Information for Students, Teachers and Examiners

Annex 9: Mitigation of Extenuating Circumstances

N.B. Where the text states 'School' this should be understood to refer to 'School' or 'Department' at the sub-divisional level, as appropriate.

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 at University. Students are partners with the University in their studies and are expected to plan carefully and manage their workloads. It is reasonable to expect students, in general, to be able to cope with normal life events, to manage their workloads properly, and to expect a level of stress and anxiety around assessments.

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 7 below).

1.3. Extenuating circumstances are circumstances that have had a negative impact so as to:

- cause the student to perform less well in their assessed work than they may otherwise have been expected to do; and/or
- impact their ability to attend examinations/practical assessments; and/or
- submit work to deadlines.

They should normally be beyond the student’s control (*see 1.3.1 below).

1.3.1. *The University recognises that some students will start their studies with family or caring responsibilities that are likely to affect their studies. Their circumstances may not be “unexpected” or “out of control” and it may be difficult for the Mitigation Committee to judge how big an impact those circumstances will have. However, where those circumstances are putting the student at a disadvantage compared with other students, it would be unfair to exclude the student from the consideration process and so applications for mitigation on these grounds should be considered.

1.4. Applications from students for mitigation with regard to any extenuating circumstances will be considered by Mitigation Committees on behalf of Boards of Examiners where they are submitted in line with the procedures set out in this Annex.

1.5. It is recognised by the University that students who are applying for mitigation due to extenuating circumstances may be anxious, distressed or unwell. Students can expect to be treated compassionately and in a way that is fair and consistent across the student body.
2. Applications for Mitigation

2.1 If a student believes that their academic performance has been negatively impacted by their extenuating circumstances, they should submit an application for mitigation as soon as possible and within the deadlines given in section 3. Supporting evidence should be included where required (see section 5 for more information on acceptable evidence). The following are some examples of extenuating circumstances:

a. Serious personal illness
b. Serious personal accident or injury or hospitalisation
c. Significant adverse personal or family circumstance
d. Worsening or acute episode of an existing medical condition (see sections 7.2 – 7.3 for guidance on the nature of the evidence required in such cases).

2.2 Students are required to submit applications to the Divisional Administrative Office. The procedure is explained in section 3.

2.3 The University will not normally 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.

2.4 The following are examples of circumstances which would not normally be considered appropriate for mitigation (the list is not exhaustive):

a. Completing coursework too late and missing deadlines because of computer or transport difficulties
b. Losing work not backed up digitally
c. Failure to make alternative travel plans in the face of known disruptions
d. Normal employment commitments
e. Normal financial/budgetary commitments
f. Failing to read an examination timetable correctly

2.5 It is accepted that, on occasion, it would be fair to take into account an unexpected crisis involving the examples listed in section 2.4. This might be appropriate, for example, if it was clear that the crisis had significantly impacted upon the student’s performance or ability to submit coursework.

3. Submission Procedures

3.1 Students who wish to apply for mitigation of extenuating circumstances should use the Mitigation Application Form and attach supporting documentary evidence (where applicable).

3.2 The form must be submitted to the student’s Divisional Administrative Office.

3.3 Students can apply for mitigation with respect to the following matters:

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a. failure to submit coursework
b. to request an extension in advance of a coursework deadline
c. to request to submit coursework late (where an extension has not been granted by the Chair of the Mitigation Committee in advance)
d. failure to sit an examination, in-course test or practical assessment
e. impaired performance in either coursework or examination

3.3 Applications for extensions to coursework deadlines on grounds of extenuating circumstances will be considered under the procedures set out in Appendix 2 of this Annex.

3.4 Applications must be made as soon as the extenuating circumstances are known to the student. The exception to this is where a student has failed to attend a scheduled assessment, such as an in-course test or lab assignment. These applications should be submitted within five working days of the assessment.

3.5 It is understood that the nature of some circumstances may delay the submission of an application or that the negative impact of some extenuating circumstances may only become apparent later in the academic year. However, in such cases, the application should still be submitted as soon as possible.

3.6 It is advisable that a student submits their application as soon as possible and in time for the applications to be considered by the Mitigation Committee prior to the Board of Examiners' meeting. Forms submitted beyond such meeting will have to be processed as per the Early Informal Resolution procedure (see Annex 13: Appeals).

3.7 There may also be times when it is not possible for a student to submit the form but their extenuating circumstances will still be considered, for example, via a letter or supporting evidence alone. Students should be aware that it might be difficult for the Mitigation Committee to consider their application without the full information contained on the form. Therefore, submitting the form is preferable.

3.8 To ensure that students are informed of the outcome of their request for mitigation as quickly as possible, decisions about applications received during the academic year, for example, with regard to extensions, late-submitted work or a request in advance to miss a scheduled assessment, must be taken by the Chair of the Mitigation Committee (or nominee) straight away. Decisions should not wait until the end of year meeting of the Board of Examiners. Records should be retained and reported to the Mitigation Committee and students should be informed in writing, with an explanation, of the outcome of their application (also see 4.1.2).

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4. Consideration of Applications for Mitigation

4.1 Applications for mitigation are considered by the Mitigation Committee on behalf of the Board of Examiners. The Chief Examiner will convene the 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 (or nominee), 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 (see Annex J: Meetings of the Board of Examiners of the Code of Practice of Taught Courses of Study).

4.1.1 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.

4.1.2 Where coursework assessment(s) are disregarded on an ad-hoc basis, the Chair of the Mitigation Committee (or nominee) must ensure:
   a. That the learning outcomes of the module in question can be tested and met by other assessments in that module;
   b. That appropriate records are retained and reported to the Mitigation Committee in order to ensure that the cumulative disregarding limits permitted for the stage for an individual student are not exceeded (see section 2.2 and 2.3 of Credit Framework Appendix 1).

4.1.3 Applications for mitigation relating to the non-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.

4.2 All information and evidence submitted as part of a claim for mitigation must be treated as sensitive personal data under GDPR legislation (‘special category data’) and processed as such. Materials must be kept secure, with access restricted to those staff who have a legitimate reason for accessing it.

4.3 When assessing claims for extenuating circumstances, the Mitigation Committee will consider:
   a. whether the circumstances underlying the claim are suitable for extenuation in line with the definition set out at section 1.3 above;
   b. the severity of the impact of the mitigating circumstances on the student’s academic performance
   c. the documentary evidence (where applicable);
   d. the time period affected;
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e. whether making a recommended adjustment would compromise the achievement of learning outcomes for the module and the maintenance of academic standards.

4.4 Based on the submission provided by the student, the Mitigation Committee will accept or reject the claim for mitigation.

4.5 Claims for mitigation should be resolved and a final outcome determined during the academic year in which they were submitted. If 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.

4.6 Divisions must acknowledge in writing to students that their application for mitigation has been considered by the Mitigation Committee (or Chair on behalf of the Committee) and the outcome. An explanation must be given to the student so that they can fully understand the reasons for the decisions made by the Committee.

4.7 Identities of students shall not be made known during Mitigation Committee proceedings.

5. Supporting Evidence

5.1 The purpose of supporting evidence is to authenticate extenuating circumstances and explain their impact upon the student.

5.2 Self-Certification

5.2.1 Self-certification can be used as supporting evidence, where the period of self-certification coincides with non-submission of assessments, leads to late submission of assessments, absence from ICTs/practical assessment and absence from examinations. Students may self-certify for periods of up to seven-days at a time. They must inform their Divisional Administrative Office of their absence on the first day that they are unable to attend.

5.2.2 There is no limit on the number of times a student can self-certify, however, self-certification used to cover periods that coincide with non-submission of assessment, late submission and absence from ICTs/practical assessments, is limited to two periods in an academic year. This restriction aims 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 section 5.8, below).

5.2.3 Where students have reached the limit of two periods per academic year for self-certification that coincide with coursework assessment (as per section 5.2.2), they may still use self-certification as evidence to support absence during the examination period. As laid out in 5.2.1, students must inform their Divisional Administrative Office of their absence on the first day that they are unable to attend their examination(s).
5.2.4 Students can also self-certify absence from taught sessions, for example, lectures and seminars. Although there is no limit on the number of times that a student can self-certify, 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, if attendance continues to fall below warning levels, the Academic Diligence or Support to Study procedures may be triggered.

5.2.5 If a student returns to their studies on a date which falls just prior to one or more assessment deadlines, the Chair of the Mitigation Committee (or nominee) may permit an extension for these assessments if 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 by the original deadline. No further evidence of illness other than the self-certificate will be required. The Chair of the Mitigation Committee (or nominee) will take into account the 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.

5.2.6 Where a student has already self-certified twice for periods of absence that coincide with coursework deadlines during the academic year, any further applications relating to assessment, other than for examinations (for which self-certification remains permitted), must be accompanied by evidence as per sections 5.3 – 5.5.

5.3 Letters and Statements from Medical Professionals and Professional Third Parties

5.3.1 Letters and statements must be from medical professionals and third parties who know the student in a professional capacity and can verify the circumstances from a position of authority (for example, Lecturer, Academic Adviser, College and Community Life Team, Students’ Union representative, GP, University Counsellor or University Student Support and Wellbeing Adviser).

The letter or statement should fulfil the following requirements:

a. be written on headed notepaper giving the name and contact details of the provider
b. include a signature (where an electronic copy is sent to the student from the provider, the student should include the original email and attachment as this can be accepted as an electronic signature)
c. relate specifically to the dates and duration of the illness or incident
d. contain a clear medical diagnosis or opinion provided by an appropriately qualified practitioner (where applicable)
e. give details of the impact of the illness or incident on the student and, where known, on their academic performance

3 See https://www.kent.ac.uk/fsoc/programmes/academic-diligence.html
f. provide documentary evidence confirming any other relevant extenuating circumstances, as appropriate

5.3.2 Medical evidence should be provided to support a longer period of absence or incapacity, or where the student has asked for special consideration several times.

5.4 Death Certificates and Letters and Statements from Family Members, Friends and Fellow Students

5.4.1 In some circumstances it can be difficult or inappropriate to obtain a letter or statement as laid out in section 5.3. For example, where a student has been affected by the illness or personal circumstances of a relative or close friend. In these types of situations, supporting letters or statements from family members, friends, senior tutor or fellow students are acceptable in the first instance.

5.4.2 In cases of bereavement students may wish to provide a death certificate as supporting evidence to confirm the death of a family member or a close friend, however, this is not essential. A statement from a student, with a supporting letter from a family member, friend or personal tutor is sufficient and may provide better information than a death certificate.

5.4.3 However, where the effects of the circumstances have longer-term impacts on the student’s academic performance, it will be necessary to provide evidence as described in 5.1.

Other forms of Evidence

5.5 Students may wish to provide other forms of supporting evidence, for example, screen shots from social media applications, video/audio recordings and photographs. In all cases, the evidence must clearly relate specifically to the extenuating circumstances and their impact upon the student.

5.6 Medical certificates and other supporting documentation should be provided in English. If the original documentation is not in English, the student is required to also submit a translation into English that has been provided either by an accredited organisation or verified in writing by a member of University staff fluent in the original language.

5.7 If submitting third-party evidence, the student must obtain the permission of the third party.

5.8 Where a student discloses a disability or ongoing personal/health circumstances 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.

6. Mitigation Committee Actions and Outcomes

The following actions and outcomes are available to Mitigation Committees when considering applications for extenuating circumstances.
6.1 Extensions in advance to coursework assessment deadlines

6.1.1 Applications for extensions to coursework assessment deadlines must be made prior to the deadline (no later than 24 hours in advance). If a request to extend a coursework deadline or a scheduled assessment is accepted, the appropriate actions include:

6.1.1.1 Maximum two-week extension depending upon the severity of the impact of the circumstances.

6.1.1.2 Maximum three-month extension for postgraduate dissertations. A subsequent extension may be granted only in exceptional circumstances.

6.1.1.3 Equal in duration in working days to the period of self-certification.

6.2 Late coursework submissions

6.2.1 Applications relevant to the late submission of coursework assessments must be made as soon as possible after the coursework deadline and before the final deadline set by the Division for the submission of all assessed coursework. If a request for a late submission is accepted, the appropriate actions include:

6.2.1.1 Permit immediate submission of assessment, if available;

6.2.1.2 Maximum two-week extension from date of application, depending upon the severity of the impact of the circumstances.

6.2.1.3 Maximum three-month extension for postgraduate dissertations, from date of application. A subsequent or longer extension may be granted only in exceptional circumstances.

6.3 Non-attendance at ICT or practical assessments

6.3.1 If a student has failed to attend an ICT or a practical assessment they can submit an application to be considered by the Mitigation Committee within five working days of the missed assessment. If a request for failure to attend is accepted, the appropriate actions include:

6.3.1.1 Where appropriate, reschedule the assessment without penalty.

6.3.1.2 Where rescheduling would not be appropriate, consider disregarding the ICT or the practical assessment, provided that the relevant learning outcomes are tested elsewhere in the module in question.

6.4 Non-submission of coursework

6.4.1 If a student has failed to submit a piece of coursework and has not already applied for an extension, they may submit a Mitigation application to be considered by either the Chair of the Mitigation Committee or their nominee on an ad hoc basis, or by the full Mitigation Committee at the end of the academic year.

6.4.2 If the request is accepted, the Chair or their nominee can take disregard action at the point of the mitigation application, or refer to the Mitigation
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Committee which will recommend appropriate action(s) to the Board of Examiners. These are laid out in Appendix 1 to the Annex4.

6.4.3 In the cases where the action is taken at the point of the Mitigation application, The Chair or their nominee must ensure that the condition stipulated on 4.1.2 above are met.

6.5 Impaired performance

6.5.1 Where a student’s performance has been impacted by extenuating circumstances during the academic year, they may submit an application to the Mitigation Committee.

6.5.2 If the request is accepted, the Mitigation Committee will recommend appropriate action/s to the Board of Examiners. These are laid out in Appendix 1 to the Annex.

6.6 Extensions granted due to periods of absence coinciding with self-certification

6.6.1 Where a student’s period of self-certificated absence coincides with coursework deadlines, or their return date is just prior to a deadline, they may submit an application for an extension to those pieces of coursework. If a request for an extension is accepted, the appropriate actions include:

6.6.1.1 Extension of equal duration in working days to the period of absence;

6.6.1.2 If a student has already self-certified twice for periods of absence that coincide with coursework deadlines during the academic year, any further applications relating to assessment other than for examinations (for which self-certification remains permitted), must be accompanied by evidence as per section 5).

6.7 External Commitments

6.7.1 The University accepts that a student may, exceptionally, have a legitimate reason beyond their control for missing a coursework deadline or a scheduled assessment (including formal examinations) which would not normally fall under the scope of the mitigation process. For example, participation in a high level 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).

6.7.2 As these types of external commitments should be known to the student in advance, they may request either that an extension be granted or that the assessment be rescheduled. Documentary evidence of the external commitment must be provided. Chair’s Action will be taken by the Chair of the Mitigation Committee so that students are informed of the outcome as soon as possible.

6.7.3 If a request to miss a coursework deadline or a scheduled assessment due to external commitments is accepted, the appropriate actions include:

6.7.3.1 Allow an extension to the coursework deadline or reschedule the assessment without penalty.

6.7.3.2 Where rescheduling would not be appropriate, consider disregarding the coursework or the scheduled assessment, provided that the relevant learning outcomes are tested elsewhere in the module in question.

6.7.3.3 Where a formal examination would be missed, the student may re-sit the examination at the next available opportunity and as if for the first time (except where the re-sit attempt is as if for the second time due to a previous failed attempt). Students should note that this might delay their progression to the next stage of their course or prevent them from graduating with their cohort.

7 Inclusive Learning Plans

7.1 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.

7.2 While ILPs are intended to ensure that students managing long-term conditions are assessed equitably 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:

7.2.1 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:

7.2.2 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.

7.3 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.

7.4 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.

8 Falsified Evidence

8.1 Where reasonable evidence exists to support the suspicion that documentary evidence submitted in support of extenuating circumstances has been falsified, the Chair of the School Mitigation Committee will pause the application and
refer the case for falsified evidence for consideration under the *Regulations on Student Discipline in Relation to Non-Academic Matters*. 

8.2 Should the allegation of the offence of submitting falsified evidence be upheld the School will dismiss the application for mitigation.

8.3 Should the allegation of the offence of submitting falsified evidence not be upheld the School may restart the application for mitigation.

9 Academic Appeals

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

9.1.1 Procedural error: Where there are reasonable grounds, supported by objective evidence, to believe that there has been an administrative, procedural or clerical error of such a nature as to have affected the recommendation of the Board; and/or

9.1.2 Extenuating Circumstances: Where there is evidence of illness or other extenuating circumstances that have impacted negatively on academic performance and which the student was, for good reason, unable to submit by the published deadline; and/or

9.1.3 Prejudice or Bias: Where there is evidence of prejudice or bias or the reasonable perception of prejudice or bias against the student.

9.2 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.