



LIVERPOOL
HOPE
UNIVERSITY

Est. 1844

UNIVERSAL CONVENTIONS AND PROCEDURES

Academic Year 2023/24

Mitigating Circumstances Policy

The Conventions are reviewed annually and apply for the academic year 2022/23

1. What are Mitigating Circumstances?

- 1.1. Mitigating Circumstances are circumstances such as medical or personal issues which have seriously affected a student's ability to complete an assessment, over which a student has no control, and which could not have been predicted.
- 1.2. Students can ask the University to consider Mitigating Circumstances for the following requests:
 - 1.2.1. Extensions
 - 1.2.2. Deferrals
 - 1.2.3. Mitigating Circumstances affecting performance
 - 1.2.4. Absence from or non-submission of an assessment.
 - 1.2.5. Failure to attend/engage in studies
- 1.3. This policy is designed to:
 - 1.3.1. Ensure that students are appropriately supported by the University when they bring mitigating circumstances to our attention in a timely manner.
 - 1.3.2. Outline the responsibilities of students to notify the University of circumstances which are affecting their performance.
 - 1.3.3. Ensure that all students claiming mitigating circumstances are treated fairly and equitably.
 - 1.3.4. Protect the academic integrity of courses for all students.

- 1.4. This document sets out the University's policy governing mitigating circumstances and the procedure for submission of mitigating circumstances. It also sets out how such circumstances will be considered by departments and Continuation and Award Boards.
- 1.5. This procedure applies to all students registered on Liverpool Hope University courses including Network of Hope students and students studying via sub contractual provision at partner institutions.

2. Expectations

- 2.1. The University recognises that illnesses and difficult or distressing personal circumstances occur as part of everyone's life. However, such circumstances are a normal part of life and can normally be absorbed. Students are expected to attend all assessments and to meet deadlines, and they should plan their work so that they are not affected by unexpected last-minute problems.
- 2.2. It is acknowledged that the assessment process itself can lead students to become more anxious or stressed than at other times of the academic year, and this should be considered to be one of the normal challenges of academic study. Except in a very small number of cases, where the impact is severe and incapacitating, this would not be considered as a valid mitigating circumstance.
- 2.3. The mitigating circumstances process is evidence-based, and satisfactory evidence must be supplied by the student as explained in this policy.
- 2.4. If a student's circumstances are so serious that they cannot engage with their assessment, they should consider interrupting their studies. If a student remains on the course, they are considered to have made the decision that they are in a position to engage with their studies.
- 2.5. An attempt to gain an unfair advantage in an assessment by faking mitigating circumstances is considered deception and will be treated as academic misconduct and/or fraud under the Student Code of Conduct.

3. Acceptable/Unacceptable Mitigating Circumstances

- 3.1. Examples of acceptable Mitigating Circumstances are listed below (this is not an exhaustive list):
 - 3.1.1. significant illness during an assessment such as an exam or presentation;
 - 3.1.2. significant illness lasting for several days and which is serious enough to prevent a student from making progress with or submitting an assessment;

- 3.1.3. serious illness of a close family member which means a student needs to provide significant caring support and which has not been planned for;
 - 3.1.4. the death of someone close to you;
 - 3.1.5. unanticipated military service deployment;
 - 3.1.6. a shortcoming or failure in the support arrangements for disabled students.
- 3.2. The following examples would not normally be considered as acceptable Mitigating Circumstances requests (this is not an exhaustive list):
- 3.2.1. circumstances over which a student has some control (e.g. going on holiday);
 - 3.2.2. circumstances to which all or most students are subject (e.g. financial difficulties, “bunching” of examinations or coursework deadlines or exam stress);
 - 3.2.3. circumstances which have already been provided for by individual assessment arrangements (e.g. through a Learning Support Plan);
 - 3.2.4. circumstances arising from poor time management or personal organisation (e.g. failure to plan for foreseeable last-minute emergencies such as computer crashes, printing problems, work not backed up, misreading/lack of awareness of examination timetables or submission deadlines);
 - 3.2.5. travel problems arising from minor delays or in cases where normal traffic congestion has not been taken into account;
 - 3.2.6. minor ailments of a short-term nature such as colds, headaches, stomach upsets, except where the ailment prevented attendance at, or occurred during, an exam or similar scheduled assessment;
 - 3.2.7. holidays unless it can be shown that the holiday was booked prior to commencement of studies;
 - 3.2.8. being subject to Procedures such as Academic Misconduct, Disciplinary or Fitness to Practise.

4. Fit to Sit or Submit

- 4.1. By attending an assessment or submitting a piece of coursework, students are deemed to be fit and well enough to take assessments, so students are deemed to be ‘fit to sit or submit’.
- 4.2. As such, students cannot submit Mitigating Circumstances requests on the basis that their standard of performance in the assessment has been affected by Mitigating

Circumstances. In situations where illness occurs during a scheduled assessment such as an exam or presentation, consideration will be given to Mitigating Circumstances. These must be reported at the time to the invigilator or examiner.

- 4.3. Exceptionally, where a student has been unable to determine if they were fit to sit or submit an assessment and has done so, a student can submit a request to ask that the assessment attempt should be considered as a non-submission or absence. This would normally be limited to situations where a student was so unwell or so severely affected by their circumstances that they were unable to recognise or determine their own ill health. Medical documentation would need to be provided to confirm this.

5. Procedure

5.1. Submission and Information Required

Students should complete the online Mitigating Circumstances notification process through the Coursework Extension Request or Examination Deferral Processes and must:

- 5.1.1. describe the mitigating circumstances which have affected the assessment(s) and the impact of these circumstances;
 - 5.1.2. confirm the dates during which they have been affected by mitigating circumstances;
 - 5.1.3. confirm if the request relates to late submission of coursework or absence from or non-submission of an assessment including examinations.
 - 5.1.4. provide either an appropriate self-certificate form (see section 7.1) or independent third-party evidence to support the circumstances (see Appendix 1);
- 5.2. The request may be submitted in advance of the assessment date if the student knows that they will be unable to attend an assessment or submit a piece of assessed work and if relevant evidence is available. For example, if a student has a hospital appointment or treatment scheduled on the date of an assessment.
 - 5.3. The request must be submitted within 10 working days of the assessment or submission date.

6. Late submission of Mitigating Circumstances Forms

- 6.1. Under some circumstances a late application for mitigating circumstances can be submitted. For a late application to be considered the following criteria should be met:
 - 6.1.1. The student must not have been given a provisional mark for the assessment.

- 6.1.2. The student must provide an explicit statement on the claim form explaining the circumstances that prevented them applying before the claim deadline. A student's Mitigating Circumstances request will only be considered if they had good reason for not applying before the claim deadline, for example, the student was unable to claim due to hospital admission.
- 6.2. Where satisfactory grounds for a late claim are not established then the application will be rejected without consideration of the mitigating circumstances. If the claim form is submitted following the publication of a result, the claim cannot be considered by the Department/School. The student will be directed to the Appeals Policy and process.
- 7. Evidence Required for Mitigating Circumstances**
- 7.1. Self-Certification**
- 7.1.1. For very short-term illness lasting **up to 7 calendar days** (such as stomach bug) for which it is not reasonable to consult a medical professional at the time, the University will accept self-certification **on no more than one occasion per academic year in relation to coursework.** **Self-certification cannot be used for absence from examinations.**
- 7.1.2. Self-certification of short-term illness cannot be used in situations where students have already declared themselves fit to take assessments.
- 7.2. Independent Evidence**
- 7.2.1. If a student is unable to use a self-certification form (as per section 7.1 above) then independent third-party evidence will be required to support the request.
- 7.2.2. The evidence must give direct confirmation of the circumstances.
- 7.2.3. The evidence must demonstrate the significant effect on the student's ability to engage with work in general, or the assessment tasks in particular.
- 7.2.4. Evidence must relate to the assessment period – evidence of historic events that occurred before the assessment period is not normally accepted without up to date evidence of ongoing impact.
- 7.2.5. The evidence needs to indicate the period of disruption, including the duration of the impact.
- 7.3. Appendix 1 provides examples of evidence which could be used to support mitigating circumstances.
- 7.4. In matters relating to health, evidence provided by a medical practitioner should be evidence created/gathered at the time of the problem and should be provided by the health professional that diagnosed and/or treated the student.

- 7.5. A doctor, for example, may be willing to report a retrospective account given to them by a student after the event, but in itself this does not carry weight as evidence, if the doctor simply notes that a student reports the impact.
- 7.6. The University's Student Life team is only able to provide evidence of attendance when a student has used, or is currently using, the services provided by the team to address the circumstances. It is advisable not to seek retrospective reports.
- 7.7. Evidence that simply states that the student has been unwell is not sufficient. The evidence must confirm a diagnosis and say how the illness has affected the student's ability to complete their work, and the time period affected

8. Mitigating Circumstances and Learning Support Plans

Mitigating Circumstances should not be submitted for matters covered by a Learning Support Plan (LSP) which offer reasonable adjustments for disabled students or where other individual arrangements have been made. If a student has a Learning Support Plan but experiences additional issues, difficulties or circumstances not addressed by the LSP, then a student may submit a Mitigating Circumstances request. If such circumstances are likely to be ongoing, the student should be referred to the Learning Support Team in Student Life team in order that their LSP can be reviewed, or where no LSP currently exists a new one may be produced.

9. Process for Review of Mitigating Circumstances and Notification of Outcomes

- 9.1. Mitigating Circumstances are considered by the School/Department which has responsibility for the student's assessment. Schools/Departments are required to nominate an Academic Advisor to consider Mitigating Circumstances. Any member of academic staff who reviews the Mitigating Circumstances of a student should not be the Chair of a Continuation and Awards Board which considers the same student.
- 9.2. Reviewers would normally be expected to consider Mitigating Circumstances requests prior to meetings of the relevant Continuation and Award Boards. Reviewers determine the validity of each case on the basis of the evidence submitted.
- 9.3. When considering Mitigating Circumstances, reviewers take the following into account:
 - 9.3.1. Is there independent third-party evidence to support the case being made? (Appendix 1 provides indicative guidance in relation to evidence.)
 - 9.3.2. Does the period affected by the request correspond with the date of the assessment/examination?
 - 9.3.3. Did the student have time to complete the assessment if the Mitigating Circumstances period is disregarded? Has the student provided a clear supporting statement detailing the nature, severity and impact of the circumstances?

9.4. The reviewers will decide, based on the considerations in 9.3., on the appropriate outcome. The possible outcomes are either:

- i. Resubmission of work (in accordance with 4.3 above) or;
- ii. Extension to a deadline if the work has not been submitted or
- iii. Rejection of the mitigating circumstances request

The reviewer does not have the authority to alter or amend any marks awarded or due to be awarded.

9.5. A central record should be kept of all cases considered. Mitigating Circumstances requests and evidence should be retained securely electronically until the student has graduated and any appeal considered.

9.6. Schools/Departments shall inform students of the outcome of their request immediately after consideration, normally via email, and where possible within three working days. The communication should advise students of the following:

9.6.1. the outcome (accept or reject);

9.6.2. a brief rationale to explain the outcome in the cases of rejected Mitigating Circumstances;

9.6.3. recommended action to be taken by the Board where appropriate.

9.7. If a Mitigating Circumstances request is rejected by the School/Department then if the student did not attempt the assessment a mark of 0% (unauthorised absence) will be recorded for the assessment and the overall outcome will be determined in accordance with the Regulations. If an attempt is made at the assessment, the submitted work will be marked and recorded.

9.8. Students are encouraged to discuss Mitigating Circumstances outcomes with their Personal Tutor to understand any relevant implications.

10. When a claim for Mitigating Circumstances has been Rejected

10.1. Where Mitigating Circumstances requests have been rejected due to insufficient or lack of evidence, a student may, within ten working days, submit further evidence to support their case. Details of the process to follow in this situation will be provided to students when they are informed that their request has been rejected.

10.2. Following conclusion of the process and where a request has been rejected, students may subsequently submit an academic appeal against the decision of the Assessment, Continuation and Award Board when ratified/confirmed results are available. In the academic appeal students will need to establish good reason to explain why all relevant information could not be provided through the Mitigating Circumstances Procedure. Not knowing about the University's Mitigating Circumstances Procedure would not be considered good reason for non-submission of a request.

Appendix 1

Examples of Evidence

Whether a circumstance and the evidence provided are valid will depend upon exactly what is being requested, for example:

- evidence sufficient to justify a week's extension might not be sufficient to grant a deferral for 3 months;
- evidence accepted as valid grounds to explain absence from an examination in May would not be accepted as valid evidence to explain absence from an examination in August [unless the evidence explicitly stated that the student would be unfit for both the August and May assessment periods].

The list is not exhaustive, definitive or prescriptive.

Illness of the Student

The University requires an original "Statement of Fitness for Work", medical certificate or letter [i.e. not a copy] from an appropriate medical or healthcare professional.

The evidence will only be accepted if it identifies a specific date on which the student became unable to undertake formal assessment and/or study, and the likely date on which the student would be fit to resume studies.

Hospitalisation of the Student

The University requires an original letter certificate from the hospital or a GP.

The evidence will only be accepted if it identifies a specific date on which the student became unable to undertake formal assessment and/or study, and the likely date on which the student would be fit to resume studies.

Illness of a Family Member, Partner or Dependent

Where such illness has impacted on the student's ability to undertake their studies, evidence is required of this impact [not of the illness itself].

The University requires an original "Statement of Fitness for Work", medical certificate or letter [i.e. not a copy] from an appropriate medical or healthcare professional.

The evidence will only be accepted if it identifies a specific date on which the student became unable to undertake formal assessment and/or study, and the likely date on which the student would be fit to resume studies.

Bereavement

A claim for a short-term [up to 72 hours] inability to study will be accepted on the basis of evidence of the death [such as a death certificate, or an order of service], together with a statement from the student specifying that there was a close relationship between the student and the deceased.

Victim of Crime

The University requires a written statement from the student, supported by with a Crime Reference Number. This will normally cover only a short period around the crime itself.

Where the impact of the crime has led to a medical or other professional consultation, Illness of the Student (above) may apply. The evidence will only be accepted if it specifies not only the nature of the circumstances, but also the likely impact the reported crime is having on the student's ability to undertake formal assessment and/or study, the dates to which such impact would apply, and the likely date on which the student would be fit to resume studies.

Domestic Disruption

Such disruption must be significant and unforeseen [such as a house fire or flood].

For short-term disruption, up to 48 hours, the University requires a letter from an appropriate independent individual/authority. The letter should indicate not only the nature of the circumstances, but also the likely impact the disruption is having on the student's ability to undertake formal assessment and/or study, the dates to which such impact would apply, and the likely date on which the student would be fit to resume studies.

For longer-term disruption, or where the essence of the claim is that the disruption is having an impact on the student's health or wellbeing, the matter should be handled as above Illness of Student.

Jury Service

The University will only accept this as a valid circumstance if the student supplies not only a letter from the Court but also proof that a deferral of Jury Service has been requested and rejected or proof that a previous request for deferral of Jury Service has been accepted.

Attendance at a Tribunal or Court as a Witness, Defendant or Plaintiff

The University will accept this as a valid circumstance if the student supplies either official correspondence from the tribunal/court confirming attendance, or a solicitor's letter detailing the nature and dates of the legal proceedings and the requirement for the student to attend.

Requirements of Military Service

The University will accept this as a valid circumstance if the student supplies official correspondence from their commanding officer confirming that the student is required to be absent, and indicating relevant dates.