

### Annex A.2 Mitigating Circumstances Policy & Procedures

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| <b>Policy owner:</b>                                     | Northern School of Contemporary Dance – Quality Office                               |
| <b>Lead contact:</b>                                     | Quality & Regulations Manager  |
| <b>Audience:</b>   | Students/Staff for Northern School of Contemporary Dance Courses of higher education |
| <b>Approving body:</b>                                   | Northern School of Contemporary Dance: Senate  |
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| <b>Related Statutes, Ordinances, General Regulations</b> | Academic Regulations & Credit Framework<br>Equality Act 2010                         |
| <b>Related Policies, Procedures and Guidance:</b>        | Academic Regulations & Credit Framework,<br>Academic Appeals Policy                  |
| <b>UK Quality Code reference:</b>                        | Quality Code Expectations for Quality; Core Practices                                |
| <b>OfS Conditions reference:</b>                         | Conditions: B4, C2, C4   |
| <b>Equality and Diversity Considerations:</b>            | Policy should be available in accessible format for all students.                    |
| <b>Date Equality and Diversity Assessment Completed:</b> |  |
| <b>Further information:</b>                              |  |

## Contents

|   |    |
|---|----|
| 1. Introduction .....   | 3  |
| 2. Principles for Mitigation .....                                | 3  |
| 3. Eligibility .....  | 4  |
| 4. In Year Applications for Mitigating Circumstances .....        | 5  |
| 4.1 Extensions to Deadlines – Practical and Written .....         | 5  |
| 4.2 Alternative Assessments due to Mitigating Circumstances ..... | 6  |
| 5. Un-capped re-sits .....  | 7  |
| 6. End of Year Applications for Mitigating Circumstances.....     | 7  |
| 7. Mitigation Sub-Committee .....                                 | 8  |
| 8. Supporting Evidence .....                                      | 9  |
| 9. Appeals.....   | 10 |

## **1. Introduction**

- 1.1. All students have a responsibility to manage their learning and assessment activities throughout the duration of their study and are expected to plan and manage their workloads. NSCD provides services to support students in handling both the pressures of student life, as well as during periods in which they experience difficult events in their personal lives.
- 1.2. Applications from students for mitigation regarding any extenuating circumstances will be considered by the Mitigation Sub-Committee on behalf of the Board of Examiners where they are submitted in line with the procedures set out in this Annex.

## **2. Principles for Mitigation**

- 2.1. The term 'mitigation' refers to circumstances that impact on a student's assessed work, see section 3 for full definitions.
- 2.2. The term 'concessionary measures' refers to the interventions made by the Mitigation Sub-Committee, or by the Chair of the Mitigation Sub-Committee (or their nominees), on behalf of Boards of Examiners in order to offset the impact of mitigating circumstances on student performance in their assessed work or with regard to their timely submission of assessments in line with set deadlines.
- 2.3. The purpose of making such interventions is to arrive at an outcome that properly reflects the student's level of achievement on the affected module(s) and/or therefore on the stage/course of study as a whole.
- 2.4. In making such interventions examiners must determine that the extenuating circumstances have produced a demonstrably negative impact on student performance in particular assessments. Wherever possible, such judgements should be made based on a comparison to the marks achieved by the student on other assessments in the module and/or on other modules.
- 2.5. It is important to note that mitigation is not concerned with assessing the severity of any particular set of extenuating circumstances. It is concerned with assessing the impact of extenuating circumstances on student performance on affected assessments. Where the reported circumstances are considered not to have impacted on student performance, no concessionary intervention is required.
- 2.6. Mitigation, therefore, does not involve awarding students 'extra' marks as compensation for managing difficult and unforeseen circumstances. It involves finding

ways to reward students for demonstrating learning by ensuring that the marks/credit awarded for that learning reflect their true level of achievement through applying concessionary measures.

- 2.7. Mitigation should not compromise academic standards. Examiners should be satisfied that the overall mark arrived at via mitigation reflects the student's level of achievement as a whole on the module in question and the core requirements for a pass to be awarded.
- 2.8. Students submitting applications for mitigation should not routinely be regarded with suspicion or of seeking to gain an unwarranted advantage by doing so. All applications for mitigation should be approached supportively in applying the conventions for mitigation and achieving the best, most appropriate outcome.

### **3. Eligibility**

- 3.1. Extenuating circumstances are usually unforeseen and/or unpreventable circumstances that could cause any of the following:
  - 3.1.1. Cause the student to perform below an accurate reflection of their capability in relation to the learning outcomes
  - 3.1.2. Cause the student to fail an assessment or module
  - 3.1.3. Prevent the student from submitting work to deadlines
  - 3.1.4. Prevent the student from taking an assessment
- 3.2. Extenuating circumstances include but are not limited to:
  - 3.2.1. Serious personal illness
  - 3.2.2. Serious personal accident, injury or hospitalisation
  - 3.2.3. Significant adverse personal or family circumstances
  - 3.2.4. Circumstances relating to an existing medical condition
  - 3.2.5. Mitigating Circumstances are usually beyond the student's control, however all applications for mitigation will be considered on a case-by-case basis.
- 3.3. Circumstances not normally considered for mitigation without good cause include but are not limited to:
  - 3.3.1. Failing to read a timetable or other instructions correctly
  - 3.3.2. Completing coursework too late and missing deadlines
  - 3.3.3. Missing deadlines due to IT issues or not backing up written work
  - 3.3.4. Missing assessments due to transport issues or failure to make alternative travel plans in the face of known disruptions
  - 3.3.5. Usual employment commitments
  - 3.3.6. Usual financial/budgetary commitments

- 3.4. Students can apply for mitigation with respect to the following matters:
- 3.4.1. To request an extension to written submissions or delay to practical assessment
  - 3.4.2. To support a reasonable adjustment
  - 3.4.3. Failure to submit a written assignment
  - 3.4.4. Failure to attend a practical/in person assessment
  - 3.4.5. Failure of a completed assessment
  - 3.4.6. Impaired performance resulting in a mark lower than the rest of their grade profile

#### **4. In Year Applications for Mitigating Circumstances**

##### **4.1 Extensions to Deadlines – Practical and Written**

- 4.1.1. Where students are significantly affected by their mitigating circumstances, they may wish to delay taking an assessment or request an extension to a written deadline providing the delayed assessment is taken in the same academic year.
- 4.1.2. Any extension deadline must allow all processes, such as moderation and mark verification, to be completed prior to the Board of Examiners.
- 4.1.3. It is recommended that the student is directed to Student Services and well-being team who may be able to provide other appropriate support for the student.
- 4.1.4. To request an extension for a written or practical assessment, students should submit an Extension Request Form via the VLE for consideration by the module leader or Learner Support Tutor as appropriate (see appendix A.2b). This should be submitted in advance of the assessment unless extenuating circumstances prevent this, in which case it should be submitted within good time, ideally within 5 days of assessment. The module leader would consider the reasons for the request and decide whether it should be accommodated, ensuring that the decision is in the student's best interest and would not cause issues in the future, such as the delay resulting in the majority of remaining assessments taking place over a short period of time.
- 4.1.5. In exceptional circumstances an extension may be issued in retrospect by the Quality Office. This should be approved by the Chair of the Mitigation Sub-Committee via Chair's Action.

- 4.1.6. Decisions concerning applications for extensions do not require formal approval from the Board of Examiners and should be communicated to students as soon as possible by the Quality Office. However, a record of all agreed extensions and delayed assessments should be retained and reported to the Mitigation Sub-Committee.
- 4.1.7. The granting of an extension for any specific assessment does not prevent the Mitigation Sub-Committee from subsequently considering an application for mitigation relating to that assessment where the circumstances concerned had a significant or long-term impact on the student's performance or resulted in failure of the assessment.
- 4.1.8. Extensions on grounds of mitigating circumstances may be granted with respect to resubmissions.

## **4.2 Alternative Assessments due to Mitigating Circumstances**

- 4.2.1. Alternative assessment arrangements may be made for students who are managing mitigating circumstances including; physical injuries, health issues or personal circumstances. For alternative assessment regulations refer to section 2.7 of *Annex A.1 Academic Regulations & Credit Framework*.
- 4.2.2. Students with Personal Support Plans (PSP) are expected to act in partnership with the support services available to identify where alternative assessments may be required and to contact them if their needs change throughout the year.
- 4.2.3. NSCD is required to make reasonable adjustments by providing alternative forms of assessment to ensure that any student for whom they are aware of the need for adjustment are not at a disadvantage.
- 4.2.4. Alternative Assessments are embedded within the curriculum design, and students requiring an alternative assessment should discuss their needs at the earliest possible opportunity with the Faculty or Student Support.
- 4.2.5. It is recommended that the student is directed to Student Services and the well-being team who may be able to provide other appropriate support for the student.

## **5. Un-capped re-sits**

- 5.1. The termly Module Assessment Boards review all failed assessments in completed modules and issue re-sit opportunities to take place at the first available opportunity (refer to 3.10 of *Annex A.1 Academic Regulations & Credit Framework*)
- 5.2. Students with failed modules will be given the opportunity to submit a mitigating circumstances form prior to the Module Assessment Board, which will be reviewed by the Chair of the Mitigation Sub-Committee and the Head of Student Support.
- 5.3. If deemed appropriate given the students circumstances and current credit profile, the Chair of the Mitigation Sub-Committee may authorise the Module Assessment Board to issue an un-capped re-sit opportunity.
- 5.4. If it is deemed that the student is unable to take a re-sit due to their mitigating circumstances, they will be referred to the full Mitigation Sub-Committee for concessionary measures to be considered at the end of the year.

## **6. End of Year Applications for Mitigating Circumstances**

- 6.1. Students who wish to apply for mitigation for failure, non-submission or affected performance should complete the Mitigation Form via the NSCD VLE and submit supporting evidence to the Quality Office as requested.
- 6.2. 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.
- 6.3. Late applications after the deadline set by the Quality Office will not be considered, unless there are exceptional circumstances where a student can demonstrate that they could not have reasonably been expected to have complied with NSCD's deadlines owing to the specific nature of the issues involved. Where appropriate, if the late application is upheld after the relevant Board of Examiners has met, the Chair of the Board will be notified and the student's academic profile will be reconsidered.
- 6.4. 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 email or supporting evidence alone or on the recommendation of the Student Support Manager.

## **7. Mitigation Sub-Committee**

- 7.1. The Mitigation Sub-Committee reports directly to the Board of Examiners with delegated responsibility for recommending concessionary measures.
- 7.2. The Mitigation Sub-Committee will consider all applications in regard to failure, late or non-submission of assignments, absence from assessment and impaired performance and will also approve any reasonable adjustments and/or extensions granted in year.
- 7.3. The Mitigation Sub-Committee should comprise a small number of internal members, usually with the Director of Studies as Chair, the Head of Faculty, the Head of Student Support and a representative from the Quality Office acting as Secretary.
- 7.4. All information and evidence submitted as part of a claim for mitigation must be treated as sensitive personal data and processed as such. Materials must be kept secure, with access restricted to members of the Sub-Committee and outcomes reported anonymously to the Board of Examiners.
- 7.5. When assessing claims for extenuating circumstances, the Mitigation Committee will consider:
  - 7.5.1. whether the circumstances underlying the claim are suitable for mitigation in line with the definition set out in section 2 above
  - 7.5.2. the severity of the impact of the mitigating circumstances on the student's academic performance
  - 7.5.3. the documentary evidence (where applicable)
  - 7.5.4. the time period affected
  - 7.5.5. whether making an adjustment would compromise the achievement of learning outcomes for the module and the maintenance of academic standards
  - 7.5.6. if there are any other anomalies in the student's mark profile that concessionary measures should be applied to
- 7.6. Based on the submission and evidence provided by the student, the Mitigation Committee will accept or reject the claim for mitigation.
- 7.7. If a request for mitigation is accepted, the Mitigation Sub-Committee will recommend appropriate concessionary measures to the Board of Examiners, within



the regulations set out in section 3 of *A.1 Academic Regulations and Credit Framework for Taught Programmes of Study*. These include:

- 7.7.1. Overriding of late submission penalties
  - 7.7.2. Disregarding of individual assessments
  - 7.7.3. Condonement of modules
  - 7.7.4. Trailing of credits
  - 7.7.5. Un-capped re-sit opportunities
- 7.8. Where the Mitigation Sub-Committee does not accept that the student has experienced serious and exceptional factors that adversely affected their performance during their study, this ends consideration of the personal circumstances application.
- 7.9. In circumstances where a student is unable to submit an application for mitigation, The Mitigation Sub-Committee can apply concessionary measures on their behalf.
- 7.10. The Quality Office should confirm the outcomes in writing to students with an explanation so that they can fully understand the reasons for the decisions made by the Mitigation Sub-Committee.
- 7.11. The Quality Office should provide a report to the Board of Examiners and maintain secure digital records of all applications, evidence and decisions made by the Mitigation Sub-Committee.

## **8. Supporting Evidence**

- 8.1. Students may be required to submit supporting evidence, if so the following conditions apply.
- 8.2. The purpose of supporting evidence is to provide further context to extenuating circumstances and explain their impact upon the student.
- 8.3. 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, and absence from practical or in person assessment. Students may self-certify for periods of up to seven-days.

- 8.4. Students can only self-certify for the purposes of mitigation on one occasion in an academic year, any further applications relating to assessment must be accompanied by evidence.
- 8.5. Medical evidence may be provided to support a longer period of absence or where the student has asked for special consideration several times, from medical professionals and/or third parties who know the student in a professional capacity and can verify the circumstances from a position of authority (for example, GP, medical specialist, Student support staff).
- 8.6. Students with a Personal Support Plan (PSP) who suffer an acute episode or worsening of an existing condition or personal circumstances are not required to submit new evidence related to the condition when requesting mitigation.
- 8.7. Students may wish to provide other forms of supporting evidence. In all cases, the evidence must clearly relate specifically to the extenuating circumstances and their impact upon the student.
- 8.8. All evidence should be provided in English or translated.
- 8.9. Where reasonable evidence exists to support the suspicion that documentary evidence has been falsified, the Chair of the Mitigation Sub-Committee will pause the application and refer the case for falsified evidence for consideration under the *Non-Academic Misconduct Policy*. Should the allegation of the offence of submitting falsified evidence be upheld then the application for mitigation will be dismissed. Should the allegation of the offence of submitting falsified evidence not be upheld the mitigation process will resume.

## **9. Appeals**

- 9.1. Students wishing to appeal against the recommendations of the Board of Examiners in response to applications for mitigation may do so on the grounds set out in *Annex A.4 Academic Appeals Policy & Procedure*.