuating circumstances and
- b) categorising the seriousness of the extenuating circumstances in respect of those assessments. The Progression and Award Board will consider the decisions advised by the Panel and discuss appropriate action in respect of the students.

The Panel will also present to the Progression and Award Board a report on all extensions to coursework assessment deadlines granted at the point of assessment and all outcomes of requests for authorised absence granted by the designated officer.

The Panel may make no recommendations to the Progression and Award Board beyond those reports specified here. The Progression and Award Board may not amend the reports of the Mitigation Panel.

### **8.3.15 Progression and Award**

The mitigation permitted by the Board will normally be deferral of assessment to permit the student to be assessed as if for the first time.

Category A mitigation permits the Board to consider alternative forms of mitigation as follows:

- a) consider the student to have passed the assessment where the Board is satisfied as to the student's progress overall relating to the level and the student's overall achievement of the learning outcomes.
- b) Allocate a mark where the Board is satisfied that the student's achievement overall in the course of study is of high quality and the record of work relating to the level is good. The allocated mark may be the average of the student overall, the average for that cohort of students or another mark. The student will be given the choice between accepting the mark and being assessed again as if for the first time.
- c) Allow the student to be reassessed in a module where the student has passed but where the grade or mark attained is lower than might reasonably be expected from the student's overall performance. The Board may also, in these circumstances, raise the mark.
- d) Deem the student to have passed the assessment(s) in question and offer the relevant award where the Board is satisfied as to the student's progress overall in the work relating to the course of study and it is the final stage.
- e) An aegrotat award may be offered (see section 4 of the University Regulations).

### **8.3.16 Retention of Information**

Records of extenuating circumstances will be securely retained as follows:

- a) Mitigation granted

Where the outcome of consideration was that a form of mitigation was granted to the student, records relating to this will be retained for the student's duration of study plus one year.

b) Mitigation not granted

Where the outcome of consideration was that mitigation was not granted to the student (including on account of late submission of the request), records relating to this will be retained for the student's duration of study plus one year.

These provisions also apply to requests for mitigation at the point of assessment.

Such information will be retained for the purposes of an Appeal against a Decision of a Progression and Award Boards or Module Boards (if appropriate).

At the end of the period of retention, records of extenuating circumstances will be destroyed in a manner which ensures that confidentiality of the information is not breached.