

# THE ENGINEERING & DESIGN INSTITUTE LONDON

## MITIGATING CIRCUMSTANCES POLICY

|   |  |                                   |                |
|---|--|-----------------------------------|----------------|
| <b>Summary</b>                              | Policy describing the Mitigating Circumstances process for TEDI-London students. Outlines what Mitigating Circumstances are, and which circumstances will normally be acceptable and unacceptable. It also outlines important deadlines and progression information. |                                   |                |
| <b>Policy Owner</b>                         | Registrar  |                                   |                |
| <b>Policy Sponsor</b>                       | Academic Board   |                                   |                |
| <b>Policy applies to</b>                    | All TEDI-London students   |                                   |                |
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### DOCUMENT CONTROL

| <b>Date</b> | <b>Version</b> | <b>Action</b>    | <b>Amendments</b>  |
|-------------|----------------|------------------|--|
| 11/2020     | 1              | Document created |  |
| 01/2021     | 2              | Document updated | Updates made to clarify the process of communicating outcomes to students, the role of Module and Programme Boards and submission deadlines. |
| 08/2021     | 3              | Document Updated | Updates made to reflect change from Module and Programme Boards to Assessment Boards. Changes also made to reflect the removal of            |

|         |   |                   |  |
|---------|---|-------------------|--|
|         |   |                   | opportunities for students to request extensions   |
| 05/2022 | 4 | Document updated  | Updates made to ensure alignment with TEDI-London naming conventions, remove references to deferrals, clarify information on submission of evidence, remove reference to affected performance, clarify outcomes of accepted claims, provide guidance on group work and IT issues impacting on submission |
| 07/2022 | 5 | Document updated  | Updates made to clarify decisions made where results exist for 1 <sup>st</sup> sit and mitigating circumstances sit and the role of the Assessment Board in this.  |
| 07/2023 | 6 | Process amendment | Reviewed and amended to meet OIA recommendations.  |
| 11/2023 | 7 | Document updated  | Updates made to include examples of accepted and not accepted evidence for mitigating circumstances.   |

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## **1. INTRODUCTION**

- 1.1. This Policy has been framed with reference to the [QAA Quality Code Advice and Guidance on Assessment](#) and the [Office of the Official Adjudicator Good Practice Framework Requests for Additional Consideration](#).
- 1.2. This Policy explains what we mean by Mitigating Circumstances and gives examples of the types of circumstances that we accept. It outlines what you should do if you do experience mitigating circumstances, what happens to your claim, and the next steps for your assessment.

## **2. POLICY STATEMENT**

- 2.1. Our programmes are intended to prepare you for your working life where you will be expected to meet deadlines, manage your workload, and expect a reasonable level of pressure at times in doing so. It is your responsibility to plan your work to ensure that you can meet assessment deadlines, but we understand that there may be circumstances beyond your control (mitigating circumstances) which mean that you may miss a deadline or are not able to perform as well as you had hoped.
- 2.2. Our approach to mitigating circumstances aims to give you a fair opportunity to show that you can reach the required academic standards, without compromising or lowering those standards.
- 2.3. For circumstances that prevent you submitting to assessment, or that impact on your performance in assessment in the short term, we have processes which enable you to defer your assessment to the next submission point or to attempt an assessment again without penalty at the next submission point.
- 2.4. If you have long-term mitigating circumstances, you can interrupt your studies, details about how to do this are outlined in the Interruption and Withdrawal Policy.
- 2.5. We operate a process for making reasonable adjustments for students with disabilities. Information about this is available from the Student Hub.

### **3. SCOPE OF THIS POLICY**

- 3.1. This Policy covers all students of The Engineering & Design Institute, London (TEDI-London). A student is defined as a student registered for an award of TEDI-London or an exchange student taking TEDI-London modules for credit as part of their programme elsewhere.
- 3.2. This Policy should be read alongside the Assessment Regulations and the Academic Appeals Policy.

### **4. DEFINITION AND PRINCIPLES OF MITIGATING CIRCUMSTANCES**

- 4.1. We define Mitigating Circumstances as circumstances which are usually sudden, unexpected, significantly disruptive and beyond your control, and which affect your performance at assessment.
- 4.2. Mitigating Circumstances may affect you as an individual, but there may also be circumstances that affect a group of students (such as a disruption to an exam) or that may affect students more generally at TEDI-London, or even more widely (such as an outbreak of epidemic disease).
- 4.3. These circumstances might mean that:
  - You are not able to attempt an assessment.
  - Your performance in the assessment is adversely affected.
  - An entire cohort performance is affected.
- 4.4. By submitting a claim for Mitigating Circumstances, you confirm that your circumstances are severe and have impacted on your ability to submit or take the assessment or to perform in the assessment to your best ability. Submitting false claims or evidence is a serious matter and will be dealt with under our disciplinary procedures.
- 4.5. Mitigating Circumstances must occur at the time of the assessment or in the period immediately leading up to the assessment. For example, if you were unwell for two weeks at the beginning of a teaching block this would not normally be expected to impact on assessment later in the year.
- 4.6. Acceptable mitigating circumstances include:
  - a. Serious short-term illness or injury

- b. Worsening of an ongoing illness or disability, including mental health conditions, whether short or long-term.
- c. Symptoms of an infectious disease that could be harmful if passed on to others
- d. Death or significant illness of a close family member or friend
- e. Unexpected caring responsibilities for a family member or dependant
- f. Significant personal or family crisis
- g. Witnessing or experiencing a crime or traumatic incident
- h. Being a victim of a crime that has had a substantial impact on you
- i. Accommodation crisis such as eviction, fleeing domestic violence, or your home becoming uninhabitable
- j. Being at risk of forced marriage
- k. Exceptional financial problems
- l. An emergency or crisis that prevents you from attending an exam or accessing an online assessment
- m. Safeguarding concerns
- n. Court attendance
- o. Severe TEDI-London IT problems (see section 6 below)
- p. A newly-diagnosed disability or long-term health condition where reasonable adjustments could not be put in place in time.

4.7. Unacceptable mitigating circumstances normally include:

- a. Minor illness such as common cold unless symptoms are especially severe
- b. Circumstances which do not relate to the assessment period in question
- c. Minor computer problems including failure to save documents appropriately and lack of access to online services (see section 6 below)
- d. Poor time management (e.g. pressure of work, conflicting assessment deadlines, unavailability of resources etc.)
- e. Group work tasks – failure of one member to participate in the assessment (this will be addressed by the Module Leader during the marking process)
- f. Misreading the examination timetable or submitting the wrong assignment in error
- g. Assessments or examinations scheduled close together
- h. Holidays, house moves or domestic events that were planned or could reasonably have been expected.
- i. Routine work commitments
- j. Sports activities

- k. The impact of an existing disability where reasonable adjustments had been made.
- 4.8. Long-term health conditions (including pregnancy) and/or disabilities are usually supported through the process for reasonable adjustments. However, consideration of mitigating circumstances can be requested where there is a serious unforeseen impact of your condition or where your condition worsens or its impact increases unexpectedly.
- 4.9. If you have an on-going condition, or if you become pregnant, you are encouraged to access the Student Support service via the Student Hub to arrange support and reasonable adjustments for specific learning requirements and assessments.

## **5. IT ISSUES AND MITIGATING CIRCUMSTANCES**

- 5.1. IT problems will only be considered as mitigating circumstances where these are severe and impact on the whole of TEDI-London. Where this happens, you will be notified by the TEDI-London IT team of the issue and can use this as evidence in your claim.
- 5.2. It is your responsibility to ensure that you have access to the correct facilities and services to submit your assessment on time. IT problems that impact individual students only are unlikely to be considered as mitigating circumstances.

## **6. MITIGATING CIRCUMSTANCES PROCESS**

- 6.1. Although you are welcome to discuss your circumstances with TEDI-London staff members for advice or guidance, this does not replace submission of a Mitigating Circumstances claim. Individual members of staff cannot adjust the assessment process or make decisions on mitigating circumstances. You must follow the correct procedure to submit a Mitigating Circumstances claim.
- 6.2. Mitigating Circumstances claims must be submitted on the Mitigating Circumstances Form, which you can find in the Student Zone Team files area. The form should be submitted no later than **seven calendar days** after the submission deadline or date of assessment.

- 6.3. The form allows you to note whether you failed to submit, submitted late, or if you believe your performance in the assessment was affected by your mitigating circumstances.
- 6.4. You should concisely state the nature and timing of the circumstances and what their impact has been on your ability to attempt your assessment. The Mitigating Circumstances Panel may be unable to consider any forms that do not include this information.
- 6.5. If your evidence or your impact statement contains sensitive or highly confidential personal details, you may submit your statement and/or evidence separately to the Chair of the Mitigating Circumstances Panel via email. The Student Hub can advise you on doing this. The Chair will not disclose the information to the Panel but will confirm to them whether your evidence is sufficient and valid.
- 6.6. If you are unable to submit your Mitigating Circumstances claim yourself due to illness or other circumstances, you can ask someone to submit the claim on your behalf.

## **7. SELF CERTIFICATION**

- 7.1. TEDI-London understands that short-term illness can be incapacitating and impact on your performance in assessment or prevent you from being able to sit an exam, but at the same time may not require medical attention. We accept that a doctor's appointment can be hard to access, and that medical certification may not be issued for a short period of illness.
- 7.2. We also understand that evidence for other mitigating circumstances may be upsetting, difficult or costly to obtain.
- 7.3. We will therefore allow you to self-certify for up to two assessments per academic year as referenced in section 8 of this policy.
- 7.4. Where an assessment is self-certified, you will be required to take the assessment at the next available opportunity.

- 7.5. You may only self-certify for an assessment that you do not submit, or for an examination that you do not sit. An exception may be made if you become unwell during the course of an examination.
- 7.6. Self-certification will not be permitted where an assessment has been attempted, but you may still submit evidenced mitigating circumstances.

## **8. DOCUMENTARY EVIDENCE**

- 8.1. With the exception of a self-certified mitigating circumstances claim, claims should normally be accompanied by independent third-party documentary evidence that confirms the circumstances. Your claim should also state how the circumstances have impacted upon you.
- 8.2. You are responsible for providing documentary evidence; we cannot obtain evidence on your behalf.
- 8.3. Evidence must be legible and in English. Evidence which is written in another language must be accompanied by a certified translation.
- 8.4. Mitigating Circumstances Panels will decide whether the documentary evidence meets the requirements of this policy.
- 8.5. If your circumstances, evidence, or impact statement contain sensitive or highly confidential personal details, you may submit any or all of the claim, the impact statement and the evidence in confidence to the Chair of the Mitigating Circumstances Panel. The Servicing Officer to the Mitigating Circumstances Panel will advise you on doing this. The Chair will not disclose the information to the Panel but will advise them whether your claim can be accepted.

Listed below are examples of evidence that TEDI-London would normally regard as mitigating circumstances that could have seriously affected performance and/or attendance. This list is not exhaustive and where TEDI-London deems that a student's application falls within the definition of a mitigating circumstance, it shall be treated under this policy.

| <b>Normally acceptable</b>   | <b>Suggested sources of evidence</b>   | <b>Notes</b>   |
|--|--|--|
| Serious short-term illness or injury and/or symptoms of an infectious disease that could be harmful if passed on to others                 | Certification of illness or serious accident of the student. It is recognised that it can be difficult to get timely verification from hospitals, but you should submit your claim, pending receipt of evidence. | Evidence to show that reason occurs at the time of an assessment. Certification must be current, and not produced retrospectively.<br><br>*Students can self-certify twice per academic year.                      |
| Worsening of an ongoing illness or disability, including mental health conditions, whether short or long-term                              | Learning Support Plan (LSP) detailing significant fluctuations are expected as part of the ongoing condition/illness. Medical certification or independent verification.   | Where relevant statements are included in the LSP, the Student Experience Team should be consulted as appropriate.   |
| Death or significant illness of a close family member or friend  | Death certificate, Order of Service or evidence from a religious leader supporting the student.  | Can refer to parents (and guardians), children and siblings, a spouse/partner and it may include friends, in-laws, grandparents, and grandchildren.  |
| Unexpected caring responsibilities for a family member or dependant  | Relevant medical certification or evidence from social services.   | Illness or other event that precipitates more care required by the student just before or on the deadline/exam.  |
| Significant personal or family crisis or an emergency or crisis that prevents you from attending an exam or accessing an online assessment | Independent verification such as supporting third-party evidence.  | Fire, burglary, requirement to appear in Court etc. relevant to the date of the assessment event or the period leading up to it. Travel problems are not normally accepted as students are expected to plan ahead. |
| Exceptional financial problems   | Bank Statement or letter from a member of TEDI-London staff confided in.   | Evidence needs to be time-stamped. For example, evidence must show direct impact on student's ability to attend classes before the assessment deadline.  |
| Accommodation crisis such as eviction, fleeing domestic violence, or your home becoming uninhabitable                                      | Letter from landlord, housing association, medical letter, or police report.   | Evidence needs to be time stamped.   |

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|--|--|--|
| Witnessing or experiencing a crime or traumatic incident or being a victim of a crime that has had a substantial impact on you | Police statement or evidence from GP, medical practitioner, or counsellor. | Evidence needs to be time stamped.   |
| A newly diagnosed disability or long-term health condition where reasonable adjustments could not be put in place in time.     | Corroboration from a member of the Student Experience Team.                | In the case there is a delay to assessment and/or diagnosis of a disability due to no fault of the student.                    |
| Being at risk of forced marriage   | Letter of Confidence from TEDI-London Staff.                               | Education Team will speak with the TEDI-London staff member to validate the document.  |
| Safeguarding concerns  | Letter of Confidence from TEDI-London Staff.                               | Education Team will speak with the TEDI-London staff member to validate the document.  |
| Court Attendance   | Invitation to Attend Court Proceedings or Serve on Jury Duty.              | Evidence needs to be time stamped.   |
| Severe TEDI-London IT problems   | Notification by the TEDI-London IT team of the issue.                      | IT problems will only be considered as mitigating circumstances where these are severe and impact on the whole of TEDI-London. |

The following is a non-exhaustive list of circumstances unlikely to be regarded as falling within the relevant definition and is unlikely to be accepted as extenuating circumstances.

| <b>NOT normally acceptable</b>   | <b>Examples</b>  |
|--|--|
| Minor illness such as common cold unless symptoms are especially severe.   | Claims will not be accepted without appropriate evidence. Students can self-certify twice per academic year.   |
| Minor computer problems including failure to save documents appropriately and lack of access to online services. | Computer difficulties, losing work not backed up on computer disk or cloud services, deadline congestion, examination congestion, missing books, examination rescheduling, late distribution of materials by the Faculty/School, delays in printing, photocopying and/or binding of assessed work. |

|   |   |
|---|---|
| Circumstances which do not relate to the assessment period in question    | Evidence provided does not directly show a correlation with the assessment timeline and suggested impact.   |
| Poor time management  | e.g., pressure of work, conflicting assessment deadlines, unavailability of resources etc.  |
| Expected life events  | Holidays, house moves, sports activities or domestic events that were planned or could have been expected.  |
| Group work tasks – failure of one member to participate in the assessment | This will be addressed by the Module Leader during the marking process.   |
| Examination conditions  | <p>Misreading the examination timetable or submitting the wrong assignment in error or Assessments or examinations scheduled close together.</p> <p>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.</p> |

## 9. CONSIDERATION OF MITIGATING CIRCUMSTANCES CLAIMS

9.1. All requests will be considered by the Mitigating Circumstances Panel, who will review requests regularly around the time of assessment deadlines.

9.2. The Panel will consider the following factors:

- Self-certification
- The criteria for mitigating circumstances
- The proximity of the events covered by the claim to the timing of the relevant assessment(s)
- The suitability and validity of the evidence submitted

9.3. If a claim is submitted to the Panel and the evidence is deemed insufficient, you will be given an opportunity to provide further evidence within a defined timescale.

- 9.4. For all other claims, the Panel will either accept or reject the claim and report this decision to the Assessment Board.
- 9.5. The Servicing Officer to the Mitigating Circumstances Panel will write to you with the outcome of your claim.

## 10. OUTCOME OF MITIGATING CIRCUMSTANCES ON ASSESSMENT

10.1. If you submit a mitigating circumstances claim for one or more assessment components, the impact of this on the module is usually as follows:

| <b>Reason for mitigating circumstances claim</b> | <b>Impact of accepted mitigating circumstances claim</b>  | <b>Impact of rejected mitigating circumstances claim</b>   |
|--|---|--|
| <b>Non-completion of coursework</b>              | You will be given an opportunity to submit the piece of coursework again at the next available opportunity. Where this is a group piece, you may be required to submit an alternative piece of coursework. You will be notified of this change if required. | You will be given a mark of 0 for the coursework and, subject to approval by the Assessment Board, may be given a resit opportunity (see Assessment Regulations for further information).<br><br>Your mark for the resubmitted work will be capped at the pass mark. |
| <b>Late submission of coursework</b>             | Your work will be marked and no late submission penalties will be applied   | Your work will be marked, however your final mark will be subject to late penalties as outlined in the Assessment Regulations  |
| <b>Non-attendance at exam or presentation</b>    | You will be given an opportunity to sit the exam or present again at the next available opportunity (this is likely to be during the summer resit period)   | You will be given a mark of 0 for the exam and, subject to approval by the Assessment Board, may be given a resit opportunity (this is likely to be during the summer resit period). The mark for the resit exam will be capped at the pass mark.                    |

## **11. ASSESSMENT BOARD CONSIDERATION OF MITIGATING CIRCUMSTANCES**

- 11.1. Accepted Mitigating Circumstances claims will be logged on your assessment record (without details, which will remain confidential) and will be made available to the Assessment Boards considering your results.
- 11.2. An Assessment Board cannot alter individual assessment marks to take account of Mitigating Circumstances. Instead, they may offer additional opportunities for assessment which are detailed in Section 14 below.
- 11.3. The Assessment Board will consider your assessment result in light of the mitigating circumstances and will determine any further action required (see Section 12 Outcomes, below).

## **12. OUTCOMES**

### **12.1. Compensation**

The Assessment Board may be able to compensate the failed assessment if the assessment and the mark meet the requirements described in the Award Regulations.

### **12.2. Assessment not attempted or Assessment failed**

If you have failed or not attempted an assessment, you will be allowed one further attempt, as detailed in the Assessment Regulations. If your Mitigating Circumstances claim is accepted, this will not use up an attempt. You will be required to complete the assessment at the next available opportunity (see section 15) and the mark will not be capped (unless the assessment was already a resit attempt).

Where a mark was awarded for the original assessment and for the mitigating circumstances attempt, the highest mark achieved for the assessment component will be used for the purposes of all calculations.

### **12.3. Assessment Component Failure**

You are not required to pass all assessment components to achieve an overall pass for the module (see Assessment Regulations for more detail). In these cases, the Assessment Board will determine the next course of action. This may

include providing you with another opportunity to complete the assessment component where the mitigating circumstances claim was accepted.

Where permission is granted to have one further attempt at an assessment component due to an accepted mitigating circumstances claim, the highest mark achieved for the assessment component will be used for the purposes of all calculations.

#### 12.4. **Assessment passed**

Where you have passed an assessment component that you have submitted a mitigating circumstances claim for, the Assessment Board will determine the course of action required.

For example, the Board may determine that the mitigating circumstances had no impact on your performance (for example, if your pass mark is in line with your usual performance) and will not recommend further action. In these cases, the mark that you received will stand.

The Assessment Board may determine that your performance was adversely affected and therefore give you another opportunity to complete the assessment component where the mitigating circumstances claim was accepted.

#### 12.5. **Consideration of Mitigating Circumstances for Award Calculations**

An Assessment Board may, in exceptional circumstances, re-consider your overall degree result where a claim for mitigating circumstances has been accepted. The Board may make any adjustments which it considers appropriate and that are permitted within the Award Regulations (see the Award Regulations for further information).

### **13. APPEALS**

- 13.1. You are able to appeal the decisions of a Mitigating Circumstances Panel or of the Assessment Board through an Academic Appeal if you believe that you have relevant grounds for an Appeal.

### **14. OPPORTUNITIES FOR REASSESSMENT**

#### 14.1. **In-year resit opportunity**

We operate an in-year re-assessment system. If you were unable to submit your coursework or failed to submit your coursework, you will be requested to submit resit coursework within this period. In-year reassessment may also be offered by the assessment panel in some circumstances.

#### 14.2. **Late summer resit period**

We also operate a late summer resit period at the end of the third teaching block and examinations sessions. In this period, resit examinations will be scheduled, and you will also be required to submit any resit coursework for the third teaching block. You may also be required to submit resit coursework within this period, regardless of when the first attempt was made. We will inform you of the dates for the late summer resit period at the start of each academic year.

#### 14.3. **Non-progression**

Following the late summer resit period, if you are not able to progress to the next year of study, you may be offered one of the following options:

- a. **Apply for an interruption** (see the Interruption and Withdrawal Policy) and take the outstanding assessments in the following year.
- b. **Repeat the failed module(s) or repeat the year of study.** The Assessment Regulations give further detail on this.
- c. **Exit from your Programme.** You will be awarded all credits you have passed and any exit award you have achieved.

### 15. **CONFIDENTIALITY**

15.1. We are committed to ensuring confidentiality and only those staff who are part of the decision making and academic process will have access to the information in your mitigating circumstances claim.

15.2. Your Mitigating Circumstances claim will be considered anonymously as far as possible.

### 16. **ROLES AND RESPONSIBILITIES**

16.1. You should use the Mitigating Circumstances Form to let us know about any Mitigating Circumstances, as soon as possible, and preferably before the original deadline.

- 16.2. If you need to submit evidence for your claim, you should still submit the claim as soon as possible, do not wait until you have the evidence.
- 16.3. The Registry is responsible for receiving your claim and ensuring that this is processed in a timely manner. A member of Registry staff will act as the Servicing Officer to the Mitigating Circumstances Panel and will keep you updated on the progress of your claim.
- 16.4. The Mitigating Circumstances Panel is responsible for deciding whether your Mitigating Circumstances claim is accepted and for communicating this decision to Assessment Boards.
- 16.5. The Assessment Board is responsible for ensuring that the decision is accounted for when considering your results and confirming your final mark.

## **17. TRAINING, DISSEMINATION AND IMPLEMENTATION**

- 17.1. All TEDI-London staff will be made aware of this Policy at their induction, and we will remind staff about the process at regular training.
- 17.2. The Policy is available on the TEDI-London website, and it will be highlighted to students when they join.
- 17.3. You may obtain advice and guidance on Mitigating Circumstances from the Student Hub.

## **18. MONITORING AND REVIEW**

- 18.1. Academic Board will monitor the effectiveness of this Policy by considering key metrics such as number and type of Mitigating Circumstances requests and numbers of self-certifications.
- 18.2. This data will be reviewed at least twice per year and will be reported formally to Academic Board at its first meeting of the academic year.
- 18.3. This version of the Policy is valid from December 2023 and will be reviewed in December 2026 or earlier if required.