

# Mitigating Circumstances – Student Guidance

This Student Guidance has been divided into the following sections:

<b>Section 1</b>	<b>Frequently Asked Questions</b>
<b>Section 2</b>	<b>Evidence Requirements</b>
<b>Section 3</b>	<b>Outcomes</b>
<b>Section 4</b>	<b>Scenarios / Case studies</b>
<b>Section 5</b>	<b>Sources of further information / assistance</b>

If, after reading this Student Guidance, you require any further help or information please refer to Section 5, for sources of further information / assistance.

## Section 1 Frequently Asked Questions

### Question 1 *What are mitigating circumstances?*

**Answer:** The University defines 'mitigating circumstances' as:  
circumstances that are **acute, severe, unforeseen and outside a student's control, that occur immediately before or during the assessment period in question.**

### Question 2 *Does the process cover all types of submission?*

**Answer:** The Mitigating Circumstances process covers:

- ✓ Non-attendance at an exam(s); and/or
- ✓ Late coursework submitted within the two week late coursework period; or,
- ✓ Non-submission of coursework.

If you have attempted an exam or submitted an item of coursework on time and you believe that your performance may have been significantly impaired by mitigating circumstances, you should consider submitting an Academic Performance Appeal after your results have been published (see [www.londonmet.ac.uk/appeals](http://www.londonmet.ac.uk/appeals)).

### Question 3 *What is the assessment period in question?*

**Answer:** The '**assessment period in question**' is defined as follows:  
i) For non-attendance at an examination = the date of the examination.  
ii) For late submission of coursework = the coursework deadline date  
iii) For non-submission of coursework = the coursework deadline date **and** the two week late coursework period.

### Question 4 *What are examples of circumstances which might normally be regarded as mitigating circumstances?*

**Answer:** It is impossible to provide a complete list, but the following examples would commonly be regarded by the University as 'mitigating circumstances' and if supported by appropriate evidence would be **likely** to lead to a successful claim:

- ✓ Bereavement – loss of close relative/significant other;
- ✓ Serious short term illness or accident, which in an employment context would have led to an absence on sick leave;
- ✓ Deterioration of a long term physical health and / or mental health condition
- ✓ Significant adverse personal/family circumstances;
- ✓ Other serious unforeseen factors, which have a significant impact on your ability to complete your assessments.

**Question 5*****What are examples of circumstances which would not normally be regarded as mitigating circumstances?*****Answer:**

Once again, it is impossible to provide a complete list, but here are some examples which are **unlikely** to be acceptable mitigating circumstances. Generally, these are circumstances which could reasonably have been avoided, or where you could have made arrangements to address the problem or taken action to limit the impact of the circumstances, as these circumstances would be deemed to be within your control.

- × A description of a medical condition without reasonable supporting evidence (medical or otherwise);
- × Medical circumstances outside the relevant assessment period;
- × A medical condition supported by 'retrospective'/'post-dated' medical evidence; e.g. a doctor's note which states that you were seen after the illness occurred;
- × If there is a reasonable case your circumstances were foreseeable or preventable;
- × Long term health condition for which you are already receiving adjustments;
- × Minor illness or ailment, which in a work situation would be unlikely to lead to absence from work;
- × Holidays;
- × Financial issues;
- × Personal computer/printer problems (including with University computer / server / printing facilities);
- × Poor practice e.g. no back up of electronic documents;
- × Being unaware of the dates or times of submission deadlines or examination(s);
- × Not being aware of the Mitigating Circumstances Procedure;
- × Poor time management.

**Question 6*****What happens if I cannot submit my coursework by the original deadline date?*****Answer:**

If you are unable to submit your coursework by the due date you should submit it by the two week late coursework period.

- If the reason(s) why you could not submit your work fall within the criteria for mitigating circumstances (refer Question 1 and Question 4) you should also submit a claim for mitigating circumstances. Your claim will be based upon late submission.

- If you submit your work by the two week late coursework deadline, but your reason(s) do not fall within the mitigating circumstances criteria, your work will still be marked, but if you require the mark from this work to pass the module, your overall module mark will be capped.

We encourage all students not to leave their work until the last minute as you will be putting yourself at risk of non or late submission through poor planning.

**Question 7*****What happens if I cannot submit my coursework within the two week late coursework period?*****Answer:**

If you are unable to submit your coursework by the two week late coursework deadline you should do one of the following:

- If you have good reason(s) to why you could not submit your work and it falls within the criteria for mitigating circumstances (refer Question 1 and Question 4) you should also submit a claim for mitigating circumstances. Your claim will be based upon non submission of work.

- If your reasons do not fall with the criteria for mitigating circumstances and relates to a 'final component of assessment', you should request a capped deferral in advance of the two week late coursework deadline. To request a deferral, you need to go into the 'My Modules' link in your Evision account. If you require the mark from this work to pass the module, your overall module mark will be capped.

**Question 8**      ***What is the difference between mitigating circumstance and deferral?***

**Answer:** Mitigating Circumstances is the process to use if you have good reason(s) for not submitting your coursework by the original deadline or if you're unable to sit an exam. You need independent evidence to support your claim. Possible outcomes are detailed in Section 3.

Deferral of assessment is a process by which you can request a capped deferral in your first attempt at certain components. The process differs from Mitigating Circumstances, as you do not need evidence to support a claim but it is very likely that your overall module mark will be capped at the bare pass mark.

You can only defer your first attempt at a 'final component of assessment' to the next assessment period (i.e. the resit period or, for postgraduate dissertations, the next assessment point). The final component of assessment can be identified in Evision with an 'FC' next to the component.

If you are unable to sit an exam or submit your work by the two week late coursework period you should request a capped deferral, which if approved will entitle you to reassessment in any failed components in the module. To request a deferral, you need to go into the 'My Modules' link in your Evision account. Requests should be made in advance of the two week late coursework deadline.

Please note that you cannot defer reassessments.

**Question 9**      ***What happens if I believe I was not given adequate supervision for my project?***

**Answer:** This scenario is not within the scope of the Mitigating Circumstances procedure. You should instead consider submitting a complaint, which would be handled under the University's Complaints Procedure.  
See: [www.londonmet.ac.uk/student-handbook/](http://www.londonmet.ac.uk/student-handbook/)  
You should also consider seeking advice from the Students' Union (see Section 5).

**Question 10**      ***Can I claim for mitigating circumstances on the basis that I have a disability?***

**Answer:** As the Mitigating Circumstances Procedure is a retrospective process, your disability would not normally be covered by the Mitigating Circumstances Procedure unless there has been a deterioration of your condition(s). If you have a long-term, ongoing and/or persistent condition you should contact Student Services in order that the University can support you throughout your studies.

If you have a disability/long-term medical condition requiring adjustments or you would like to discuss your eligibility for support, please contact the Disabilities and Dyslexia Service (DDS). Adjustments can be put in place throughout the year.

If you are already registered with the DDS but your circumstances have changed, please contact the DDS as soon as possible to ensure that the correct adjustments are in place for you.

For further information: <https://intranet.londonmet.ac.uk/student-services/dyslexia-disabilities>

Email: [dds.studentservices@londonmet.ac.uk](mailto:dds.studentservices@londonmet.ac.uk)

**Question 11**      ***Can I claim mitigating circumstances for group work?***

**Answer:** Yes, if your assessment is a single piece of work prepared by a group, and all members of the group have agreed that the same circumstance affected them, please include the names and student numbers of all the students involved. If your claim is accepted it will also be accepted for the other members of your group, but only if they are identified as part of your claim.

If the mark for your group work is based solely upon your individual contribution, then you should submit an individual claim.

It is impossible to detail every group work scenario, so if you are unsure please refer to Section 5 below - Sources of further information / assistance.

**Question 12**      ***Can my lecturer grant me an extension to the published deadline for submission of coursework?***

**Answer:**      No, lecturers cannot approve extensions to coursework. You can however submit your work within the two week late coursework period (see Question 6).

**Question 13**      ***How do I make a claim for mitigating circumstances?***

**Answer:**      You must apply using the Mitigating Circumstances Form. This can be obtained from the web at [www.londonmet.ac.uk/mitigation/](http://www.londonmet.ac.uk/mitigation/)

You should read the form carefully and fill in **all** the relevant boxes. You should also securely attach all evidence supporting your case when you submit it (even if you have previously submitted this documentation for an earlier claim).

The completed form should be submitted to your Undergraduate / Postgraduate Office. We advise that you keep a copy of the form and associated documentation.

**Question 14**      ***Who decides whether my mitigating circumstances are valid?***

**Answer:**      Claims are considered by a panel of senior members of staff. Each individual claim is reviewed against the mitigating circumstances criteria and a decision is made, solely on the basis of the form and the documentary evidence submitted.

**Question 15**      ***What are the deadlines for submission?***

**Answer:**

**Semester 1:** 17 February 2012  
**Reassessment Period:**  
10 August 2012

**Semester 2 :** 15 June 2012  
**Postgraduate Dissertations:**  
14 September 2012

**Question 16**      ***How many times can mitigating circumstances be accepted for a component of assessment?***

**Answer:**      Mitigating circumstances can only be accepted on two occasions for any one assessment component (exam, piece of coursework etc.). If you have had mitigating circumstances accepted on two separate occasions for the same assessment you must submit the coursework or sit the exam at the next available opportunity. If you do not, a final mark of zero will be recorded for the assessment concerned. Any mitigating circumstances claim submitted in respect of such assessments will be deemed invalid.

**Section 2**      **Evidence Requirements**

Remember that the decision by the panel will be made solely on your form and the documentary evidence you submit. The panel must be able to confirm your statement by looking at the evidence and so you should submit sufficient relevant evidence for this. The panel cannot make follow up enquiries to clarify or obtain further supporting evidence. You should also remember that the Mitigating Circumstances Panel checks on the authenticity of the documentation submitted in any case where it seems questionable. It is a very serious offence to supply fraudulent documentation.

Please note that the panel will not contact anybody outside of the University with regard to your claim. Please do not provide contact details for GPs etc. as it will not

be possible to contact them. It is your responsibility to provide the evidence in support of your claim.

### **Some examples of acceptable evidence:**

Acceptable evidence is an original (not a photocopy) signed letter etc. from an appropriate third party (e.g. GP, hospital consultant, solicitor, police officer, University Counsellor, University Mental Health Co-ordinator) giving details of the circumstance, its duration and its impact. Headed paper is expected where a printed form is not used. Letters from family members or fellow students are not normally acceptable. If the original document submitted as evidence is not in English, an independent (e.g. from a professional translation service, member of University staff, embassy etc.) translation must also be provided.

Examples of evidence:

- Statement of Fitness for Work ('fit note')/GP or Consultant's letter – This needs to be specific about the nature of the illness/condition and must be a confirmed diagnosis by an appropriate health-care professional who saw you at the time of the assessment period in question (see Section 1 above). A diagnosis is essential, as is a clear indication of the period affected. Self-certificates are not accepted nor are notes/letters where your GP etc. simply reports what you have said to him/her.
- Letter from solicitor, summons to attend court; report from a police officer (crime numbers are not acceptable).
- Death certificate – Please note that we do not keep any original death certificate; it will be copied and the accepting member of staff will sign the copy and return the original. We appreciate that death certificates are sometimes difficult to obtain if the death occurred abroad. Please contact [mitigation@londonmet.ac.uk](mailto:mitigation@londonmet.ac.uk) for advice if you are unsure as to what evidence you should submit in view of your personal circumstances. Hospital documentation confirming the death or evidence of funeral arrangements would normally be an acceptable alternative.
- Confirmation by a transport official of unavoidable and unforeseen disruption to transport.
- A letter of support from a University tutor confirming any matters of fact relevant to your claim.
- Corroboration or statement from a University counsellor - If you have been seeing a University counsellor s/he may sign or write a short statement confirming/supporting your claim, especially if your circumstances are of a particularly sensitive/confidential nature.

### **Claims without supporting evidence:**

Claims without evidence will be deemed invalid. If your evidence is not available by the submission deadline for this form, you may wish to consider submitting an appeal once you have the evidence (see [www.londonmet.ac.uk/appeals](http://www.londonmet.ac.uk/appeals)).

## **Section 3 Outcomes**

The possible outcomes of a Mitigating Circumstances claim are as follows:

- Your mitigating circumstances have been accepted (see 3.1 below)
- Your mitigating circumstances were rejected but a capped deferral has been approved (the capped deferral can only be approved in relation to a final component of assessment; this will entitle you to reassessment in any failed components in the module)
- Your mitigating circumstances have been rejected (see 3.2 below) Mitigation outcomes are published on e-vision (see [www.londonmet.ac.uk/evision](http://www.londonmet.ac.uk/evision)).

We will notify you when your mitigating circumstances outcomes are available to view.

### 3.1 Outcomes if your Mitigating Circumstances claim is accepted:

Please note – an accepted claim will not result in a higher mark

Assessment type	Component claimed	
	First assessment	Reassessment
Examination non attendance	A further assessment opportunity will be available at the next opportunity	A further reassessment opportunity will be available at the next opportunity (Module result will be capped)
Late Coursework	Mark awarded (as if work submitted on time)	Mark awarded (Module result will be capped)
Non submission of coursework	A further assessment opportunity will be available at the next opportunity	A further reassessment opportunity will be available at the next opportunity (Module result will be capped)

For claims relating to Autumn and Spring Semester exams/coursework submissions, the ‘next opportunity’ is normally defined as the Summer Reassessment Period of the same academic year. However, where an Autumn semester claim is accepted for a module which is also available in the Spring semester, the student may choose to take the further assessment opportunity during the Spring semester instead. Where a claim relates to exams or coursework undertaken during the Summer Period, the “next opportunity” is defined as the first offering of the module during the following academic year.

### 3.2 Outcomes if your Mitigating Circumstances claim is rejected:

Non attendance at an examination or non submission of coursework	A mark of zero shall be awarded for the component claimed.*
Late submission of coursework (First assessments)	<p>Mark recorded and module result calculated as follows:</p> <ol style="list-style-type: none"> <li>1) Where the mark is not sufficient to achieve a pass in the module, a mark of zero shall be awarded for the component claimed.*</li> <li>2) Where the mark is sufficient to achieve a pass in the module, the module result will be capped <b>except</b>;</li> <li>3) Where sufficient marks have been gained in other components as to achieve a pass in the module, excluding any marks for late work. In such cases a mark of zero will be awarded for late coursework and the uncapped module pass retained.</li> </ol>
Late submission of coursework (Reassessments)	A mark of zero shall be awarded for the component claimed and a module result calculated on this basis. There will be no further assessment opportunity for this component.

\*Students who have a rejected claim for mitigating circumstances will be eligible for reassessment only where:

- a) they have failed the module overall but made an attempt at the final component of assessment; or,
- b) they have failed the module and notified the University, in advance, that they would be unable to submit the final component.

Reassessment in these elements would be subject to capping and the maximum mark achievable for the module would normally be 40% (undergraduate modules) or 50% (postgraduate modules).

## Section 4 Scenarios / Case studies

### Scenario 1

A student is due to sit an exam on 20 January 2012, but does not attend because he feels unwell. He sees his GP on 24 January 2012, explains that he did not attend his exam because he was unwell and asks his GP to write a letter confirming this for him to use as evidence to support his mitigating circumstances claim. The GP's letter states:

*'I saw the patient today, 24/01/12 and he informed me that he was unwell and could not attend the exam on 20/01/12....'*

In this case the student's claim would be rejected because:

- The evidence is retrospective/post-dated; i.e. no confirmation that a diagnosis was made on or just before/after the exam.
- There is no clear diagnosis of what was wrong with the student, so it is not possible to assess the impact or severity of his circumstances. The GP is merely repeating what the student told him.

## Scenario 2

A student is due to sit exams on 17 and 18 January 2012, but does not attend because she is unwell. She is due to submit an essay on 24 January 2012, but submits it on 28 January 2012. The student visits her GP on 18 January and explains that she has had a migraine for the last two days. The GP completes a Statement of Fitness for work, which signs the student off work/university from 17/01/12 to 20/01/12.

In this case the student's claim would be accepted for the exams because:

- There is a clear diagnosis from the GP, who saw the student on the day of the second exam (and only a day after the first exam) and there is confirmation of the impact of the circumstances; i.e. that the student was unfit to attend.

However, the student's claim is rejected for the coursework because:

- Although there is a diagnosis, the student is only signed off until 20/01/12; thus, the coursework submission date is not covered.
- The student's coursework will be marked, as it was submitted within the two week late coursework period, but the overall module mark will be capped at a bare pass.

## Scenario 3

A student is due to be evicted from his accommodation on 17 January 2012. He submits a mitigating circumstances claim with a Court Order of Eviction as supporting evidence. The Court Order confirms the date of eviction as 17 January 2012, but was issued three months earlier; i.e. on 17 October 2011. The student has explained why he was unable to move out earlier than the scheduled eviction date. The student does not attend his exam on 17 January 2012 and does not submit his coursework due on the same day.

In this case the student's claim would be accepted for the exam because:

- There is clear evidence that the student was unable to attend on the day of the exam; even though the circumstance was not unforeseen, it was unavoidable.

However, the student's claim is rejected for the coursework because:

- The circumstances do not appear to be unforeseen and so the student would be expected to plan in advance and complete and submit the work prior to the deadline.

## Scenario 4

A student submits a mitigating circumstances claim for non-attendance at an exam on 17 January and for non-submission of coursework due on 3 December 2011. As evidence she submits a hospital discharge letter indicating that she gave birth on 12 January 2012.

In this case the student's claim would be accepted for the exam because:

- There is clear evidence that the student was unable to attend on the day of the exam; even though the circumstance was not unforeseen, it was unavoidable

However, the student's claim is rejected for the coursework because:

- There is no evidence that the student's circumstances in December were sudden and unforeseen, and the student would be expected to be able to complete and submit coursework during pregnancy.

### Scenario 5

A student submits a mitigating circumstances claim for all the exams he was due to sit in January 2012 and cites the death of his grandfather on 6 January 2012 as the reason. In his statement he explains that he is unable to obtain a death certificate as evidence because the death occurred abroad in a remote part of the world. However, he submits documentary evidence of the funeral and a letter from his GP that states that the GP saw the student on 8 January 2012 and that the student will be unfit to attend the University during January 2012 due to his emotional state.

In this case the student's claim would be accepted for the exams because:

- Despite there being no death certificate there is secondary independent evidence of death and clear evidence of the impact upon the student being such that he was unable to attend on the days of the exams.

### Scenario 6

A student's laptop and USB stick are stolen on 6 December 2011 and she is due to submit an essay on 10 December. She submits the essay on 17 December. She also submits a mitigating circumstances claim, stating that she had to submit the work late because she lost her work when the laptop and USB stick were stolen. As evidence, the student submits only a crime reference number.

In this case the student's claim would be rejected because:

- The evidence does not confirm the nature of the crime concerned, nor does it demonstrate the impact of the crime on the student. The University cannot contact the police for further details of the crime.

### Scenario 7

Having failed a coursework assessment at the first attempt in semester 1 2010/12, a student submits the reassessment coursework one day after the reassessment coursework deadline. The student also submits a mitigating circumstances claim. He stated that he was unable to submit the work by the deadline because he was ill but he does not submit any evidence in support of the claim.

In this case the student's claim would be deemed rejected because:

- There is no supporting evidence. As the work concerned is a reassessment, it is not marked and the student gets a zero for it.

## Section 5

### Sources of further information / assistance

- ✓ Further information including the Mitigating Circumstances Form is available at: [www.londonmet.ac.uk/mitigation](http://www.londonmet.ac.uk/mitigation)
- ✓ If you require assistance completing this form – please contact the Students' Union:  
North campus - Tower Building - Tel: 020 7133 4171  
City campus - Goulston Street - Tel: 020 7320 2233
- ✓ If you have any queries regarding the submission of this form, please contact your Undergraduate / Postgraduate office
- ✓ Any other queries should be sent via email to: [mitigation@londonmet.ac.uk](mailto:mitigation@londonmet.ac.uk) (please include your full name, Student Number and if applicable, list the module(s) concerned)

This student guidance has been developed by the Academic Registry in collaboration with the Students' Union