

MITIGATING CIRCUMSTANCES: POLICY AND PROCEDURE

For students on the MBChB undergraduate medical programme refer to the MBChB General Regulations, Code of Practice for Assessment and Mitigating Circumstances policy.

POLICY

1. Defining “mitigating circumstances”

1.1 Mitigating circumstances are defined as “recognisably disruptive or unexpected events, beyond the student’s control, that might have a significant and adverse impact on their academic performance.”

“Beyond the student's control” means that you could not have reasonably prevented them from happening.

“A significant and adverse impact on their academic performance” means that the circumstances were disruptive enough to have a meaningful adverse impact on your academic ability.

1.2 The University applies the principle that a student who attends, submits or participates in any form of assessment shall be considered by the University to be in a position to do so.

2. Mitigating circumstances criteria

Because your circumstances are unique to your individual situation, and circumstances can impact on individuals in different ways, it is not possible to provide a full list of circumstances that would be considered valid. The University has produced guidance on acceptable medical evidence that provides examples of the different types of circumstances that would usually be considered acceptable and the evidence needed to support the claim. The following are examples of the kind of circumstances that are likely to be considered by the Mitigating Circumstances committee:

Circumstance	What evidence is required? Please note any medical certificate should be from a UK-based medical practitioner or one recognised by UK authorities.
Illness	Confirmation of the illness, the impact the illness would have/has had on the affected assessment(s) and the dates concerned. This should be provided on: <ul style="list-style-type: none"> • An original medical certificate; <i>or</i> • A letter from Students First department who have been actively supporting you; <i>or</i> • A letter from external support services who have been actively supporting you.
Long-standing medical condition or disability	Evidence on the Student Information Console (SIC) which confirms the medical condition or disability and <u>explicitly</u> states that this may be used as evidence to support mitigating circumstances. Please note that most student’s information on SIC will not include this adjustment. If yours does not, you should follow the procedure for illness (as above). You may wish to discuss your future requirements directly with the University Disability Officer.
Hospitalisation	Confirmation of the illness, the impact the illness would have/has had on the affected assessment(s) and the dates concerned. This should be provided on: <ul style="list-style-type: none"> • An original medical certificate/letter

Family illness	<p>Confirmation of the illness, the impact that this would have/has had on the affected assessment(s) and the dates concerned. This should be provided on:</p> <ul style="list-style-type: none"> • An original medical certificate/GP letter; <i>or</i> • A letter from Students First department who have been actively supporting you; <i>or</i> • A letter from external support services who have been actively supporting you.
Bereavement	<p>A letter confirming the death from an independent person (usually not a family member) with their contact details provided and including a view on the closeness of the relationship to you. A death certificate or order of service are other forms of acceptable evidence, and are all that would be required where the closeness of the relationship is evident (e.g. for a close relative - a parent, sibling, or child). Where the closeness of the relationship is less obvious, a certificate/order of service also should be accompanied by a letter from an independent person, as outlined above.</p>
Acute Personal Difficulties	<p>Confirmation of the circumstances, the impact that these would have/have had on the affected assessment(s) and the dates concerned. This should be provided on:</p> <ul style="list-style-type: none"> • An original medical certificate/GP letter; <i>or</i> • A letter from Students First department who have been actively supporting you; <i>or</i> • A letter from external support services who have been actively supporting you.
Pregnancy-related illness	<p>The requirements for illness, hospitalisation etc. should be followed if there is a specific incident during pregnancy.</p>
Victim of crime	<p>Police report (including a crime reference number). If the incident has resulted in your seeking medical attention then the requirements for illness should be followed.</p>
Domestic Disruption including divorce/separation	<p>Confirmation of the circumstances, the impact that these would have/have had on the affected assessment(s) and the dates concerned. This should be provided on:</p> <ul style="list-style-type: none"> • A letter from an independent authority (e.g. social worker, counsellor); <i>or</i> • A police report (Inc. crime reference number); <i>or</i> • A letter from Students First who have been actively supporting you.
Representing the University or your Country at a significant/ prestigious event	<p>A letter of confirmation from the relevant organising body and a supporting statement from the student and/or member of staff explaining why the event should be considered as significant/prestigious. Student athletes with an international commitment (such as an international training camp or world-standard competition) should supply third-party evidence of the commitment.</p>

Jury Service (UK)	A letter from the Court.
Court Attendance (UK)	If you are required to attend a tribunal or court as a witness, defendant (not for 'Criminal Conviction') or plaintiff, please provide a solicitor's letter including the dates of the legal proceedings and the requirement for you to attend.
Military Service	A letter from your Military Branch.
Road Traffic Incident	If you have been involved in a road traffic incident, either as a passenger or as the driver, evidence must be provided detailing the time and place that the incident occurred including: <ul style="list-style-type: none"> • A police report (including a crime reference number); <i>or</i> • Insurance reference number/record of the event.

3. Circumstances that would not meet the definition of mitigating circumstances

The following are examples of the kind of circumstances that are likely to be considered unacceptable. However, the university will consider every case individually and on its own merit.

Circumstance
<p>Transport issues</p> <p>It is your responsibility to arrive at the assessment on time, irrespective of the form of transport used or relied upon. Exceptions to this might be industrial action or other significant disruption that is beyond your control. Evidence of any significant disruption would be required.</p>
<p>Holidays</p> <p>All holidays and vacations should take place at a time that will not impact on your availability to study or undertake or prepare for an assessment(s).</p>
<p>Misreading the examination timetable or submission deadline</p> <p>It is your responsibility to ensure that you have an accurate understanding of the location, time and duration of all formal assessments.</p>
<p>Paid employment or voluntary work</p> <p>It is your responsibility to manage other commitments so that they do not adversely interfere with your studies.</p> <p>If you are experiencing acute personal difficulties which have led to you needing to undertake unexpected levels of paid work, then these may meet the definition of mitigating circumstances. Please refer to the evidence required for this category in the table, above.</p>
<p>IT and/or computer failure</p> <p>It is your responsibility to ensure that all work which is electronically stored, generated and/or submitted is sufficiently backed up and the correct piece of work is submitted in the correct format.</p>
<p>Foreseeable/preventable circumstances</p> <p>Where the circumstances are within your control.</p>
<p>Scheduling of assessments/deadline</p> <p>Deadlines or exams being close together</p>
<p>Not disclosing circumstances</p> <p>The University can only consider circumstances if they are disclosed in accordance with the regulations. If you had good reason, which can be documented, for not disclosing your circumstances you should speak to your personal tutor and the Students First department.</p>

4. What is the difference between mitigating circumstances, Reasonable Adjustments and Exam Concessions?

Exam Concessions are authorised by Students First and put in place in advance of assessments by the Examinations Office. The purpose of this is to provide an environment that gives all students an equal opportunity for assessment.

The key difference between Exam Concessions, Reasonable Adjustments and mitigating circumstances is that mitigating circumstances are **unexpected events** beyond your control. In contrast, exam concessions and Reasonable Adjustments relate to longer term or 'foreseen' circumstances such as learning difficulties and medical conditions.

Examples of Exam Concessions and Reasonable Adjustments might include extra time for a learning difficulty (such as dyslexia) or an exam paper produced in larger print. All applications for Personalised Examination Provisions require specific supporting evidence and there are strict deadlines for each examination period.

In exceptional circumstances, mitigating circumstances may be lodged if it has not been possible to accommodate late Reasonable Adjustments provided you have a valid reason for late disclosure of any long term learning difficulties or medical conditions.

5. If I have Reasonable Adjustments on SIC (Student Information Console) can I use it as evidence?

You can only use Reasonable Adjustments as evidence if it confirms that you have a long standing medical condition or disability and **explicitly** states that the Reasonable Adjustments may be used as evidence to support mitigating circumstances.

Please note that most student information on SIC will **not** include this adjustment. If yours does not, you should follow the procedure for evidencing an illness. You may wish to discuss your future requirements directly with the University Disability Officer.

Remember that mitigating circumstances are different to Exam Concessions, which are organised through the Examinations Office.

6. In what ways might mitigating circumstances affect my academic performance?

These are the situations a mitigating circumstances committee can take into account as "mitigating circumstances":

- Where the mitigating circumstances mean that you are unable to meet a published deadline for submission of assessed work;
- Where the mitigating circumstances mean that you are unable to take an examination, class assessment etc. at the prescribed time and you have missed the deferral request deadline;
- Where you have fallen ill during an examination and are unable to complete it.

If you are unsure as to whether you are capable of undertaking an assessment and feel that you might have mitigating circumstances you are strongly encouraged to speak to a professional, such as a medical doctor or counsellor, to help you assess the impact your circumstances are having on you. You can also discuss the matter with your personal tutor or module leader.

7. I am affected by mitigating circumstances but I worry that these might not be accepted. Is it better for me just to submit the assessment (or take the exam) and see how it goes?

The Mitigating Circumstances Committee make their decisions using the same information provided to students in this document about what are acceptable circumstances, and what is the necessary evidence, so you are advised to read the guidance carefully before completing and submitting the MCF.

You are strongly advised **not** to risk completing an assessment of any type if you are experiencing difficulties that would have an adverse impact on your academic performance and:

- You would meet the definition of mitigating circumstances as outlined in Sections 1&2 above; and
- You have documentary evidence to support your mitigating circumstances claim

Please note that you must obtain a certain amount of credit in order to progress with your studies and not taking assessment could impact on your progression. Your Academic Department will be able to advise you on options available to you.

8. How do I know if my mitigating circumstances will be accepted?

Your mitigating circumstances submission will be considered individually with a decision made on your specific circumstances and the evidence you supply.

Each circumstance is considered on a case by case basis, so even if you have submitted an MCF before it is important that you outline your circumstances clearly, that they fit into the acceptable grounds and that you provide the full evidence that is needed.

If you are unsure about whether your circumstances would be taken into consideration under the regulations then please consult this guidance document and discuss your circumstances with your personal tutor. Students' First can give advice only.

9. Who would see my mitigating circumstances claim?

The University recognises that it can be difficult to disclose sensitive, personal information to other parties. As such, please note that all documentation provided in support of mitigating circumstances will be treated sensitively, and will remain confidential to the relevant Mitigating Circumstances Committee.

10. Do I need to tell anyone I have applied for mitigating circumstances?

It is strongly advised that you seek additional help from the University that might support your circumstances, particularly if you are concerned that your difficulties are ongoing. You may also wish to consider contacting your Personal Tutor for support.

Students First includes a variety of support services, including the Counselling service, Disability Officer, Student Mentors and student advisors which specialises in advice on all aspects of University life and welfare issues.

11. Sources of advice and guidance:

11.1 Alternative procedures that may be more applicable:

- Exam deferrals: please see 11.4 of *Regulations for First Degrees*
- Suspension of studies: please talk to your Academic Department if you feel you need to suspend your studies
- Alternative assessment: please see 7 of *Regulations for First Degrees*
- Academic Appeals: if you have missed the opportunity to apply for mitigating circumstances, you may be able to lodge an Academic Appeal under the *Academic Appeals: Policy and Procedure (Chapter 3.8 of the Regulations Handbook)* provided you have a valid reason for not disclosing your mitigating circumstances in time

11.2 Sources of advice:

Registry Office provides advice on matters concerning University regulations, appeals and complaints
Registry Department, Istra Cottage, Hunter Street, Buckingham MK18 1EG
Email: student-complaints@buckingham.ac.uk or registry@buckingham.ac.uk
Telephone: 01280 820205

Students' First

Email: student.first@buckingham.ac.uk
Telephone: 01280 820200

University Disability Officer

Email: sarah.mcdonald@buckingham.ac.uk
Telephone: 01280 827613

Guidance on harassment, bullying and discrimination

Website: <https://www.buckingham.ac.uk/wp-content/uploads/2019/05/5.13-Dignity-at-Work-and-Study-Policy-Procedures.pdf>

University Regulations

Website: <https://www.buckingham.ac.uk/about/handbooks/regulations-handbook/>

You may also wish to consider contacting your Personal Tutor or Course Representative for support

PROCEDURE

The following procedure is applicable:

- If you are unable to meet a coursework deadline or sit an examination and you feel you have mitigating circumstances in line with Section 2 above.
- If you were taken ill during an examination and reported your illness to an invigilator in the examination hall who provided you with a signed “incident report form” to support your mitigating circumstances claim.
- In exceptional circumstances, if you have already presented yourself for an assessment or submitted coursework but feel your performance has been affected by mitigating circumstances, you may be retrospectively granted an authorised absence at the discretion of the Mitigating Circumstances Committee.

12. Completing and submitting a mitigating circumstances form

- 12.1 The Mitigating Circumstances Form (MCF) must be completed and submitted at any time before the submission deadline or examination, but normally no later than 7 calendar days after the date of the first affected assessment. 7 days is defined as 7 calendar days which includes weekends.
- 12.2 If you had a reason why you could not submit an MCF within 7 calendar days you can discuss this with your personal tutor as to why this is the case. An MCF would not normally be accepted after 7 calendar days except in exceptional situations, such as hospitalisation with no ability to inform the University.
- 12.3 If the results for the affected assessment(s) have already been issued, you should follow the *Academic Appeals Policy and Procedure* instead.

13. What evidence to provide

- 13.1 You must provide documentary evidence with your submission. This should be submitted along with your completed MCF.
- 13.2 However, if you are unable to get the evidence together within 7 calendar days, you can submit the evidence separately but it must be within 14 calendar days of the first affected assessment.
- 13.3 This evidence needs to be:
- In writing
 - From an independent third party: you cannot self-certify, or produce your own documents
 - Supportive of your claim: it needs to include enough details that it can provide evidence of the circumstances you are submitting.
 - Signed by the person who wrote the document, have a date on it and presented on official headed paper
 - Written in English, or accompanied by a translation in English with a confirmation of the source of the translation

14. How to submit a mitigating circumstances claim

- 14.1 The MCF can be submitted electronically or in hard copy to your home/major School/Department regardless of whether the module you are applying for mitigating circumstances for is outside of your home School/Department. If you are on the Foundation Stage of a 3 Year Integrated Foundation Degree programme, your MCF should be submitted to the Foundation Department. Each School/Department will have a dedicated centralised email address or Administrator who will deal with mitigating circumstances; if emailing, students must submit their MCF from their University email account.

- 14.2 If your mitigating circumstances are affecting assessments for modules in different departments, you should list all affected assessments on one MCF.
- 14.3 Any supporting evidence that is available should be attached or forwarded at a future date, and in any event, no later than 14 calendar days after the date of the first affected assessment.

15. Who considers mitigating circumstances claims?

- 15.1 Mitigating Circumstances in respect of examinations shall be considered by either:
- A separate Mitigating Circumstances Committee which shall meet prior to the meeting of the Internal Board of Examiners; or
 - By a Mitigating Circumstances Committee which shall meet as the Internal Board of Examiners (in the case of smaller Schools of Study where a separate Mitigating Circumstances Committee is likely to include all members of the Board of Examiners)

The School's Mitigating Circumstances Committee shall be chaired by a member of staff who is not the Chairman of the Board of Examiners. When the Mitigating Circumstances Committee meets *prior to* the meeting of the Internal Board of Examiners, it shall make recommendations to the Board of Examiners in respect of students whose circumstances have been considered by the Mitigating Circumstances Committee.

- 15.2 In the case of formally assessed coursework that contributes to the award, all MCFs are considered by the Chair of the relevant Mitigating Circumstances Committees.
- 15.3 In reaching a decision the Chair or Committee will take into consideration:
- Whether the mitigating circumstances are significant, including the period covered;
 - The number of assessments affected;
 - The authenticity of the evidence provided

16. When is the outcome issued?

- 16.1 For claims relating to exams, you should normally expect to receive the outcome within 7 calendar days of the Meeting of the Board of Examiners.
- 16.2 For claims relating to assessed coursework, you should normally expect to receive an outcome within 7 calendar days of you submitting all documentation to support your claim.
- 16.3 Please bear in mind that these timeframes may be longer during periods when the University is closed, such as the Christmas and New Year break.
- 16.4 Sometimes a provisional decision can be issued subject to the receipt of satisfactory evidence.
- 16.5 The Chairman of the Mitigating Circumstances Committee will notify you, via your University email address, of the decision.
- 16.6 If the decision affects modules outside of your home/major School/Department, then the administrators of the other modules will also be notified by the Chairman of the Mitigating Circumstances Committee.

17. What are the possible outcomes of a mitigating circumstances claim?

17.1 The following actions can be taken in response to mitigating circumstances claims:

- a) Your claim is deemed ineligible due to:
- i. Being out of time; or
 - ii. No valid circumstances; or
 - iii. Documentary evidence it not appropriate or acceptable

- b) Your claim is deemed eligible and:
- i. No action is required; or
 - ii. You will be given a replacement assessment (expunging the original mark if previously taken); or
 - iii. You will be given an alternative form of assessment (expunging the original mark if previously taken); or
 - iv. Late submission of coursework is accepted; or
 - v. An extension is granted; or
 - vi. Reconsideration of borderline module marks (e.g.39,49,59,69) if out of line with rest of academic profile; or
 - vii. The assessment is declared void and the module mark will be re-scaled so that the module is only based on the elements of assessment you have completed. This will only be used where:
 - this is possible as part of the assessment marking, and
 - where the first options (an exam at a later date or an alternative assessment) are impractical
 - where the contribution of the missed assessment is not more than 20% of the total module mark.

17.2 Any MCFs or supporting evidence found to be falsified may result in the University referring the matter for consideration under the *Enforcement Process* and/or the *Fitness to Study Policy*.

18. What will happen if my claim is approved in advance but then decide to sit the examination or submit my coursework?

If you have already submitted a MCF and then decide to take your assessment, your MCF will be 'voided'. This is because the University applies the principle that a student who attends, submits or participates in any form of assessment shall be considered by the University to be in a position to do so.

19. Mitigating Circumstances Panel

A Mitigating Circumstances Panel consisting of the School Deans, a Students First representative and the Disability Officer will convene during the January and July Exam Boards. The purpose of this panel is to:

- report on mitigating circumstances claims over the previous 2 terms
- ensure good practice
- review the effectiveness of the policy
- review any difficult decisions

20. Appealing the outcome of a mitigating circumstances claim

- 20.1 You can request a review of your decision within 7 calendar days of the outcome being communicated to you.
- 20.2 You should submit your request for review to the dedicated centralised email address or Administrator who deals with Mitigating Circumstances within your home/major School/Department.
- 20.3 Your case will be forwarded to Registry for consideration.
- 20.4 Registry will issue a Completion of Procedures letter within 7 days. The letter will confirm the outcome of the review and inform you of your right to request a review of the case by the Office of the Independent Adjudicator if you are not satisfied with the decision.
- 20.5 The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student appeals and complaints once all internal procedures have been completed. The University is a member of this scheme. If you are unhappy with the outcome you may be able to ask the OIA to review your appeal. You can find more information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right here: <https://www.oiahe.org.uk/students>.