



Ruskin College Oxford

MITIGATING CIRCUMSTANCES POLICY

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Mitigating Circumstances Policy

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The purpose of assessment is to allow the college to recognise the achievement (not the potential) of each individual student as measured against the learning outcomes outlined in the QAA subject specific benchmark statement. The Mitigating Circumstances Policy allows the college to recognise circumstances that have prevented the student from demonstrating their achievement of the learning outcomes.

Definitions

- Mitigating circumstances are factors which have a detrimental effect on a student's academic work
- Mitigating circumstances must be:
 - a. **significant**, meaning that they should have a clearly detrimental effect on the student's academic work; **and**
 - b. **relevant**, meaning that they must relate directly to the timing of the class, assessment or deadline in question; **and**
 - c. **outside the student's control**, meaning that the effect could not be avoided, counteracted or reduced by the student taking reasonable steps in preparation or in response

The college would not regard the following as mitigating circumstances:

- planned or pre-booked hospital appointments that occur on or close to an assignment deadline
 - minor illness – even if it is covered by medical certification
 - the malfunction or breakdown of personal or College computer or storage media. All students are expected to 'back-up' their work
 - transport difficulties involving private or public transport
 - moving home
 - holidays – students are expected to make themselves available for the whole programme of study
 - issues arising from the planning, organisation or time management involved in completing assignments
 - misinterpretation of assignment submission dates, schedules or timetables
 - work, social, financial or other general, everyday problems.
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- The Mitigating Circumstances Policy is intended to cover circumstances affecting a student's performance in an assessment/exam or in mitigation of a late unauthorised submission. Students will submit their evidence to the Academic Registrar within 7 calendar days of the assessment deadline or exam. If unable to submit the application within this time period, the applicant can apply beyond this time period if reasonable cause can be shown and documentary evidence supports this. All evidence will be considered within the Mitigating Circumstances Policy.

Submission of requests

- All requests for mitigating circumstances to be taken into account must be submitted to the Academic Registrar in the Mitigating Circumstances form by the student concerned. The Academic Registrar will consider the mitigation evidence to verify that the evidence submitted meets the requirements in paragraph 2 above. If it does not, and the relevant documentation is not provided, mitigation will not be considered. It is the student's responsibility to provide any evidence referred to on the form. Staff must not provide evidence on behalf of a student.
- In submitting a request, the student should set out in writing all the relevant factors, including details of the assessment in question, the nature of the circumstances and their effect on the student's work. Only that information which is included in the student's written submission or in supporting evidence may be considered. Evidence of serious medical conditions such as hospital appointments or official legal or medical correspondence may be required in support of the application. The Mitigating Circumstances Policy Form is available at the end of this policy. College staff must not complete mitigating circumstances forms on behalf of students.
- The Academic Registrar will acknowledge receipt of the form within two working days. All correspondence to the students will be sent via their Ruskin College email address.
- The College reserves the right to check the authenticity of all documentation submitted as part of a request for mitigating circumstances to be taken into account. Any student who submits inauthentic documentation, or who misrepresents material facts in the request, may be subject to proceedings under the College's Disciplinary Procedures, which can be found on the Key Documents section of the college website.
<https://www.ruskin.ac.uk/wp-content/uploads/2020/01/Student-Disciplinary-Policy.pdf>
- All requests and evidence will be retained by the College. Documentation will not be returned.
- Mitigating Circumstances can only be presented once for an assessment.

Documentary evidence

- Students should accompany their request with medical or other evidence to corroborate their claims about mitigating circumstances. The nature of the evidence will necessarily depend on the nature of the circumstances in question. As far as possible the evidence should come from a relevant official body. For medical conditions, this should be a note from a suitably qualified medical practitioner who

has seen the student during the period of the condition and is not a close friend or relative.

Consideration of mitigating circumstances

- Requests may be rejected without further consideration:
 - a) if the circumstances described therein are not **significant**, not **relevant** or not **outside** the student's control; or
 - b) if the request was submitted late without acceptable cause, or was submitted without adequate supporting evidence.
- Requests which are rejected will be notified to the student in writing by the Academic Registrar within 5 working days. In this case the mitigating circumstances will not therefore be considered by the Chair of the relevant Examination Board and will not be reported on at the next relevant meeting.
- If the students mitigating circumstances have been considered and accepted as meeting all the criteria in paragraph 2 of this policy (i.e. they are significant, relevant and outside of your control) and the student has provided the documentary evidence required, the Academic Registrar will write to the student informing them that their mitigating circumstances form - and any supporting evidence that they have supplied - will be forwarded to a Mitigating Circumstances Panel for consideration.
- The Academic Registrar will normally convene a panel to consider the request within five working days of its receipt. The panel will consist of the Head of Student Services, who has not been involved in the assessment of the student's work, the HE Programmes Manager and a tutor from another programme.
- Exceptionally, and where the Chair of the Examination Board may consider it appropriate to do so, the relevant Programme Coordinator may be asked to comment on whether the mitigation is accepted. If mitigation is to stand then the Chair of the Examination Board will be informed of this, along with any actions or consequences upon assessment which shall arise from it.
- If the request is upheld then the panel will agree a date for submission and the student's work will be marked without penalty or cap. An extension of up to 25 working days will be granted to allow the student to submit the assignment. Due to the potential length of this extension, the student will be advised of the possible implications for their progression/resubmission or graduation. In considering the extended time granted for mitigation, the panel should take into consideration the impact upon the student's studies and their ability to progress in the programme or to pass and progress in a timely manner at the Examination Board. In addition, the

panel may have recourse to advice from the programme tutors in respect of differing professional requirements.

- If the student cannot submit within the time required or fails to submit by the deadline, they should be contacted by the Programme Manager HE to discuss alternative arrangements such as deferral of the module, suspension of studies or withdrawal from the programme.
- In exceptional circumstances the Chair of the Examination Board may exercise Chair's discretion and allow students to submit work prior to the next exam board.
- Consideration of mitigating circumstances and their application (or otherwise) by the Examination Chair will be notified to the student in the letter sent to them by the HE and Quality Administrator. (This is usually within 2 working days of the panel having made the decision).
- The College's procedures for considering requests must promote consistency and confidentiality. The decisions of the Mitigating Circumstances Panel should be kept with the student's file.
- Those who are involved in considering requests should be aware of their duties in respect of disability under equalities legislation. Disabled students will have had an assessment and been supported with reasonable adjustments during the year and at the point of assessment. No further action need be taken in these cases, provided that all agreed adjustments were implemented and the student has not raised material concerns. However, in the event that a student's disability is diagnosed part-way through the programme this might be considered under the Mitigating Circumstances Policy. In relation to long-term illness or an ongoing condition it will be more appropriate for the student to be referred to the Fitness to Study Policy.

Appeals

A student may request an appeal of the decision of the Mitigation Panel. This will then refer to the HE Academic Appeals process.

Appeals against decisions of Mitigating Circumstances Panels will only be considered on the following grounds:

- The procedures set out above were not followed; or
- The decision of the Chair of the Examiners was perverse or clearly biased

- All appeals should be made in writing to the Academic Registrar within 10 working days of the decision letter being sent, who will then instigate the Academic Appeals process.

Further Appeal

The College Academic Appeal Process is the final stage of the internal College procedure.

If the learner believes that the matter requires further attention then they must make representation to external agencies. For further details, the appellant should contact the Academic Registrar for details of the validating body for the programme.

