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## **Mitigation of Extenuating Circumstances**

### **1. Introduction**

1.1. All students have a responsibility to manage their learning, revision, and assessment activities throughout the duration of each term or assessment period at KMMS. Students are partners with the Universities in their studies and are expected to plan carefully and manage their workloads. It is reasonable to expect students, in general, to be able to cope with normal life events, to manage their workloads properly, and to expect a level of stress and anxiety around assessments.

1.2. Students with Inclusive Learning Plans (ILP) are expected to manage their studies in accordance with their ILP, to make use of the recommendations and provisions of their ILP, to act in partnership with the support services available and to contact them if their needs change (see Section 5 below).

1.3. Extenuating circumstances are circumstances that have had a negative impact so as to:

- a. cause the student to perform less well in their assessed work than they may otherwise have been expected to do; and/or
- b. achieve acceptable levels of attendance; and/or
- c. impact their ability to attend examinations/practical assessments; and/or
- d. submit work to deadlines.

They should normally be beyond the student's control (\*see 1.3.1 below).

1.3.1. \*The University recognises that some students will start their studies with other demands on their time and wellbeing that are likely to affect their

studies. Their circumstances may not be “unexpected” or “out of control” and it may be difficult for the Mitigation Committee to judge how big an impact those circumstances will have. However, where those circumstances are putting the student at a disadvantage compared with other students, it would be unfair to exclude the student from the consideration process and so applications for mitigation on these grounds should be considered.

1.4. Boards of Examiners (via the KMMS Mitigation Committee) will consider applications from students for mitigation relating to any extenuating circumstances.

1.5. It is recognised by the Universities that students who are applying for mitigation due to extenuating circumstances, may be at their lowest point. They may be anxious, distressed, or unwell. Students can expect to be treated compassionately and in a way that is fair and consistent across the student body.

## **2. Extenuating Circumstances**

2.1 If a student believes that their academic performance or attendance has been negatively impacted by their extenuating circumstances, they should apply for mitigation within the deadlines given in section 4. Supporting evidence should be included where required (see section 5 for more information on acceptable evidence). The following are some non-exhaustive examples of extenuating circumstances:

- a. Serious personal illness
- b. Serious personal accident or injury or hospitalisation
- c. Significant adverse personal or family circumstance
- d. Worsening or acute episode of an existing medical condition

2.2 Students are required to submit applications to the KMMS Curriculum and Assessment Team. The procedure is explained in Section 4.

2.3 KMMS will not normally consider applications for mitigation in cases where the student was directly responsible for the circumstances or where a student could reasonably have avoided the situation or acted to limit the impact of the circumstances, including a request to delay an assessment.

2.4 The following are non-exhaustive examples of circumstances which would not normally be considered appropriate for mitigation:

- a. Completing coursework too late and missing deadlines because of computer or transport difficulties
- b. Losing work not backed up digitally
- c. Failure to make alternative travel plans in the face of known disruptions
- d. Normal employment commitments
- e. Normal financial/budgetary commitments
- f. Failing to read an examination or compulsory attendance timetable correctly
- g. Having a known concern or issue prior to the sitting of the assessment which prevents the student from performing as they would wish in the assessment, except where students are able to demonstrate a good reason as to why the issue was not disclosed to the KMMS Assessment Team beforehand.

2.5 It is accepted that, on occasion, it would be fair to consider an unexpected crisis involving the examples listed in 2.4. This might be appropriate, for example, if it was clear that the crisis had significantly impacted upon the student's performance or ability to submit coursework.

### **3. Consideration of Applications for Mitigation**

3.1 Applications for mitigation are considered by the KMMS Mitigation Committee on behalf of the Board of Examiners. The Committee makes recommendations to the Board of Examiners. In some circumstances, the Chair of the Mitigation Committee (or nominee) is expected to take Chair's Action in order to provide students with a speedy outcome.

3.2 All information and evidence submitted as part of a claim for mitigation must be treated as sensitive personal data under GDPR legislation ('special category data') and processed as such. Materials must be kept secure, with access restricted to those staff in KMMS who have a legitimate reason for accessing it.

3.3 When assessing claims for extenuating circumstances, the Mitigation Committee will consider:

- a. whether the circumstances underlying the claim are suitable for mitigation in line with the definition set out at 1.3 above.
- b. the severity of the impact of the mitigating circumstances on the student's academic performance and/or attendance.
- c. the documentary evidence.
- d. the time period affected.

- e. whether accepting the application would compromise the achievement of learning outcomes for the module and the maintenance of academic standards.

3.4 Based on the submission provided by the student, the Mitigation Committee will accept or reject the claim for mitigation. The Mitigation Committee may request additional information from the applicant in order to reach a decision. If this is not provided, the application will be considered in its original form. Neither position confers a particular outcome

3.5 Claims for mitigation should be resolved and an outcome determined during the academic year in which they were submitted. If examiners wish to revisit decisions made in earlier academic years, they should only do so where new evidence suggests there is good reason to do so or where the circumstances subsequently indicate that the mitigation undertaken in the previous year was inadequate to resolve the impact on the student's performance.

3.6 KMMS must acknowledge in writing to students that their application for mitigation has been considered by the Mitigation Committee (or Chair on behalf of the Committee) and the outcome. An explanation must be given to the student so that they can fully understand the reasons for the decisions made by the Committee.

#### **4. Mitigation Application Process**

4.1 Students who wish to apply for mitigation of extenuating circumstances should use the Mitigation Application Form (available on the [KMMS Student Portal](#)) and attach supporting documentary evidence where applicable.

4.2 Students can apply for mitigation for the following:

- a. non-submission of coursework and/or the e-portfolio assessment requirements for the module (including attendance)
- b. request an extension to a coursework or e-portfolio assessment deadline
- c. request a delayed AKT/OSCE
- d. late submission of coursework and/or e-portfolio assessment (where an extension has not been granted by the Chair of the Mitigation Committee (or nominee) in advance)
- e. non-attendance at an examination, in-class test, or practical assessment
- f. impaired performance in either coursework, e-portfolio requirements including attendance and/or scheduled summative assessments.

4.3 Applications must be made as soon as the extenuating circumstances are known to the student, preferably in advance of the submission deadline.

- a. Applications relating to non-attendance at, or impaired performance in a scheduled assessment, such as an AKT, OSCE, in-class test or lab assignment should be submitted within **five working days** of the assessment except for the reasons given in 4.5
- b. Applications relating to the e-portfolio should be submitted within **five working days** of the portfolio submission deadline if this is stipulated, or of the end of the module if a separate submission date is not stipulated, except for the reasons given in 4.5
- c. Applications related to the e-portfolio attendance should be submitted within **five working days** of notification of final attendance record for the module.

4.4 Final deadlines for submission will be set by KMMS. The final deadline is set so that applications can be considered by the Mitigation Committee prior to the Board of Examiners' meeting.

4.5 In certain circumstances, where there is good reason, forms may be accepted beyond the deadline. Late applications for mitigation must contain an explanation and supporting evidence for the lateness of the application. Acceptable supporting evidence is detailed in Appendix 1 below. Evidence supporting late application will be considered first by the Mitigation Committee. If the Committee is satisfied that the timing of the application is justified, the Committee will subsequently go on to consider the substance of the application.

4.6 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 an email with supporting evidence alone. Students should be aware that it might be difficult for the Mitigation Committee to fully consider their application without the full information contained on the form. Therefore, submitting the form is strongly advised.

4.7 To ensure that students are informed of the outcome of their request for mitigation as quickly as possible, decisions taken by the Mitigation Committee about applications received relating to completed summative assessments must be ratified by the Chair of the Board of Examiners (or nominee) as soon as practicable, normally within 5 working days. Decisions should not wait until the end of year meeting of the Board of Examiners. Records should be retained and reported to the Mitigation Committee and students should be informed in writing, with an explanation, of the outcome of their application.

## **5. Supporting Evidence**

5.1 The purpose of supporting evidence is to authenticate extenuating circumstances and explain their impact upon the student. Types of documentation that are acceptable as evidence are included in appendix 1.

## **6. Mitigation Committee Actions and Outcomes**

The following actions and outcomes are available to Mitigation Committees when considering applications for extenuating circumstances.

### **6.1 External Commitments**

6.1.2 The University accepts that a student may, exceptionally, have a legitimate reason beyond their control that affects their attendance at assessments (including formal examinations) which would not normally fall under the scope of the mitigation process. For example, participation in a high-level sporting event, a medical appointment that cannot easily be rearranged, a job or placement interview, or the refusal of an employer to release a part-time student from work commitments at the relevant time (the list is not exhaustive). Students should refer to the KMMS Attendance and Engagement Policy in these circumstances.

6.1.3 As these types of external commitments should be known to the student in advance, they may request either that an extension be granted or that the assessment be delayed. Documentary evidence of the external commitment must be provided. Chair's Action will be taken by the Chair of the mitigation circumstances committee for extensions or delayed assessments so that students are informed of the outcome as soon as possible.

6.1.4 If a request to miss a deadline or a scheduled assessment due to external commitments is accepted, the appropriate actions include:

6.1.4.1 Allow an extension to the deadline or reschedule the delayed assessment without penalty.

6.1.4.2 Where a summative assessment would be missed, the student may do the assessment at the earliest available opportunity and as if for the first time. Students should note that this might delay their progression to the next stage of their course or prevent them from graduating with their cohort.

## **6.2 Extensions in advance to assessment deadlines and scheduled assessments**

6.2.1 Applications for extensions to assessment deadlines or scheduled assessments must be made prior to the deadline. If a request to extend a deadline or a scheduled assessment is accepted, the appropriate actions include:

- a. Maximum (normally) two-week term time extension depending upon the severity of the impact of the circumstances.

6.2.2 The granting of an extension for any specific assessment does not prevent the Mitigation 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 ability to attend classes or submit work on time.

6.2.3 For the avoidance of doubt, it should be noted that extensions on grounds of extenuating circumstances may be granted with respect to coursework submitted as part of a resubmission for a failed module, for example a resubmission of an essay.

## **6.3 Extensions granted due to periods of absence coinciding with self-certification**

6.3.1 Where a student's period of self-certificated absence coincides with a submission deadline, or their return date is just prior to a deadline, they may apply for an extension to the submissions. If a request for an extension is accepted, the appropriate actions include:

- a. Two-week extension.
- b. If a student has already self-certified twice for periods of absence that coincide with coursework deadlines during the academic year, and or the period of self-certification absence would exceed the two-week extension or make it untenable, applications must be accompanied by evidence as per section 5.

## **6.4 Delayed AKT**

6.4.1 Applications for a delayed assessment must be made prior to the assessment taking place.

6.4.2 Where possible a maximum two-week term time delay is permitted.

6.4.3 If a student is unable to attend their end of module delayed assessment and their reason for this absence is approved by the Mitigation committee based on their submitted extenuating circumstances, then the student will be offered an extended end of year examination or resit examination (whichever is appropriate at the time)

6.4.4 A further application for mitigating circumstances is required under circumstance 6.3.1.2

### **6.5 Delayed OSCE**

6.5.1 Applications for a delayed assessment must be made prior to the assessment taking place.

6.5.2 for a student who missed or cannot sit the first sequence OSCE, then the student will receive a delayed first sequence exam on the day of the second sequence OSCE.

6.5.3 If an appropriate mitigation request is received by the Curriculum and Assessment team in line with the *KMMS Mitigating Circumstances Policy* for a student who missed or cannot sit both the first and second sequence OSCEs, then they will do both Sequence 1 plus 2. That will be scheduled after the Board of Examiners (BoE) meeting during the summer break, prior to the start of the next academic year, on a date that is acceptable to the KMMS staff and where the facilities are available. The student will be notified about this date as soon as it is available.

### **6.6 Late coursework and e-portfolio submissions**

6.6.1 Applications for late submission of assessments must be made as soon as possible after the deadline and before the final deadline set by KMMS. If a request for a late submission is accepted, the appropriate actions include:

- a. Permitting immediate submission of assessment, if available.
- b. Providing a maximum two-week term time extension from date of application, depending upon the severity of the impact of the circumstances
- c. Chair's Action will be taken by the Chair of the mitigation circumstances committee for late submissions so that students are informed of the outcome as soon as possible.

### **6.7 Non-attendance at Formal Summative assessments**

6.7.1 If a student has failed to attend a formal summative assessment, they can submit an application to be considered by the Mitigation Committee within **five working days** of the missed assessment. If a request for failure to attend is accepted, the appropriate actions include:

- a. Where appropriate, reschedule the assessment without penalty.
- b. Where rescheduling would not be appropriate, consider providing alternative assessment arrangements. provided that the relevant learning outcomes are tested elsewhere in the module in question.

### **6.8 Failure of the e-portfolio assessment requirements for the module (including attendance)**

6.8.1 If a student has failed to submit one or more requirements of the e-portfolio assessment as described in the module's e-portfolio assessment criterion, they may apply to be considered by the Mitigation Committee in line with section 6.5 above.

6.8.2 This includes a record of satisfactory attendance, engagement, and professionalism in line with the thresholds and expectations described in the KMMS Supporting Attendance and Engagement Policy.

### **6.9 Impaired performance**

6.9.1 Where a student's performance has been impacted by extenuating circumstances, they may submit an application to the Mitigation Committee by the final deadline set by KMMS (see section 4 above).

6.9.2 If the request is accepted, the Mitigation Committee will recommend appropriate action/s to the Board of Examiners. These are laid out in the [KMMS Regulations](#)

### **6.10 Membership of the Mitigation Committee**

6.10.1 Membership of the Mitigation Committee should include:

- Lead for Assessment
- Programme Director
- Head of Year - Chair

- Module Lead appropriate to cases being discussed (where different from Head of Year)
- Curriculum and Assessment Manager
- Academic Lead for SLW

6.10.2 Deputies for each of the above roles are accepted, with at least three members required for quoracy. Where members are not able to attend their input may be provided by circulation.

6.10.3 When in receipt of applications for extenuating circumstances, the Mitigation Committee should convene where possible within **ten working days** of:

- a. the end of a module and/or;
- b. the deadline for submission of assessments, including e-portfolio assessments and/or;
- c. the dates of formal assessments such as AKTs/OSCEs

6.10.4 The Curriculum and Assessment Team will be responsible for collating and sharing anonymised applications with the Committee.

6.10.5 Applications received for extension of submission deadlines may be considered via Chair's action of the Mitigation Committee, following consultation with the specific Module Lead

6.10.6 Applications received outside of the deadlines indicated within this policy, or where convening a meeting within ten working days is not possible, may be considered by the Committee via circulation.

6.10.7 The outcome of the Mitigation Committee will be communicated to the Chair of the Module Board of Examiners (or nominee) by the Curriculum and Assessment Manager as soon as is practicable and **within five working days**.

## **7. Inclusive Learning Plans**

7.1. Students with Inclusive Learning Plans (ILP) are expected to manage their studies in accordance with their ILP, to make use of the recommendations and provisions of their ILP, to act in partnership with the support services available and to contact them if their needs change.

7.2. Similarly, KMMS should help students with ILPs to manage their studies by proactively implementing the adjustments required, noting that many adjustments of this kind may in fact lead to improvements for **all** students. An

ILP should be recognised as evidence of a condition or circumstance for which an adjustment is necessary.

7.3. While ILPs are intended to ensure that students managing long-term conditions are assessed on a level with their peers and, therefore, should not need to submit an application for mitigation, the University recognises that such submissions may be required under the following circumstances:

- a. They experience an acute episode or worsening of their condition which means that the reasonable adjustments specified in the ILP are no longer sufficient; and/or:
- b. There was a shortcoming or failure in the support arrangements which means that the reasonable adjustments were not implemented in time or as specified in the ILP.

7.4. Where students holding an ILP with respect to a fluctuating condition wish to apply for mitigation with respect to an acute episode or worsening of their condition, they are **not required to submit fresh medical or other evidence** related to the condition.

7.5. While KMMS should not require the resubmission of evidence already provided for an existing ILP, students may be required to submit evidence relating to conditions or extenuating circumstances that are not covered by that established arrangement.

## **8. Falsified Evidence**

8.1. Where documentary evidence submitted in support of extenuating circumstances has been falsified, including self-certification or self-reporting, the Chair of the Mitigating Circumstances Committee will disregard the evidence and the application will be considered based on the remaining evidence in order to make recommendation to the Board of Examiners. The submission of falsified evidence will be referred for consideration under the *Regulations on Student Discipline in Relation to Non-Academic Matters and the KMMS Low-Level Concerns, Fitness to Study and Fitness to Practise Procedures*.

## **9. Academic Appeals**

9.1 Students wishing to appeal against the recommendations of the Mitigating Circumstances Committee to the Boards of Examiners in response to applications for mitigation may do so on the following grounds:

- a. Procedural error: Where there are reasonable grounds, supported by objective evidence, to believe that there has been an administrative, procedural, or clerical error of such a nature as to have affected the recommendation of the Board; and/or
- b. Mitigating Circumstances: Where there is evidence of illness or other extenuating circumstances that have impacted negatively on academic performance and which the student was, for good reason, unable to submit by the published deadline; and/or
- c. Prejudice or Bias: Where there is evidence of prejudice or bias or the reasonable perception of prejudice or bias against the student.

9.2 Appeals on these grounds must be to the Board of Examiners and submitted in line with the procedures set out in KMMS Appeals Procedures.

9.3 The Mitigation Committee may be asked to consider or reconsider mitigating circumstances as part of either or both informal and formal stages of the KMMS Appeals Procedures. These should be considered within the timeframe specified in 6.10.7. These may be considered by the Committee via circulation.

## Appendix 1 – Types of evidence

**A. Letters and Statements from Medical Professionals and Professional Third Parties**

Letters and statements must be from medical professionals and third parties who know the student in a professional capacity and can verify the circumstances from a position of authority (for example, Lecturer, Personal Academic Tutor, Students' Union representative, GP, University Counsellor or University Student Support and Wellbeing Adviser).

The letter or statement should fulfil the following requirements:

- a. be written on headed notepaper giving the name and contact details of the provider
- b. include a signature (where an electronic copy is sent to the student from the provider, the student should include the original email and attachment as this can be accepted as an electronic signature)
- c. relate specifically to the dates and duration of the illness or incident
- d. contain a clear medical diagnosis or opinion provided by an appropriately qualified practitioner (where applicable)
- e. give details of the impact of the illness or incident on the student and, where known, on their academic performance
- f. provide documentary evidence confirming any other relevant extenuating circumstances, as appropriate

**B. Death Certificates and Letters and Statements from Third Parties**

- a. In some circumstances it can be difficult or inappropriate to obtain a letter or statement as laid out in section 5.2. For example, where a student has been affected by the illness or personal circumstances of a relative or close friend. In these types of situations, supporting letters or statements from family members, friends, senior tutor, or fellow students are acceptable in the first instance.
- b. In cases of bereavement students may wish to provide a death certificate as supporting evidence to confirm the death of a family member or a close friend, however, this is not essential. A statement from a student, with a supporting letter from a family member, friend or representative is sufficient.

- c. However, where the effects of the circumstances have longer-term impacts on the student's academic performance, it will be necessary to provide evidence as described in 5.2.

### **C. Self-Certification for Health Reasons**

- a. Students may self-certify for periods of up to seven-days at a time. They must inform the KMMS Curriculum and Assessment Team of their absence as soon as possible in line with the KMMS Supporting Attendance Policy. Where the period of self-certification coincides with non-submission, late and incomplete submission of assessments, or absence from AKTs/OSCE/ICTs/practical assessment and other examinations, it can be used as supporting evidence.
- b. There is no limit on the number of times a student can self-certify, however, self-certification used to support the application for mitigating circumstances is limited to **two** periods in an academic year. If a student uses self-certification for a second time in an academic year, they will be referred to Student Support and Wellbeing, as such a pattern may be indicative of an underlying issue for which the student requires assistance (see section 5.9, below).
- c. Students can also self-certify absence from compulsory taught sessions. Although there is no limit on the number of times that a student can self-certify, students whose pattern or overall level of non-attendance becomes a cause for concern will be contacted in line with the KMMS Supporting Attendance Policy and [Low Level Concerns](#), [Fitness to Study and Fitness to Practise procedures](#).
- d. If a student returns to their studies on a date which falls just prior to one or more assessment deadlines, the Module Lead or Chair of the Board of Examiners (or nominee) may permit an extension or delay for these assessments if it is reasonable to assume that the period of self-certificated absence has impacted negatively on the student's ability to prepare for and complete the assessments by the original deadline. No further evidence of illness other than the self-certificate will be required. The Chair of the Board of Examiners (or nominee) will consider the number of certified absences to date. Where an extension is granted under these circumstances, it will count towards the maximum number of **two** occasions in any academic year that a student might self-certify

for periods of absence that coincide with coursework assessment deadlines.

#### **D. Other forms of Evidence**

Students may wish to provide other forms of supporting evidence, for example, screen shots from software/social media applications, video/audio recordings and photographs. In all cases, the evidence must have a clear and explicit connection to the student, the extenuating circumstances, and their impact upon the student, including date and time information.

- a. Medical certificates and other supporting documentation should be provided in English. If the original documentation is not in English, the student is required to also submit a translation into English that has been provided either by an accredited organisation or verified in writing by a member of University staff fluent in the original language.
- b. If submitting evidence that contains personal information about a third party, a student must obtain the consent of the third party.

Where a student discloses a disability or ongoing personal/health circumstances the student must be signposted to Student Support and Wellbeing to ensure that ongoing support is implemented, including the creation of an Inclusive Learning Plan, if appropriate.