

## H MITIGATING CIRCUMSTANCES

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### INTRODUCTION

- H.1 The university has a duty to all students to ensure that assessments are conducted fairly, and that students have the opportunity to demonstrate their true level of academic performance.

#### **Special circumstances**

- H.2 For the avoidance of doubt, the arrangements for dealing with claims of mitigating circumstances do not normally apply where students have a long-term support need, eg arising from a disability. Where a student considers that they have a support need which may affect their study and / or assessment, it is the responsibility of the student to seek advice as early as possible and use the Personal Academic Tutor and other support services available through the Home Academic Partner, to ensure that they can undertake their chosen programme and its associated assessments in a way which meets their special needs but still allows them to demonstrate their true academic ability (see Section 17b.44).

### MITIGATING CIRCUMSTANCES

- H.3 Students may suffer illness, other problems outside their control, or temporary exacerbation of a long-term condition which may prevent them from demonstrating their real level of performance. The system of mitigating circumstances allows students who feel that their work has been affected by such problems to put forward a claim for consideration.
- H.4 It is important that any circumstances which may have affected the student's performance are reported whether the student thinks they have passed or failed.
- H.5 It is important that there is common understanding about what kinds of circumstances could be treated as mitigating circumstances and that problems arising from a student's own negligence or lack of time management will not be considered.
- H.6 Mitigating circumstances should be unexpected, disruptive to assessment and outwith the student's control. Mitigating circumstances will normally fall into the categories listed below:
- illness or serious accident at the time of an assessment or in the period leading up to formal assessment
  - serious illness or death of a family member
  - severe unforeseen personal or psychological problems
  - unanticipated difficulties in child or adult care arrangements during a semester [where the student is the named carer for an adult]

In addition, for part-time students:

- unforeseen and essential work commitments.
- H.7 The following examples should not be considered valid:
- any ongoing situation known to the student
  - inadequate time management
  - moving house or holidays

- misreading the assessment or exam timetable
- computer / IT problems of the student's own equipment
- normal work commitments on behalf of an employer.

H.8 Any decision relating to a claim for mitigating circumstances only applies to the assessment identified as part of that claim and is not automatically applied to subsequent assessment. A claim that has been approved in semester one does not carry forward to semester two or a resit board. A new claim must be made on each occasion.

## **CONTENT OF MITIGATING CIRCUMSTANCES CLAIM**

H.9 All relevant information should be included in the mitigating circumstances claim using the proforma on the website ([www.uhi.ac.uk/regulations](http://www.uhi.ac.uk/regulations)). It should include:

- a detailed statement of the circumstances
- an outline of how the student has been affected generally. Where a student has a disclosed disability, health or medical condition, the claim should make reference to the provisions of the student's approved Personal Learning Support Plan (PLSP) as appropriate
- full information of how academic performance might have been affected [named modules, details of assessments]
- the length of time the situation has been ongoing.

H.10 Claims normally need to be submitted in writing to the Personal Academic Tutor and accompanied with relevant supporting evidence within seven days of the submission date for an assessment. If it cannot be submitted in advance it should be submitted as soon as possible and include reasons for the delay.

H.11 Non-attendance at a timetabled exam must be supported by a mitigating circumstances claim. If a student wishes to claim mitigating circumstances for non-attendance at an exam, then the claim must normally be made before the exam has taken place. If this cannot happen, then the student must submit a claim in writing to their Personal Academic Tutor and accompanied with relevant evidence within seven days of the examination. If a student has reason to believe that mitigating circumstances caused them to do less well in an exam than they could have, then they need to submit a letter with appropriate relevant evidence within seven days of the exam. The mitigating circumstances panel will be convened before each meeting of the Tier 1 Board of Examiners which will take its recommendations into account. Only claims which are supported by independent evidence will be considered. Examples of this might include:

- medical certificates for the relevant time period
- letters from medical specialists
- letters from professional counsellors
- legal documents.

H.12 A claim may normally be considered after that time only if there has been an unavoidable delay in obtaining evidence, eg medical certificate.

H.13 Claims of mitigating circumstances will be considered by a mitigating circumstances panel. Membership of this panel will be:

- Chair of the relevant board of examiners, who will normally chair the panel

- programme leader
- Personal Academic Tutor(s) for the programme

In attendance:

- clerk to the panel.

H.14 It is recognised that obtaining medical evidence can be difficult and the mitigating circumstances panel may exercise discretion in accepting evidence. Similarly, where it might be difficult for a student to get corroborative evidence, then a Personal Academic Tutor or student counsellor could provide a statement which would be taken into account by the panel. The key requirement is that independent verifiable evidence is obtained before the agreement of mitigating circumstances.

H.15 Evidence which will not be accepted:

- personal statements from the claimant which are unsupported by documentary evidence
- uncorroborated evidence from friends or family.

H.16 The mitigating circumstances meeting will be recorded, all discussions will remain confidential and evidence obtained and discussed during the panel meeting will be securely stored.

H.17 The decision of the mitigating circumstances panel with respect to mitigating circumstances is final.

#### **RECORDING MITIGATING CIRCUMSTANCES**

H.18 'Actual' marks will be input to SITS. The associated grade will be overtyped with 'MC'. When MCs are being applied for to cover late submission of assessment, the mark should be entered with penalty applied. In all other cases any relevant penalty should be applied.

H.19 The agreed mark will be determined by the Tier 1 Board of Examiners, taking into account the recommendations of the mitigating circumstances panel.

H.20 Following the decision of the Tier 1 Board of Examiners, records will include the original mark while indicating that the student's next attempt at the relevant assessments are to be treated as agreed by the board (eg a first attempt etc).