

## **Information for Students, Teachers and Examiners**

### **Annex 9: Mitigation of Extenuating Circumstances ('Concessions')**

#### **1. Introduction**

- 1.1 All students have a responsibility to manage their learning, revision and assessment activities throughout the duration of each term or assessment period. Students are partners with the University in their studies and are expected to plan carefully and manage their workload; they should not leave coursework, learning, revision or similar activities until too late.
- 1.2 Students with Inclusive Learning Plans (ILP) are expected to manage their studies in accordance with their ILP, to make use of the recommendations and provisions of their ILP, to act in partnership with the support services available and to contact them if their needs change (see Section 5 below).
- 1.3 Boards of Examiners (via the School's Mitigation Committee<sup>1</sup>) will consider applications from students for mitigation with regard to any extenuating circumstances that have affected their performance in assessed work. Such circumstances must be beyond the student's control and have had a negative impact that has caused the student to perform less well in their assessed work than they may otherwise have been expected to do (in comparison to their performance with their other work on a particular module or stage).

#### **2. Applications for Mitigation**

- 2.1 Where an application for mitigation is required, it is the responsibility of the student to submit at the earliest opportunity, and not later than the deadlines given below, evidence of illness or other circumstances that have impacted negatively on academic performance in order that this may be brought to the attention of the Board of Examiners via the Mitigation Committee. The following are indicative of the kinds of circumstance that will normally be considered valid, where the evidence and timing are available to support the claim:

- Serious personal illness;
- Serious personal accident or injury or hospitalisation;
- Significant adverse personal or family circumstance;
- Worsening or acute episode of an established medical condition (*see 5.2 – 5.3 for guidance on the nature of the evidence required in such cases*).

Students are required to submit any such applications to the School Office in accordance with the procedures set out below at Section 3.

- 2.2 The University will not consider applications for mitigation in cases where the student was directly responsible for the circumstances or where a student could reasonably have avoided the situation or acted to limit the impact of the circumstances. The following are examples of circumstances which would not be considered appropriate for mitigation (the list is not exhaustive):

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<sup>1</sup> As set out in *Annex J: Meetings of Boards of Examiners of the Code of Practice for Taught Programmes* the Chief Examiner will convene the School Mitigation Committee, which shall comprise a small number of internal members of the Board of Examiners (i.e. normally no more than three members, to include the Chief Examiner, the Senior Tutor, a third member and, typically, with the Student Support Officer in attendance) to assess the severity of the impact on student performance of relevant extenuating circumstances. The Mitigation Committee will be chaired by the Chief Examiner or by a nominee of the Chief Examiner, drawn from the members of the Mitigation Committee. Any such nominee must also be a member of the relevant Board of Examiners.

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- Completing coursework too late and missing deadlines because of computer or transport difficulties.
  - Losing work not backed up digitally.
  - Failure to make alternative travel plans in the face of known disruptions.
  - Normal employment commitments.
  - Failing to read an examination timetable correctly.
- 2.3 The University accepts that a student may exceptionally have a legitimate reason beyond their control for missing a coursework deadline or a scheduled onsite or scheduled online assessment (including formal examinations) which would not normally fall under the scope of the mitigation process, such as participation in a high level (e.g. national) sporting event, a medical appointment that cannot easily be rearranged, a job or placement interview, or the refusal of an employer to release a part-time student from work commitments at the relevant time (*the list is not exhaustive*). As such external commitments should be known to the student in advance it is open to them to request under the procedures set out in this annex either that an extension be granted or that the onsite/online assessment be rescheduled. Documentary evidence of the external commitment should be provided.
- 2.3.1 Where a request to miss a coursework deadline or a scheduled onsite/online assessment due to external commitments is accepted the appropriate School response would be to allow an extension to the coursework deadline or reschedule the onsite/online assessment for a non-penalised attempt. Where rescheduling would not be appropriate, it may be considered legitimate to disregard the coursework or the scheduled onsite/online assessment, provided that the relevant learning outcomes are tested elsewhere in the module in question.
- 2.3.2 Where such a request is accepted and would entail missing a formal examination, the School should advise the student that the re-sit examination will take place at the next available opportunity and will be taken as is for the first time (except where it would be appropriate to offer the re-sit attempt as if for the second time due to a previous failed attempt). In order that they may be reported to the student in a timely fashion, such decisions may be taken by Chair's Action and should not wait until the end of year meeting of the Board of Examiners for resolution.

### **3. Submission Procedures**

#### **3.1 Applications for mitigation relating to:**

(i) failure to submit coursework;

(ii) failure to submit coursework by the applicable deadline (where an extension has not been granted by Chair of the Mitigation Committee [or nominee] under powers set out in Appendix 2);

(iii) failure to sit an examination; and/or

(iv) impaired performance in either coursework or examination

will be considered only if submitted:

- by means of the Mitigation Application Form<sup>2</sup> available from the relevant Faculty website (in the Faculties of Humanities and Social Sciences) or from the appropriate School Office (in the Faculty of Sciences).

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<sup>2</sup> Or, where directed by the School, via the appropriate electronic form, such as can be found in the online programmes 'FARAMIR' or 'KentVision'.

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- With a clear and concise account of the mitigating circumstances and the impact on the student's studies.
- With all necessary documentary evidence.
- Within the applicable deadline.

Applications for extensions to coursework deadlines on grounds of extenuation should be considered under the procedures set out in Appendix 2 of this Annex.

- 3.2 Students need to ensure the completeness of their submissions, including the submission of the accompanying Mitigations Application Form. The Mitigation Committee may be unable to consider the application without the information provided on the form. (n.b. It is acknowledged that an application [e.g. in letter format] may be permitted to proceed without the Mitigations Applications Form where the nature of the extenuating circumstances have directly prevented its submission.)

Deadlines

- 3.3 Applications for mitigation relating **to the non-submission or the late-submission of coursework** should be made as close to the deadline for that work as is practicable. It is acknowledged that the nature of some circumstances may hinder the submission of an application at the time of their occurrence or that the negative impact of some extenuating circumstances on student performance may only become apparent later in the academic year. In such cases, the application should be submitted as soon as is practicable to do so. All applications for mitigation, however, must be submitted no later than the set deadline published by the School for them to be considered by the Mitigation Committee on behalf of the Board of Examiners.
- 3.4 Where a piece of late-submitted assessed work (including dissertations) is the subject of an application for mitigation, the decision on whether the work in question will be accepted for marking should be made and reported to the student in a timely fashion. Such decisions may be taken by Chair's Action. Such outcomes should not wait until the end of year meeting of the Board of Examiners for resolution. Appropriate records should be retained and reported to the Mitigation Committee.
- 3.5 Applications<sup>3</sup> for the mitigation of the failure to attend a **scheduled onsite/online assessment or for impaired performance in such assessments (including formal examinations)** must be submitted normally no later than five working days after the assessment to which they relate. The Chair of the Mitigation Committee may consider exceptions to this deadline where the student has suffered a sudden illness or hospitalisation.

#### **4. Medical Certificates and Other Supporting Documentation**

Self-Certification for Absence

- 4.1 With regard to periods of absence students may self-certify for up to seven days with respect to illness or other relevant extenuating circumstances (e.g. bereavement), in keeping with the University's policy on students' attendance and engagement with their studies. Students should inform the School of their absence on the first day that they are unable to attend.
- 4.1.1 While no limit is placed on the number of occasions that self-certification for absence is permitted in any academic year, students whose overall level of non-attendance becomes a cause for concern will be offered support in the first instance to help them get back on track with their studies. Following this initial intervention, students whose attendance continues to fall below warning levels may trigger procedures for gathering evidence for the purpose of suspending the student's studies. Should formal

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<sup>3</sup> i.e. After the fact. This section does not refer to extension requests, which are made in advance.

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academic diligence or Support to Study procedures be initiated, students will be expected to attend meetings and provide evidence to support their continued study.

Restriction Where Self-Certification Coincides with Coursework Assessment<sup>4</sup> Deadlines

- 4.2 Without limiting the overall number of occasions that a student might self-certify, where periods of illness or unavoidable absence coincide with coursework assessment deadlines the number of self-certifications permitted to cover such periods will be restricted to two in any academic year. This restriction is intended to ensure that, should a pattern of self-certification around assessments become evident, the student in question is signposted to Student Support and Wellbeing for guidance and support, as such a pattern may be indicative of an underlying issue for which the student requires assistance (see 4.4 below).
- 4.2.1 For the avoidance of doubt, please note that self-certification is not permitted with respect to In-Course Tests (ICTs) or Examinations.
- 4.2.2 Where a student's application to self-certify for periods of absence that coincide with coursework assessment deadlines is accepted, the appropriate response will be to permit an extension to the original submission deadline. This extension will:
- (i) cover any item of coursework that has a deadline within the self-certification period;
  - (ii) be of equal duration in working days to the period of absence.
- 4.3 Where students have already self-certified for periods that coincide with coursework assessment deadlines on two occasions in the academic year, any further applications for mitigation relating to assessment must be accompanied by medical or other relevant documentation, which must:
- relate specifically to the dates and duration of the illness or incident;
  - contain a clear medical diagnosis or opinion provided by an appropriately qualified practitioner;
  - provide documentary evidence confirming any other relevant extenuating circumstances, as appropriate.
- 4.3.1 Acceptable supporting evidence other than medical documentation includes an original document written on headed notepaper, including name and contact details of the provider, and signed by an appropriate third party, giving details of the circumstance, its duration, and, where possible, its impact. An appropriate third party would be one who knows the student in a professional capacity or one who can verify the circumstances from a position of authority (e.g. Lecturer, Academic Adviser, Students' Union representative, GP, University Counsellor or University Student Support and Wellbeing Adviser) and who is in a position to provide objective and impartial evidence. Letters from family members or fellow students will not be acceptable.
- 4.3.2 Medical certificates and other supporting documentation should be provided in English. It is the responsibility of the student to submit a formal translation provided by an accredited organisation.
- 4.4 Where a student discloses a disability or ongoing personal/health circumstances, any application for the extenuation of mitigating circumstances should be considered and, in addition, the student must be signposted to Student Support and Wellbeing to ensure that ongoing support is implemented, including the creation of an Inclusive Learning Plan, if appropriate.

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<sup>4</sup> In the context of self-certification the definition of 'coursework assessment' excludes practical work which requires student attendance e.g. lab demonstrations, presentations, performances (the list is not exhaustive).

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- 4.5 Where, following the conclusion of a period of self-certificated absence, a student returns to their studies on a date which falls prior to one or more assessment deadlines, the Chief Examiner (or nominee) may exercise their discretion and permit an extension for these assessments should they accept that it is reasonable to assume that the period of self-certificated absence has impacted negatively on the student's ability to prepare for and complete the assessments in question by the original deadline. In such cases, no further evidence of illness other than the already provided self-certification for absence will be required. In exercising their discretion the Chief Examiner (or nominee) will take into account the student's number of certified absences to date. Where an extension is granted under these circumstances it will count towards the maximum number of two occasions in any academic year that a student might self-certify for periods of absence that coincide with coursework assessment deadlines.

## **5. Inclusive Learning Plans**

- 5.1 Students with Inclusive Learning Plans (ILP) are expected to manage their studies in accordance with their ILP, to make use of the recommendations and provisions of their ILP, to act in partnership with the support services available and to contact them if their needs change. Similarly, Schools should help students with ILPs to manage their studies by proactively implementing the adjustments required, noting that many adjustments of this kind may in fact lead to improvements for **all** students. An ILP should be recognised in itself as evidence of a condition or circumstance for which an adjustment is necessary.
- 5.2 While ILPs are intended to ensure that students managing long-term conditions are assessed on a level playing field with their peers and therefore should not need to submit an application for mitigation, the University recognises that such submissions may be required under the following circumstances:
- 5.2.1 They experience an acute episode or worsening of their condition which means that the reasonable adjustments specified in the ILP are no longer sufficient; and/or:
- 5.2.2 There was a shortcoming or failure in the support arrangements which means that the reasonable adjustments were not implemented in time or as specified in the ILP.
- 5.3 Where students holding an ILP with respect to a fluctuating condition wish to submit an application for mitigation with respect to an acute episode or worsening of their condition, they are **not required to submit fresh medical or other evidence** related to the condition.
- 5.4 While Schools should not require the resubmission of evidence already provided for an existing ILP, students may be required to submit evidence relating to conditions or extenuating circumstances that are not covered by that established arrangement.

## **6. Consideration of Applications for Mitigation**

- 6.1 Applications for mitigation relating to the non-submission or late submission of coursework, absence from examination/s, and to impaired performance in coursework or examination are normally considered by Mitigation Committees on behalf of Boards of Examiners. The Committees make recommendations to the relevant Board of Examiners.
- 6.2 Applications for mitigation relating to coursework extension requests (*see Appendix 2*), missing scheduled onsite or scheduled online assessments or the late submission of coursework are normally considered by the Chair of the Mitigation Committee (or nominee) on an ad hoc basis as required, in order that such matters might be resolved in a timely fashion.

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- 6.3 Where student submissions for mitigation indicates that they will be unable to attend an examination, the Mitigation Committee (or the Chair of the Mitigation Committee acting on its behalf) is authorised, as it sees appropriate, to grant permission in advance for the absence and report this to the meeting of the Board of Examiners. Students should be made aware that, where the mitigation is accepted, missing an examination will normally lead to their deferral.
- 6.4 All information and evidence submitted as part of a claim for mitigation should be treated as sensitive personal data under GDPR legislation ('special category data') and processed as such. The materials should be kept secure, with access restricted to those staff in the School who have a legitimate reason for accessing it.
- 6.5 When assessing claims for mitigating circumstances, the Mitigation Committee will consider:
- i. whether the circumstances underlying the claim are suitable for extenuation in line with the definition set out at 1.3 above;
  - ii. the severity of the impact of the mitigating circumstances on student performance in (a) meeting attendance requirements, and/or (b) undertaking assessment;
  - iii. the documentary evidence;
  - iv. the time period affected;
  - v. whether making a recommended adjustment would compromise the achievement of learning outcomes for the module and the maintenance of academic standards.
- 6.6 Based on the submission provided by the student the Mitigation Committee will accept or reject the claim for mitigation.
- 6.7 Claims for mitigation should be resolved and a final outcome determined during the academic year in which they were submitted. Should examiners wish to revisit decisions made in earlier academic years, they should only do so where new evidence suggests there is good reason to do so or where the circumstances subsequently indicate that the mitigation undertaken in the previous year was inadequate to resolve the impact on the student's performance.
- 6.8 Schools must acknowledge in writing to students that their application for mitigation has been considered by the Mitigation Committee.

## **7. Falsified Evidence**

Where there are grounds to consider that documentary evidence submitted in support of an application for mitigation has been falsified, the Chief Examiner will disregard such evidence and the application will thereafter be considered on the basis of the remaining evidence. The submission of falsified evidence will be referred for consideration under the *Regulations on Student Discipline in Relation to Non-Academic Matters*.

## **8. Academic Appeals**

Students wishing to appeal against the recommendations of Boards of Examiners in response to applications for mitigation may do so on the following grounds:

- (i) Procedural error: Where there is evidence that the application for mitigation was submitted within the prescribed time limit but was not properly considered by the Board of Examiners; or
- (ii) Where there is evidence of illness or other circumstances beyond the student's control that have impacted negatively on academic performance and which the student was, for good reason, unable to submit by the published deadline:

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- (iii) Where there is evidence of prejudice or bias or the perception of prejudice or bias against the student.

Appeals on these grounds must be submitted in line with the procedures set out in *Annex 13: Appeals Against the Recommendations of Boards of Examiners* of the Credit Framework.