

May 2024



LEICESTER  
STUDENTS'  
UNION



# **ACADEMIC ADVICE**

## **Mitigating Circumstances**

## **What are Mitigating Circumstances?**

The University defines mitigating circumstances as;

*“A recognisably serious or significant event, affecting a student’s health or personal life which is beyond the student’s control. The events are sufficiently serious enough in nature to result in the student being unable to attend, complete, or submit an assessment on time.*

*A student who submitted or attended an assessment on time cannot claim mitigating circumstances on the basis that their standard of performance in the assessment may have been affected unless they submit evidence that their judgement was affected in reaching the decision on whether to attend or submit.”*

[\[Mitigating Circumstances Policy\]](#)

There are various different issues that are considered to be mitigating circumstances. These might be:

- Serious illness or accident resulting in hospitalisation or urgent medical attention/treatment relating to yourself.
- Bereavement.
- Serious illness (as described above) of a member of your immediate family (e.g. mother, father, sister, brother, son, daughter, grandparent, spouse, guardian).
- Serious infectious disease that could put others at risk.
- Sudden deterioration in a chronic medical condition or disability.
- Childbirth or pregnancy complications.
- Diagnosed psychological illness.
- Legal proceedings requiring attendance at court as a witness or jury service.
- Severe adverse personal/family difficulties.
- Being the victim of a crime.
- Harassment based on disability, faith, gender identity, race, and/or sexual orientation.
- Significant and immediate change in working conditions (distance learning and part-time students only).
- Unexpected disruption of access to technology required to complete/submit a time-bound assessment.

A list of circumstances that aren't considered to be mitigation can be found at [here](#), however the list isn't exhaustive. Examples include holidays or family events, religious festivals and regular observance, sporting fixtures, financial issues, criminal conviction, loss of computer data or printer problems, missing assessments or exams due to oversleeping, transport difficulties, and submitting the wrong work for an assessment.

You can submit a mitigating circumstances form if you're **absent from an exam or other scheduled assessment**, or if the **assessment is disrupted in some way**. You can also submit if you **fail to submit an assessment**, or if you **submit it late but within the late submission of coursework sanction scheme** (normally 8 working days after the submission deadline for Postgraduate modules, and 10 working days for Undergraduate).

The only time a mitigating circumstances form can be submitted after an assessment has been attended or submitted on time is **if you can provide medical evidence to demonstrate that you were incapable of determining whether or not you were able to undertake the assessment at the time of doing so**.

**Remember:** If mitigating circumstances are accepted for an assessment, but then you attend or submit the assessment on time, the mitigation will be voided and no longer stand.

You cannot subsequently submit mitigating circumstances after the assessment results are known.

### **How do I report Mitigating Circumstances?**

To report mitigating circumstances to your department, you will need to complete a mitigating circumstances form, and submit this to your department along with supporting evidence. This is done via the electronic form on [MyStudentRecord](#). You can normally submit a mitigating circumstances claim either **on the day the assessment was due** to be submitted or attended, **a week leading up to the assignment deadline/ exam** or up to **7 calendar days after your assessment deadline**. If you are submitting the mitigating circumstances claim **before** the assessment deadline/ exam, then you need to demonstrate how your personal

circumstances have had an impact on your ability to revise and/or prepare for your upcoming assessment/s.

On the form you need to make clear which exams or assessments have been affected by your mitigating circumstances, also selecting how they have been affected, and whether you've been absent from timetabled events too.

You will also need to explain what your mitigating circumstances are, when they occurred and how long they lasted, how the situation was beyond your control, and what impact this had on your ability to undertake the assessment. Your explanation must include the precise dates of the period affected by your mitigating circumstances, and you must attach evidence to support your application. It is your responsibility to provide this evidence, and it must be written in English. Any evidence not written in English should be submitted with a verified translation.

### **What evidence do I need to attach?**

The evidence that you submit with your mitigating circumstances form should show what the problem was, how it affected you in relation to your assessment/s, and when you were affected.

The evidence that you submit should cover the dates you talk about in your form, so if you require medical evidence it is really important that you see a GP as soon as possible, so that your evidence is dated as early as possible.

The following table gives you an indication of the types of documents that the university would consider as mitigating circumstances:

<b>Mitigating Circumstance</b>	<b>Examples of Evidence</b>
Serious illness or accident resulting in hospitalisation or urgent medical attention/treatment relating to a student	Medical certificate/hospital report/report from qualified medical practitioner. These should be produced whilst the symptoms were still apparent to the medical practitioner.

<p>Serious illness (as described above) of a member of the student's immediate family (e.g. mother, father, sister, brother, son, daughter, grandparent, spouse, guardian)</p>	<p>A medical report from a qualified medical practitioner, letter from medical professional.</p>
<p>Serious infectious disease that could put others at risk</p>	<p>Medical certificate/hospital report/report from qualified medical practitioner. These should be signed whilst the symptoms were still apparent to the medical practitioner.</p>
<p>Sudden deterioration in a chronic medical condition or disability</p>	<p>An individual flare up of a declared long-term condition does not need to be re-evidenced if previously disclosed and evidence provided at that point. Evidence of a long-term condition and possible flare ups only needs to be provided once to the University.</p> <p>New or undeclared conditions will require a medical report from an appropriate qualified medical practitioner.</p>
<p>Childbirth, or pregnancy complications</p>	<p>Medical certificate/hospital report/report from qualified medical practitioner.</p>
<p>Diagnosed psychological illness</p>	<p>Report from a psychiatrist, psychologist, medical practitioner or Student Support Services.</p>
<p>Legal proceedings requiring attendance at court as a witness or jury service</p>	<p>Documentary evidence from the court or a solicitor.</p>
<p>Severe adverse personal/family difficulties</p>	<p>Report from Student Support Services, other qualified professional.</p>
<p>Being the victim of a crime</p>	<p>Crime report and number, or evidence from alternative reporting routes as appropriate. Letter from medical professional/counsellor.</p> <p>In circumstances where no evidence is available, claims should still be submitted and considered without a request for</p>

	evidence. For example, evidence is not required for sexual assault.
Significant and immediate change in working conditions (distance learning and part-time students only)	Where possible evidence from employer detailing the change in working conditions and timescale of advance notice given to employee (student). Call up papers for military deployment.
Harassment based on a student's disability, faith, gender identity, race, and/ or sexual orientation	Evidence is not required and claims will be assessed based on student statement of impact. Additional supporting statements could be provided by a personal tutor or student support services if the student deems it appropriate.

For a list of evidence that **won't** be accepted, please see [here](#).

**When is evidence NOT required?**

It can be difficult to submit evidence for some situations but you should acknowledge this in your supporting statement so that the claim can still be considered.

Evidence is NOT required for claims relating to:

- Significant bereavement, for example a death of a close family member or significant other
- Miscarriage or termination of a pregnancy
- Being the victim of sexual assault (including image based sexual abuse)
- Harassment based on a student's disability, faith, gender identity, race, and/ or sexual orientation.
- Flare up of a declared and previously evidenced long-term condition (including long-term COVID) where any reasonable adjustments or learning support already in place are no longer sufficient to enable successful submission/completion of the assessment on time.
- Unexpected disruption to technology for a time-bound assessment that could not be avoided through advance planning

## **What happens next?**

Once you've submitted your mitigating circumstances form and evidence, the Mitigating Circumstances Expert for your Department or School will consider whether your application has sufficient grounds. If a decision can be made by the Expert, you'll receive an outcome from them (you can keep up with your claim's progress via MyStudentRecord). If your case is complex it will be referred to a Mitigating Circumstances Panel, in which case it may take a little longer for a decision to come through. This will show as pending in MyStudentRecord.

Unfortunately, presenting mitigating circumstances does not guarantee that they will be accepted, but if they are accepted, the Panel will make a recommendation about the affected assessment/s to the Board of Examiners of your course.

Potential recommendations include:

- Removal of lateness penalties.
- A new date to attend/submit the assessment.
- A new date to attend/submit an alternative assessment.
- Void assessment and re-scale module mark across the other assessment elements.
- Disregard first attempt and provide a new date to submit the assessment.
- Disregard first attempt and provide a new date to submit an alternative assessment.
- Note that the assessment was affected and carry the mitigation request forward to the point of award, for the purpose of any borderline considerations.

According to the University website:

“Depending on the circumstance, your department will normally tell you to hand in the coursework at the earliest possible opportunity that your circumstances allow. If your mitigation is accepted for the affected assessment, no sanction will be applied for its late/non submission. If your mitigation is accepted but your department agrees you could have submitted your work earlier, a partial sanction may be applied.

Departments may set a revised submission date in cases where it is possible and appropriate to do so in order to account for accepted mitigating circumstances (see [Senate Regulation 7.91](#)).”

### **What can I do if my mitigating circumstances aren't accepted?**

Unfortunately, there is no way of challenging a mitigating circumstances decision, and no appeal option within the mitigating circumstances process, so if your mitigation isn't accepted we recommend that you speak to your department about what is expected of you, in terms of exams and assignments.

Once the Board of Examiners have met to make a decision on your progression or award, you may be able to submit an academic appeal, as long as you meet one or more of the following three criteria for appeal:

- New Evidence of Significant Mitigating Circumstances (i.e. mitigating circumstances which you didn't submit a mitigating circumstances form for, and can prove with evidence that you were incapable of determining whether or not you were able to undertake the assessment at the time of doing so).
- Evidence of Procedural Irregularity
- Evidence of Prejudice or Bias

For more information about academic appeals, please see [here](#). You can also get in touch with us for advice.

### **What can the Advice Service do for me?**

[Advice Service](#) – Here in the Advice Service we provide confidential academic and housing advice. We also offer guidance and signposting to Employment Rights, Legal, Wellbeing Services and anything else that enriches your University experience. We are an independent organisation and separate from the University. Therefore, we have no involvement in the decision-making processes of the University and we do not have access to any of the data on academic and/or personal records.

If you have any questions or would like to discuss your situation with one of us, our Advisers are on hand to give you advice on mitigating circumstances.



If you're struggling to fill in the mitigating circumstances form, we can advise you on how to put your case forward. We're also able to check through your form and evidence before you submit it, and provide you with some feedback.

Feel free to get in touch with us via our [contact form](#), and we will then get back to you as soon as we can to offer you an appointment, or provide further advice, depending on what is needed.

Opening hours are 11am-3pm, Monday to Friday.

If your query is urgent you can contact us on [advice@le.ac.uk](mailto:advice@le.ac.uk) or +44 (0)116 223 1132.

### **Who else can I talk to about my mitigating circumstances?**

The following people and services may be able to help you with various aspects of your mitigating circumstances:

- **Personal Tutor** – It's always worth talking to your personal tutor about your circumstances, so that they're aware of the situation, and can advise you on any ways your department can support you.
- **GP** – If your mitigating circumstances involve illness, it's important that you visit your doctor, as you'll need to provide evidence of your illness.
- **[Student Counselling & Wellbeing Service](#)** – If you feel that you need mental health support, the University offers a counselling service for students. You can book an appointment by filling in their [online form](#). You can also contact them on +44 (0)116 223 1780 or [wellbeing@le.ac.uk](mailto:wellbeing@le.ac.uk).
- **[AccessAbility Centre](#)** - The AccessAbility Centre offers support and practical help for students with dyslexia or other specific learning difficulties; physical, mental health or mobility difficulties; and deafness or visual impairment. To find out if they can offer you support, contact them on [accessible@le.ac.uk](mailto:accessible@le.ac.uk) or call +44 (0)116 252 5002.

- [Student Welfare Service](#) – If you need advice on any financial issues, you can book an appointment with the Welfare Service. They're located in the Percy Gee Building, and their contact details are + 44 (0)116 223 1185 or [welfare@le.ac.uk](mailto:welfare@le.ac.uk).

## Useful Links

- [University webpage about Mitigating Circumstances](#)
- [Senate Regulation 7](#) governing the assessment of taught programmes
- [Mitigating Circumstances Policy](#)

## Disclaimer

- Please note that we can't guarantee the success of your Mitigating Circumstances request. However, if you are successful please speak to your Department as there *may* be a delay in receiving your grades due to the extension agreed.

[leicesterunion.com/advice](https://leicesterunion.com/advice)

**Advice Service**  
[advice.le.uk](https://advice.le.uk)  
0116 223 1132



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