Kingston University London

ACADEMIC REGULATIONS 5:

Mitigating Circumstances and Student Assessment

2012-2013

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INTRODUCTION

1. The University wishes to be fair to all its students and recognises that there may be significant factors which can have an adverse effect on students' performance in assessments. These may be dealt with in a number of different ways.

On-going conditions or disabilities

2. Where students are admitted to a programme with declared disabilities or on-going medical conditions, the University will agree learning and assessment strategies to try to ensure that students are provided with reasonable additional support or facilities. Where these arise after initial admission to a programme and they are likely to be of limited duration, students may be advised to suspend registration. Otherwise, the University will endeavour to provide support and guidance to enable students to complete their programmes of study.

These are not covered by the Mitigating Circumstances procedures.

Disruption to learning and assessment

3. Unfortunately, there can be significant extenuating circumstances that affect groups of students such as disruption from building work or access problems with StudySpace. These will be known to the staff who manage students' learning and assessment and will be dealt with in a common manner for all students to ensure fairness.

This is not covered by the Mitigating Circumstances procedures.

Mitigating circumstances for individual students

4. These are specific extenuating circumstances that are:

- sudden, serious and unforeseen or acute phases of a continuing chronic circumstances that has been previously notified to the University in writing and
- relevant to an individual student and
- likely to seriously impair the student's performance and
- taking place at the same time as an assessment event or before an assignment deadline

PROCEDURES FOR DEALING WITH MITIGATING CIRCUMSTANCES

5. These procedures relate to a claim made by an individual student about their performance in a particular assessment on a taught programme of study.

Definitions

6. An ***Assessment Event*** is an event designed to assess if students have achieved the learning outcomes of a module. It can cover such things as examinations, tests, vivas, presentations, performances, practicals and any other event defined as an assessment by the University.

7. An ***Assignment*** is any type of work that has to be submitted by a set deadline for the purposes of assessment.

8. ***Deferral*** is when an assessment event is postponed to a later date or an assignment deadline is set beyond the normal extension period (see Section 5 Assessment Regulations of Academic Regulations 2: Undergraduate Modular Scheme and Academic Regulations 3: Postgraduate Credit Framework).

9. A ***Mitigating Circumstances Panel*** is a formal University group of staff set up to consider claims made under these procedures.

PURPOSE OF THE PROCEDURES

10. The procedures are designed to ensure that the University is fair and consistent in its treatment of all students undertaking assessments on taught programmes. The University cannot make an academic judgement on the extent to which any mitigating circumstances might have affected a student's performance nor excuse a student from the requirement to complete an assessment. If a student's mitigating circumstances claim is accepted the mitigating circumstances panel, the Programme Assessment Board may consider providing an additional opportunity to complete the assessment without increasing the record of assessment attempts or capping the mark achieved.

11. However, it is important to emphasise that this additional opportunity:

- may be up to one year later
- may require a different type of assessment
- may require the student to suspend their registration for a period of time or
- may require them to change their mode of attendance *e.g from full-time to part-time.*

ROLE OF MODULE AND PROGRAMME ASSESSMENT BOARDS

12. Where the Assessment Board agrees the recommendations of the mitigating circumstances panel to accept a student's claim, this is noted on the student's record. The marks achieved are not altered by the Module Assessment Board (MAB). Exceptionally, in the case of failure at the final award stage, the Programme Assessment Board may decide that there is sufficient evidence that a threshold standard was reached and offer the student:

i) a classified award (where the strength of the assessment profile is judged to be sufficient to allow for limited failure to be compensated), or
ii) a further assessment attempt without penalty, or
iii) an Aegrotat award where students are unlikely to be able to complete a programme due to, for example, a deteriorating medical condition.

13. In the case of i) and iii), it may be necessary to alter the result achieved to ensure that the minimum credit rules for an award have been satisfied.

STUDENTS' RESPONSIBILITY

14. It is each student's personal responsibility to undertake the required assessments for their programme of study at the required time. Failure to take a required assessment will result in the assessment being regarded as an attempt with a recorded mark of F0 **unless**:

- these procedures are followed **and**
- the evidence to support the claim of mitigating circumstances is accepted by the mitigating circumstances panel.

15. The University recognises that there are occasions when students are too ill or otherwise affected by mitigating circumstances to take an assessment. However, it needs to separate these legitimate claims from those made by students who take an assessment and feel that they may have performed badly and then submit retrospective claims to justify their disappointing results.

16. The University will **not*** accept claims of mitigation relating to an examination or other assessment event such as a presentation if the student was in attendance at the assessment event unless they are taken ill during the event. In this case, a claim must still be made by the student, but corroboration will be provided by the examination invigilator or the academic staff responsible for the assessment event.

17. The University will **not*** accept claims of mitigation once an assignment has been submitted by the agreed deadline (or agreed extended deadline). In these cases, the University assumes that students have judged themselves fit to undertake the assessment and so no concurrent or subsequent claim for mitigation relating to the assessment will be accepted.

**The University may waive these restrictions in the case of a student with a certified illness that would have meant that the student would have been unable to exercise the rational judgement necessary at the appropriate time to deem him or herself unfit to undertake assessments, where this is confirmed by a mental health advisor, or similar practitioner qualified to make this judgement*.

18. The University expects students to decide if they are too ill or otherwise affected by mitigating circumstances to take an assessment. Students may seek advice from staff, but such advice should be limited to the procedures to be followed and the required evidence. It must place the onus clearly on the student to make the final decision. Staff should also avoid attempting to judge the likely outcome of a claim submitted under this procedure to a mitigating circumstances panel.

Mitigating Circumstances Procedures for Assignments

19. Students who wish to request an extension to a submission date or that an assignment be deferred must submit the required evidence **before** the scheduled submission date. Claims will not be accepted after this date unless there is evidence to show that the student was prevented from submitting their claim by the required date *e.g* the student was seriously ill in hospital. The decision to allow a deferred assignment may be delegated to an approved member of staff, but the decisions must then be recorded for the mitigating circumstances panel to note.

20. All applications for a deferred assessment must be in writing using the required form available from the students' administrative office. Supporting evidence must be provided. If the claim is accepted, the Field Leader/Course Director, in consultation with the Module Leader, will agree the deferred date for the assignment and notify the student. If the Panel rejects the claim, it will notify the Assessment Board and the failure to submit will be recorded as a failed attempt with a mark of F0.

Mitigating Circumstances Procedures for an Assessment Event

21. Students who are unable to attend an examination or other assessment event because of mitigating circumstances must provide the required evidence as soon as possible **before** the published deadline for the mitigating circumstances panel meeting. Claims will not be accepted after this date unless there is evidence to show that the student was prevented from submitting their claim by the required date *e.g* the student was seriously ill in hospital.

22. All applications for a deferred assessment event must be in writing using the required form available from the students' administrative office. Supporting evidence must be provided. If the claim is accepted, students will be informed of the date of the deferred assessment event. If the claim is rejected, the students' results will be recorded as a failed attempt with a mark of F0.

MITIGATING CIRCUMSTANCES PANELS

Membership

23. The panel established to consider mitigating circumstances claims will comprise a minimum of two senior members of staff, one of whom will be designated as Chair of the panel, and a clerk. Chairs of panels will be chosen from a group of staff designated for this purpose by the faculty and will be independent, *i.e* will not be directly associated with the student's learning and teaching.

Terms of reference

24. The functions of the mitigating circumstances panel are:

    i) to establish that the evidence is valid, i.e authentic and appropriate and that it relates to the assessment in question and that it has been submitted by the required date;
    ii) to review mitigating circumstances claims and evidence and make recommendations to the Assessment Board whether or not individual claims should be accepted;
    iii) to make recommendations to the Academic Registrar for improvements to the effectiveness and efficiency of the procedure.

Confidentiality

25. The Panel will ensure that students' confidentiality is always maintained.

Frequency of meetings

26. Mitigating Circumstances Panels in each faculty will meet at least once each academic year.

Record keeping

27. The faculty will keep records for six years of decisions on all mitigating circumstances claims considered.

Annual Review

28. The faculty will annually review outcomes of mitigating circumstances claims against a set of areas agreed by the Academic Registrar and report any concerns. Difficult judgements made by panels will be reported to the Academic Registrar so that the operation of the procedures can be monitored, and case law may be established.

Evidence

29. The University cannot investigate every claim made under these procedures and it has to trust the honestly and integrity of its student body. However, it reserves the right to audit such claims and to treat any fraudulent or misleading submissions under Academic Regulations 6: Academic Misconduct (Taught Courses) and Academic Regulations 7: Academic Misconduct (Research Degrees). This may result in the termination of registration with no opportunity to complete the programme at the University.

30. Students are required to provide evidence to support claims from an independent third party. Students must authorise the University to seek verification of the evidence under the Data Protection Act.

31. Examples of evidence that is normally acceptable or not acceptable are provided as a guide for students and staff (Annex 1).

Late submission of evidence

32. Where the required evidence cannot be obtained by the deadline, students should submit the claim with a full explanation of the reasons for the lack of required evidence and an indication of when it might be available. If it is still not available when the claim is considered by the mitigating circumstances panel and no other independent corroboration is available, it will be rejected. If the evidence becomes available before the Programme Assessment Board makes a final decision, it may be taken into account then. If the evidence is submitted after the Programme Assessment Board, but before the deadline for submitting an Academic Appeal, it may still be accepted.

Medical evidence

33. The University normally expects absence through illness to be supported by independent corroboration from a GP, hospital or other medical practitioner. Where such evidence is submitted to support a claim for a deferred assessment event or assignment deadline, the University reserves the right to verify these claims.

Self certification

34. Students are expected to plan their work so that they can complete these tasks even if they lose a day or two through illness or other disruption and so self certification will not be accepted as evidence to support a claim for a deadline to be deferred.

Note:

The University's Medical Centre Services should be reserved for students requiring urgent or on-going treatment only. Students are advised to seek corroboration from another GP and this may require the payment of a fee.

Appeals

35. A student cannot appeal the decision of a mitigating circumstances panel on whether or not to accept a claim of mitigating circumstances.

36. A student can use the procedures set out in Academic Regulations 8: Academic Appeals (Taught Courses) or Academic Regulations 9: Academic Appeals (Research Degrees) to request a review of the decision of the Programme Assessment Board if there is evidence that the procedures for the mitigating circumstances panel and/or consideration of its recommendation to the Assessment Board were not followed.

Annex 1

GUIDELINES ON ACCEPTABLE/UNACCEPTABLE MITIGATION

Normally acceptable	Examples
1. Medical certification of illness or serious accident of the student	Illness, accident or severe trauma occurring at the time of an assessment. It should be an incapacitating illness, an unexpected deterioration in an ongoing illness or chronic medical condition. It can also be an assault where the student is the victim, breaks and serious sprains of the normal writing hand/arm. Retrospective certification is not acceptable. It is recognised that it can be difficult to get timely verification from hospitals, but you should submit your claim, pending confirmation.
2. Death certificate for recent (< month) death of someone close	"Close" can mean parents (and guardians), children and siblings, a spouse/partner and it may include friends, in-laws, grandparents and grandchildren if it can be shown that the relationship was very close.
3. Medical certification of the serious illness of a close relative	For a case of an unforeseen accident or serious deterioration.
4. Independent verification of serious personal disruption	Fire, burglary, requirement to appear in Court etc relevant to the date of the assessment event or the period leading up to it. Supporting third-party evidence must be provided. Travel problems are not normally accepted as students are expected to plan ahead.
5. Employer letter providing evidence of significant change of employment circumstances.	This will normally only be accepted for an extension to a submission date, not the deferral of the assignment or an examination event. NB: THIS IS NOT VALID FOR FULL TIME STUDENTS
6. Corroboration from a Dyslexia Advisor or Disability Advisor	If evidence of special needs is provided too late to be taken into account in the delivery or assessment of the module.
7. Religious Observance and scheduled examinations	To enable consideration, one or more of the following pieces of evidence should be submitted: • a letter from a religious leader explaining the nature of the obligation and the way in which it impacts on the student; • a personal statement by the student explaining the nature of the obligation and the way in which it impacts on their timetable supported by a published timetable of festivals or events showing the date, time and nature of the observance. The University's Chaplaincy is able to assess and provide advice on any evidence provided to staff and students.

NOT normally acceptable	Examples
8. Alleged medical conditions without supporting evidence	Claims will not be accepted without appropriate medical evidence.
9. Social activities	Hectic social life, parties, visits by/to friends, sporting fixtures.
10. Temporary self-induced conditions	Hangovers, drug taking (unless possibly for a registered medical user influenced by the medical treatment involved) including prescribed medication for certain conditions where it is known that there may be adverse reactions *eg.* drowsiness.
11. Minor ailments and other conditions	Coughs, colds, sore throats, sprains (other than in the writing hand/arm). Long-standing medical conditions for which special arrangements could have been made or treatment anticipated and taken. Accidents/illness affecting relatives or friends unless serious or the student is the sole carer.
12. Examination stress	Examination stress or stress in practice placement will not, by itself, be considered as a mitigating circumstance. It is expected that individuals in higher education will develop the ability to deal with this and produce satisfactory work whilst meeting deadlines.
13. Domestic or personal disruptions which could have been anticipated or planned	Moving house, holidays, weddings or other events where the student either has control over the date or may choose not to participate. Change of job or "normal" job pressure (exceptional crises at work might be acceptable), failed travel arrangements, illness of pets, oversleeping, misreading examinations timetable or other assessment details, poor time management, taking the wrong examination.
14. Study-related	Computer difficulties, losing work not backed up on computer disk, deadline congestion, examination congestion, missing books, examination rescheduling, late distribution of materials by the School, delays in printing, photocopying and/or binding of assessed work.
15. Examination conditions	Disruption in the examination room: poor lighting, ventilation or heating, excessive noise, illness or behaviour of other students, noise from invigilators. Normally such conditions will have been reported by the invigilators, who will pass reports on to the Faculty.

MITIGATING CIRCUMSTANCES CLAIM

This form must be used to make a formal claim for consideration of mitigating circumstances by the Assessment Board. Please refer to the University's Academic Regulations 5: Mitigating Circumstances and Student Assessment, available on MyKingston.

DEADLINES for submitting claims in the **Faculty of [insert name of faculty]**

[insert details *e.g* programme/ level]	[insert deadline]
[insert details *e.g* programme/ level]	[insert deadline]

Please submit this form by the deadline to the Student Office [insert location/ room number] with supporting evidence to include your personal statement and independent verification (*e.g* doctor's letter). If you submit by fax/email you must retain proof that this has been successfully sent and keep a copy of this form and attachments.

Course			
Level		**KU Number**	

Nature of mitigating circumstances
Please provide as much detail as possible. Use an additional sheet if necessary.

Dates of difficulty / illness - From:		**To:**	

Please indicate below the module(s) and assessment(s) covered by this claim. Any modules which do not appear on this form will not be considered. If you need guidance about module codes/titles please contact the Student Office. Please note the mitigating circumstances procedure only deals with assessments or examinations that you have not taken. It cannot be applied retrospectively or used to alter marks.

Module Code	Module Title	Assessment(s)	Date(s)

Evidence - what form of evidence are you submitting? *Please note your claim will be unsuccessful without some form of supporting evidence.*	

I hereby give permission for the information I have supplied to be submitted to the Mitigating Circumstances Panel and authorise the University to seek verification of supporting evidence under the Data Protection Act.

Signed:		**Date**:	

You will be notified on **OSIS** of the final decision on your mitigating circumstances claim**.**
Grade '**S**' indicates that your claim has been accepted.

The University reserves the right to audit claims and to treat any fraudulent or misleading submissions under procedures set out in Academic Regulations 6: Academic Misconduct.

OFFICE USE ONLY:			
Received by:		**Date / Date Stamp:**	