

# **Mitigating Circumstances**

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## Procedure

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# Mitigating Circumstances

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# Mitigating Circumstances

## 1. Introduction

We know that life does not always go to plan and that sometimes serious, unforeseen circumstances, outside of your control, can affect your studies. At UCEM, this is referred to as mitigating circumstances.

This procedure explains what circumstances qualify as mitigating circumstances and how your application will be considered.

This document applies to all students on UCEM programmes and should be read alongside your Academic and Programme Regulations.

If you need any help in understanding this procedure, please contact the Student Advice team via Student Central.

## 2. Definitions

**Definition:** “Mitigating circumstances” are serious, unforeseen circumstances, outside of your control, which affect your ability to prepare for or complete your assessments and/or impact your assessment performance.

Assessment is an important part of learning, and you should do everything possible to meet deadlines, submit your work on time and complete your assessments. You should not use the mitigating circumstances procedure as a way of managing multiple deadlines, or the day-to-day complexities of life. UCEM will consider that students will use this policy as a last resort and students should not register on to a module with the expectation that they will use this procedure to manage existing circumstances. Repeated requests for mitigating circumstances may require you to engage with other supportive processes, particularly where you are unable to submit your assessments.

This procedure is intended to support students to continue to engage with the modules and assessments they have registered for in the current semester. If your circumstances are longer term and are likely to prevent you from engaging with future assessments due during the semester you should consider the other support options available before submitting mitigating circumstances. For detailed information on alternative support options you should contact the Student Advice team via Student Central.

### 2.1 Circumstances that qualify as mitigating circumstances

- **Ground i:** A significant physical or mental illness or injury.
- **Ground ii:** The death, or significant illness, of a close family member, friend, or person for whom you have a responsibility of care.
- **Ground iii:** Significant and unforeseen circumstances beyond your reasonable control.

### 2.2 Circumstances that do not qualify as mitigating circumstances

- Short-term minor ailments (coughs, colds, etc.) even when supported by medical evidence. Students are expected to use their available extensions to manage short-term conditions.
- Late submission of assessments where you could reasonably have been expected to use an extension.

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- Family, financial or other general difficulties that are foreseen or can be planned for and are within your reasonable control.
- Work commitments.
- Ignorance of UCEM Academic and Programme Regulations, policies, and procedures. Ignorance or misunderstanding of assessment deadlines and/or submission requirements.
- Technical failures of any kind, including an unstable internet connection, for which you are responsible. You are required to ensure your work is adequately backed-up.
- Failure to appropriately plan your workload and manage your time.
- Planned events or celebrations, including personal and public holidays, weddings, birthdays, anniversaries, house moves and religious observance.
- Being subject to Procedures such as Academic Misconduct, Disciplinary, Fitness to Study, Complaints and Appeals.

### 2.3 Disability (including Specific Learning Difficulties, mental health conditions and long-term medical conditions)

If you are disabled or have a long-term health condition (12 months or more) you should contact the Disability and Welfare team who will advise further on support and reasonable adjustments to your study and assessments.

If you are a disabled student and you experience mitigating circumstances unrelated to your disability, you should use the mitigating circumstances procedure to let us know.

If you experience a flare-up of a long-term fluctuating health condition and have previously provided evidence of this condition to the Disability and Welfare Team, you will not normally be required to provide new evidence for your mitigating circumstances application.

If you have requested reasonable adjustments and find that they have not been effective or have not been put in place in time, you can also apply for mitigating circumstances where your assessments have been affected. You should also contact the Disability and Welfare team for advice and further support.

### 2.4 Circumstances affecting a group of students

#### 2.4.1 Groupwork assessment

- If you are experiencing mitigating circumstances that are affecting a groupwork assessment you should submit a mitigating circumstances form, as you would with any other type of assessment.
- If you are in a group and someone else's mitigating circumstances are affecting your ability to complete the groupwork assessment, you should submit a mitigating circumstances form yourself. Everyone affected is required to submit their own individual mitigating circumstances form.
- All mitigating circumstances are considered individually.

## Mitigating Circumstances

### 2.4.2 Assessments where a group or cohort of students are affected by the same circumstances

From time to time a group or cohort of students will all be affected by the same circumstances that are outside of their control. If you are aware of any such circumstances, you should contact the Student Advice team via Student Central.

When UCEM becomes aware of such cases, the Director of Academic Registry or Dean (Academic), as appropriate, will provide a report of the circumstances, and those students affected, to the Board of Examiners so the Board can consider if any action is required to minimise the impact of these circumstances on students.

Students affected by these circumstances will be notified of this action and will not be required to submit individual mitigating circumstances.

## 3. How to submit mitigating circumstances

### 3.1.1 For all affected submissions, including resubmissions, you must:

- Use the Online Mitigating Circumstances Form (which can be accessed from your Assessment Tracking page) to tell us about your mitigating circumstances and attach valid evidence (see [appendix A](#)). You must do this for all affected submissions, including resubmissions, even if you have previously told us about the circumstances in a previous mitigating circumstances form.
- You should submit one form for every assessment affected by your mitigating circumstances, including resubmissions, even if you have previously told us about your circumstances in a previous form. This may mean that you are required to submit the form multiple times if more than one assessment was affected.
- The online form opens at 10am (UK time) **7 days before the original due date of the affected assessment and closes at 10am (UK time) 14 calendar days after**. All mitigating circumstances requests must be submitted no later than 10 am (UK time), 14 calendar days after the original due date of each relevant assessment.

### 3.1.2 The Online Mitigating Circumstances Form will ask you to:

- Confirm the details of your mitigating circumstances, inclusive of dates.
- Confirm how these dates are relevant and how these circumstances affected your ability to prepare for or complete your assessment.
- Upload valid evidence. All mitigating circumstances must be accompanied by valid evidence. [Appendix A](#) gives examples of the types of evidence that are valid.
- In cases of flare-ups of a long-term fluctuating health condition, you will not **normally** be required to provide evidence for your application if you have previously provided evidence of this condition to the Disability and Welfare Team. Applications in this instance will be reviewed by the Disability and Welfare Team to assess the suitability of prior evidence for your current circumstances. Further evidence may be requested.
- You should continue to engage with assessments, including resubmissions, to the best of your ability, even when you have submitted mitigating circumstances. If you are unable to complete future assessments that are due during the semester, you should interrupt your studies.

## 4. How are my mitigating circumstances considered?

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Mitigating Circumstances are dealt with by a two-stage process. This process is outlined below.

## 4.1 Stage 1

- All mitigating circumstances are reviewed by designated trained staff within Academic Registry to confirm that all the relevant information, including acceptable evidence, has been provided.
- Once a complete mitigating circumstances form has been received, designated trained staff within Academic Registry will assess your case and provide you with a Stage 1 decision.

### 4.1.1 The possible outcomes at Stage 1 are:

- **Approved**

Your mitigating circumstances have been approved as they meet the criteria outlined in Section 2.1.

You can submit your assessment (excluding resubmissions) no later than 10am (UK time) 14 calendar days after the original assessment due date. Any late penalties incurred will be removed and your mitigating circumstances will be progressed to Stage 2.

- **Not approved**

Your mitigating circumstances have not been approved as they do not meet the criteria outlined in Section 2.1. No Stage 2 outcome will be given.

- **Further information required**

If you have not provided all the necessary information, or if you are required to provide further evidence to verify your circumstances (in line with 3.2), you will be notified in writing and given one opportunity to submit the necessary information or evidence. You must ensure you meet the deadline set by Academic Registry. If you do not meet the deadline to submit the additional information or evidence, your mitigating circumstances will not be approved.

### 4.1.2 You will receive a Stage 1 decision **within 10 working days** of submitting your mitigating circumstances.

## 4.2 Stage 2

- If your mitigating circumstances are approved at Stage 1, a recommendation for a Stage 2 outcome will be made once the results for the affected module are known.
- Recommended Stage 2 outcomes are made by trained staff within Academic Registry. Recommendations are based on many factors, some examples of which are given below:
  - They will consider the nature of your mitigating circumstances and whether these circumstances would have impacted your ability to prepare for or complete your assessment.
  - They must ensure that you have already demonstrated, or will have the opportunity to demonstrate, the required learning outcomes.
  - They cannot change the academic judgment of any work you have submitted. This means that they cannot change individual assessment marks.
  - They will consider your progression on your programme, based on your full academic achievement.

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- It is important that no unfair advantage is given to students who use this procedure. The purpose of this procedure is to minimise the impact of mitigating circumstances on your performance and not to provide you with any unfair advantage.
- On some occasions it may be necessary to convene a Mitigating Circumstances Panel to agree the most appropriate Stage 2 recommendation. Usually, the Mitigating Circumstances panel will be convened when students are at a particular point in their studies and further consideration is needed. These instances include but are not limited to:
  - Students in their final semester
  - Students on their final attempt at the module
- All recommendations are taken to the relevant Board of Examiners. The Board of Examiners are responsible for accepting and confirming all outcomes.
- Where relevant, the Board of Examiners will also consider the impact of all previous mitigating circumstances when considering students who are at a borderline grade boundary, close to award or are at risk of having their studies terminated.
- If your mitigating circumstances are approved, you will receive your Stage 2 outcome with the release of your overall module results.

### 4.3 What will the Stage 2 outcome be?

Potential outcomes at Stage 2 are listed below.

- **No Adjustment**

No adjustment is required as you have passed the assessment.

- **The Right to Resubmit without capping\***

You will have the right to resubmit your failed assessments during the resubmission window without capping\*\*

*\*Capping is where the maximum module mark available for a resubmission or retake is the pass mark, due to previous failure at the module.*

*\*\*Where your module mark has previously been capped, due to having failed the module at an earlier attempt, the capping remains.*

This outcome is not available to students who have approved mitigating circumstances for their resubmission.



## Mitigating Circumstances

- **The Right to Retake without capping\***

You will have the right to retake the module at the next available opportunity, free of charge\*\* and without capping\*\*\*

*\*Capping is where the maximum module mark available for a resubmission or retake is the pass mark, due to previous failure at the module.*

*\*\*If you do not register for your retake at the first available opportunity, i.e., when the module is first offered to you, you will be charged the full module fee.*

*\*\*\*Where your module mark has previously been capped, due to having failed the module at an earlier attempt, the capping remains.*

If you have approved mitigating circumstances on a module at the final (fourth) attempt, you may be granted two further attempts: a retake and a resubmission. Additional attempts are only granted at the discretion of the Board of Examiners. In this circumstance, you will also be referred to UCEM's [Fitness to Study Procedure \(opens new window\)](#) to ensure you receive the support required to enable you to be successful.

- **Disregard an assessment element\***

The assessment is disregarded and the overall module mark is calculated based on the other completed assessment elements for the module.

To receive this outcome:

- The weighting of the assessment in question must be lower than the completed assessment elements used for the module calculation
- All required Learning Outcomes on the module must be demonstrated by the other completed assessment elements for the module.

This outcome cannot be applied to assessments studied on access or single module study programmes.

*\*There are some circumstances where it would not be appropriate to disregard an element, such as for End Point Assessment or assessment of professional competence for Professional, Statutory and Regulatory Bodies (PSRBs).*

## 5. What if I miss the deadline to submit mitigating circumstances?

If you have missed the deadline to submit mitigating circumstances, you should contact the Student Advice team via Student Central as soon as possible. Late mitigating circumstances will only be considered where there were unavoidable circumstances that stopped you from submitting your mitigating circumstances application by the deadline (e.g., hospitalisation, incarceration, or being unable to engage with the process due to serious ill health).

If your late mitigating circumstances are not approved, you must wait until your overall module results are released after the Board of Examiners to submit an appeal in line with the [Student Appeals Procedure \(opens new window\)](#).

# Mitigating Circumstances

## 6. Other support

UCEM has a responsibility to monitor your progression through your studies and intervene where progress is not being made at the expected rate. You may be referred to other processes and procedures to ensure you receive the support you need to continue your studies.

If you require support with your studies, you should contact the Student Advice team via Student Central in the first instance, as soon as reasonably possible. The Student Advice team will direct you to other supportive procedures or provide relevant advice and guidance.

## 7. Apprenticeship students

If you are an apprenticeship student:

- “Exceptional workload in the workplace” will not normally be accepted as mitigating circumstances as long as you have been receiving the required 20% off-the-job training time. If you are not receiving 20% off-the-job training time you should contact your Apprenticeship Outcomes Officer. Depending on the extent to which you have not received the required 20% off-the-job training time your Apprenticeship Outcomes Officer may provide a statement in support of your mitigating circumstances in which case your form would be considered.
- You are advised to seek advice and guidance from your Apprenticeship Outcomes Officer if your mitigating circumstances may lead to you being unable to complete your apprenticeship by the planned end date.
- If you know you will miss, or have missed, a mandatory session, you should **not** use the Online Mitigating Circumstances Form to notify us of this. Instead, please contact your Apprenticeship Outcomes Officer directly to discuss your options.

### 7.1 End Point Assessment for Integrated Apprenticeships

You should follow the mitigating circumstances procedure if your ability to prepare for or complete your end point assessments (panel interview and/or examination) are affected by sudden or unforeseen circumstances outside of your control. When considering the most appropriate outcome if you have approved mitigating circumstances, your employer will be consulted as outlined End-Point Assessment Plan for the Integrated Apprenticeship.

## 8. Appeals

You have the right to appeal against your mitigating circumstances outcome, including the decision not to approve a late mitigating circumstances request. If you decide to appeal, you must do so within **10 working days** of receiving the outcome. Please refer to the [Student Appeals Procedure \(opens new window\)](#) for more information.

## Mitigating Circumstances

### 9. How will my personal information be dealt with?

- 9.1 UCEM is fully committed to treating your personal details with the utmost care and in line within our [Privacy Policy \(opens new window\)](#) and [UCEM Data Protection Policy \(opens new window\)](#). We treat students' personal information gathered from mitigating circumstances confidentially, in line with the Data Protection Act 2018 and the General Data Protection Regulation 2016 (GDPR).
- 9.2. Relevant case information will only be disclosed to UCEM staff who are involved in processing your mitigating circumstances, or who are directly involved in supporting you. If you wish the information to remain more private, i.e., known to one or two people only, then you should discuss this, before submitting, with the Student Advice Team via Student Central.
- 9.3. Identifiable information on your mitigating circumstances will be retained throughout your registration with UCEM and for 2 years after your end date with UCEM.
- 9.4 UCEM will keep summary details of mitigating circumstances for reporting and analysis purposes.

### 10. Relevant policies & procedures

- [Fitness to Study Procedure](#)
- [Student Appeals Procedure](#)
- Interruption of Studies
- [Neurodiversity, Disability & Wellbeing Procedure](#)
- [Alternative Assessment Procedure](#)
- [Safeguarding Procedure](#)



- Signed by:
- Lynne Downey – Chair of the Quality Standards and Enhancement Committee
- Date: 7<sup>th</sup> June 2024

# Mitigating Circumstances

## Appendix A: Examples of Valid Evidence

All evidence must be provided in English. If any evidence is only available in a language other than English, you are expected to also provide a translation. The translation can be certified, or you can translate the document yourself. If you translate the document yourself, we may conduct our own translation also.

If you have provided evidence of a disability or long-term health condition to the Disability and Welfare Team, you will not normally be required to provide new evidence in the case of flare-ups; however, evidence may be submitted voluntarily.

The table below provides examples of valid evidence for all mitigating circumstances grounds. This list is not exhaustive, and you should submit all evidence that you feel is required to support your mitigating circumstances case when completing the Online Mitigating Circumstances Form (which can be accessed from your Assessment Tracking page).

If you are unsure about the evidence you are required to provide, please contact the Student Advice team via Student Central.

Mitigating Circumstances	Examples of Valid Evidence (Evidence must be relevant to the circumstances in question)
<b>Ground i:</b> A serious personal physical or mental illness or injury, which is not a long-term condition	<ul style="list-style-type: none"> <li>• Doctor's letter, consultant's letter, letter from therapist, letter from hospital, hospital admittance/release form, prescription</li> <li>• Statutory sick pay (SSP) form letter from employer</li> <li>• Email or letter from employer</li> </ul>
<b>Ground ii:</b> The death, or serious illness, of a close family member, friend, or person for whom you have a responsibility of care	<ul style="list-style-type: none"> <li>• Doctor's letter, consultant's letter, letter from hospital, prescription</li> <li>• Statutory sick pay (SSP) form, letter from employer</li> <li>• Death certificate, order of service, obituary, or news report</li> </ul>
<b>Ground iii:</b> Sudden and unforeseen circumstances beyond your reasonable control*	<ul style="list-style-type: none"> <li>• Doctor's letter/ appointment letter</li> <li>• Eviction papers or other official letters referring to accommodation status</li> <li>• Divorce or other legal papers</li> <li>• Police report or letter from victim advocate</li> <li>• Letter of deployment</li> <li>• Official correspondence from court</li> </ul>

*\*Natural disasters, epidemics, terrorist attacks, war or armed conflict that are a matter of public record do not require evidence. However, it is required that you outline specifically on the online form how you personally have been impacted.*