

DRAFT VERSION, TO BE AGREED BY TLG – JULY 2017 (tbc)

Note: This document has been produced from the original *Mitigating Panels: Terms of Reference* and procedures sections of the existing *Policy on Mitigating Circumstances*

Contents

- A. Introduction and Scope
- B. Stages for considering requests for mitigation
- C. Handling requests for mitigation
- D. Accepting mitigation
- E. Applying mitigation
- F. Right of Appeal
- G. Procedures for Mitigating Circumstances Panels
 - Composition and Membership of Panels
 - Role of Panels
 - Meeting frequency
 - Handling Mitigation, Acceptance and Application
 - Handling Mitigation Requests
 - Accepting Mitigation
 - Applying Mitigation
 - i. Coursework (including dissertations), which can be subject to reassessment
 - ii. Coursework (including dissertations), where reassessment is not practicable
 - iii. Assessments where resit opportunities exist (e.g. years 1 or 2 of a 3 year programme or programmes with PSRB requirements which allow final year resits)
 - iv. Assessments (including coursework) where resit opportunities cannot be offered as an option (e.g. in the final year of a programme)

A. Introduction and Scope

1. This document sets out the procedures for the consideration of mitigating circumstances cases, including the operation of Mitigating Circumstances Panels and the application of their recommendations. It should be read in conjunction with the [Policy on Mitigating Circumstances](#) and, where appropriate, the *Guidance for Dealing with Disability-Related requests for Mitigation, (produced by the Disability Advisory and Support Service (DASS) (LINK TO BE ADDED)*.
2. The procedures apply to consideration of mitigation in respect of Undergraduate and taught Postgraduate students.

B. Stages for considering requests for mitigation

3. Mitigating circumstances are considered in three stages.
 - *Stage 1: Identifying cases (responsibility of Schools and Faculties).* This stage identifies all the cases that were received after the published date for the beginning of an assessment period. If there is no credible and compelling explanation for mitigating circumstances not being submitted prior to the published date for the beginning of an assessment period, these students must be advised that their claims cannot be considered and be referred to

the Policy on Mitigating Circumstances and the section in their programme handbook which refers to the submission of mitigating circumstances.

- *Stage 2: Accepting mitigation (responsibility of Mitigating Circumstances Panel).* This stage establishes whether those cases received and which have passed the first stage have sufficient grounds for mitigation (see Paragraph 16), and, if they have, the case will proceed to the third and final stage.
 - *Stage 3: Applying mitigation (responsibility of the Examination Board).* This stage determines what mitigation should be applied to the outcomes of the students' assessments (see Paragraphs 17–21). Mitigating circumstances should be dealt with on a School-wide basis to facilitate consistent and equitable treatment, but it may be appropriate to deal with Undergraduate and taught Postgraduate students separately.
4. Schools should designate a member of PSS staff to take overall responsibility for handling mitigating circumstances cases. Duties would include making information available to staff and to students, observing the deadlines for submission, advising students and academic colleagues, receiving submissions and servicing the School Mitigating Circumstances Panel (see Handling Requests for Mitigation, starting from paragraph 6).
 5. Where reasonably possible, accepted mitigating circumstances should be handled by flexibility in the arrangements for assessment. Please see section G, the Procedures for Mitigating Circumstances Panels, for more information on types of mitigation that can be applied.

C. Handling requests for mitigation

6. It is the sole responsibility of the student to submit a request for mitigation according to the published procedures and deadlines. Students may wish to consult the [Basic Guide to Mitigating Circumstances](#) for further advice about the process. Prompt submission makes it easier, for example, to offer flexibility in the arrangements for assessment. All requests for consideration of mitigation by the Mitigating Circumstances Panel should be submitted by the student on a University/School Request for Mitigation Form *via* an electronic method or in hard copy to their School. The University's Notification of Mitigating Circumstances form is available at: <http://documents.manchester.ac.uk/DocuInfo.aspx?DocID=23160>; however, it should be noted that some Schools have their own versions of the form or system for submission so students must check (for example, in programme handbooks or their School intranet) regarding the version and format of the form that needs to be completed.
7. Requests for mitigation submitted after the published date for the beginning of an assessment period (except as a result of circumstances that have arisen during the course of that assessment period which should be submitted within one working day of the end of that assessment period) will not be considered without a credible and compelling explanation as to why the circumstances were not, or could not, have been shown before the beginning of the assessment period. Requests submitted as a result of circumstances that arose during that assessment period must be submitted in time for the relevant meeting of the Examination Board if possible, or for subsequent Chair's action on behalf of the Examination Board (subject to consultation with the External Examiners). Not informing the University of circumstances due to personal feelings of embarrassment and pride, or having concerns over the confidential treatment of requests for mitigation, are not considered to be credible and compelling explanations as to why the circumstances could not be made known or shown before the

beginning of the assessment period, unless substantiated by evidence, as described in paragraph 8.

8. Requests should be accompanied by appropriate, independent, third-party supporting or collaborative documentation, which will be checked to ensure there are no doubts regarding their authenticity and which should be written in English (or suitably translated)¹. If the information, and details of the mitigating circumstances, are considered to be highly confidential, students should submit these in a sealed envelope attached to the [Notification of Mitigating Circumstances Form](#) (or School equivalent), together with the supporting documentary evidence. Mitigating Circumstances Panels must have due regard for the confidentiality of any application they receive.
9. Where a student wishes to apply for mitigation and they confirm that they have already submitted information and/or evidence for an ongoing case, under the procedures listed below, the University appointed case handler may provide a statement, to be used as evidence, summarising the nature of the case for consideration by the Mitigating Circumstances Panel:
 - a. [Academic Appeals Procedure \(Regulation XIX\)](#)
 - b. [Student Complaints Procedure \(Regulation XVIII\)](#)
 - c. [Dignity at Work and Study \(Procedure for Students\)](#)
 - d. [Conduct and Discipline of Students \(Regulation XVII\)](#)
10. Please see paragraph 44 in relation to evidence requirements for students registered with the Disability Advisory and Support Service (DASS) who have stated a disability-related reason for their mitigation (where this is the same as the disability for which they are registered with DASS).
11. A specifically constituted Mitigating Circumstances Panel will deal with requests for consideration of mitigating circumstances. Its membership will be taken from and approved by the Examination Board; it will be chaired by a member of the Examination Board and serviced by the member of PSS staff responsible for dealing with mitigating circumstances, plus others as necessary. In the Faculty of Biology, Medicine and Health, Progress Committees may act in this way and fulfill the same role as a Mitigating Circumstances Panel. In large Schools, it may be appropriate for sub-panels, with appropriate academic input and approval from Mitigating Circumstances Panels, to handle different groups of programmes separately. Mitigating Circumstances Panels must ensure that decisions are consistent across the School.
12. Panels will operate by considering documentary evidence, and students are not normally required to attend meetings. Panels may at their discretion consult with University support services where a student has indicated that they are receiving support and has consented to the Panel making contact. In regards to any requests for mitigation that mention disability support, lack of disability support, the impact of a disability or where a student has disclosed a possible disability, these should be referred to DASS. DASS will provide confirmation of the individual

¹ For further information about evidence, please see the [Basic Guide to Mitigating Circumstances](#), seek advice from the relevant School, or see paragraph 43 of this document, which provides indicators of what would show that evidence is authentic. When Panels consider that evidence is questionable, they should reject the request for mitigation and feedback the decision to the student. Should the student wish to challenge this decision, they can do so via the Academic Appeals Procedure.

circumstances and veracity of information provided and specialist advice on disability-related applications before the Panel reaches a decision (see paragraph 44).

13. Mitigating Circumstances Panels are reasonably expected to be convened for each significant assessment period, at a minimum of three per academic year (Semester One, Semester Two and Resit Period). Schools may have arrangements in place to consider cases for mitigation at Mitigating Circumstances sub-panels, when it is proportionate to do so.
14. Mitigating Circumstances Panels (and Examination Boards as necessary to fulfil the requirements of this Policy) must maintain a written record of the minutes from their meetings, which Schools are able to report on and which are held by Schools in accordance with the University's [Records Retention Schedule](#).
15. Arrangements for dealing with mitigating circumstances should be coordinated with procedures for related student matters including disability support and attendance monitoring, for example, as under [Regulation XX, Monitoring Attendance and Wellbeing of Students](#) (for which specific procedures should be outlined locally in programme handbooks).

D. Accepting mitigation

16. The Mitigating Circumstances Panel will determine whether there is substantiated evidence of circumstances eligible for mitigation. It will then decide whether the circumstances will have had, or could have had, an adverse effect on the student's performance, and, if so, it will judge how significant the effect was likely to have been. If the Mitigating Circumstances Panel judges that the effect was or would have been significant, the mitigation request will be accepted. Mitigation requests may be accepted for a specific assessment, or more general impairment over a number of assessments, or for both.

E. Applying mitigation

17. If a mitigation request is accepted by the Mitigating Circumstances Panel, it should recommend mitigation to be applied in a certain way, according to the alpha numeric codes listed in the Procedures for Mitigating Circumstances Panels (pages 10 to 12). It is envisaged that these recommendations will be adopted in the majority of cases. However, a Mitigating Circumstances Panel's remit is to establish the severity of mitigating circumstances and to determine whether such circumstances have had a significant effect on the outcomes of an assessment. An Examination Board will have a more holistic view of the student's performance across the whole programme; therefore the Examination Board will determine how to apply mitigation, given the student's assessment results as a whole, and can therefore apply other codes as they see fit, documenting their decision.
18. Where a preliminary internal meeting of the Examination Board is held to review the results before they are sent to External Examiners, that meeting may conveniently be used for applying mitigation. Otherwise, the whole Board may meet, with or without External Examiners, or it may delegate the task to a sub-group of the Board. Whatever arrangements are adopted, they must be clearly defined in advance and acceptable to the External Examiners.
19. For each case, the Examination Board will start from the available assessment results and the assessment outcome that they imply. It will receive a recommendation on mitigation from the Chair of the Mitigating Circumstances Panel, who will convey the Panel's view of the severity of the impairment suffered by the student.

20. The Examination Board may agree to apply general mitigation to the overall performance of the student. In such cases, the Examination Board will judge, in the light of the severity of the impairment and of other available evidence such as prior performance, whether without the impairment the student would have reached higher overall marks sufficient to demonstrate appropriate learning outcomes. It will then determine in the light of the available results whether the student satisfies the published requirements for progression, for a given degree award or classification, or for treatment under its usual procedures for a borderline candidate. The Examination Board will not adjust the mark of the student in individual units or overall, but will flag marks in respect of which mitigation has been applied so that this can be taken into account by the Examination Board in a subsequent year. (For example, when using that year's marks in computing the overall average for the programme in a subsequent year, the Examination Board will need to allow for the consequent reduction in the overall average if it falls close to a borderline.)
21. In some programmes of study, discipline-specific or professional requirements may mean that the options available to the Examination Board for dealing with mitigation are very restricted, for example, permission to re-sit an examination or to re-submit a piece of assessed coursework. In such instances, students must be informed clearly and unambiguously in the relevant programme handbook.

F. Right of Appeal

22. Since Panels operate under delegated powers from the Examination Board (as defined in the Procedure for Mitigating Circumstances Panels), their decisions will not normally be subject to review unless some procedural irregularity has occurred. Students have no right of appeal against the decision of a Mitigating Circumstances Panel, although they can appeal against the final decision of an Examination Board, or equivalent body, under [Regulation XIX: Academic Appeals Procedure](#), if appropriate.
23. Should students have not requested mitigation prior to the School's published deadline but consider that they have a credible and compelling explanation for this, requests can thereafter be made following the publication of results by following [Regulation XIX: Academic Appeals Procedure](#).

G. Procedures for Mitigating Circumstances Panels

Composition and Membership of Panels

24. All Schools are required to have at least one constituted Mitigating Circumstances Panel whose decisions are ratified by the Examination Board. (Schools may wish to have more depending on student cohort and staffing numbers.)
25. The Mitigating Circumstances Panel must be composed of appropriate members of both academic (e.g., lecturer, Programme Director) and PSS staff (e.g., Student Support Officer, Assessment Officer) and will normally be chaired by the Head of School/Director of Teaching and Learning, or a delegated nominee of appropriate seniority.
 - a. Membership will be taken from the School's Examination Board.
 - b. A Mitigating Circumstances Panel shall have a quorum of five members.

26. In the case of both summative (please see paragraph 30 below) and non-summative assessments, when proportionate to do so, requests for mitigation may be referred to a Mitigating Circumstances Sub-Panel acting on delegated authority of the full Mitigating Circumstances Panel.
- a. A Sub-Panel will be comprised of PSS staff in conjunction with a member of the Mitigating Circumstances Panel, who will usually be the Chair, alongside other appropriate academic colleagues (e.g., unit coordinators, programme directors) as may be considered necessary.
 - b. A Mitigating Circumstances Sub-Panel shall have a quorum of two members.

Role of Panels

27. Mitigating Circumstances Panels should determine:
- a. whether a student has presented substantiated evidence of circumstances eligible for mitigation;
 - b. whether the circumstances could have had an effect on the student's performance; and
 - c. how significant the effect of any mitigating circumstances would likely have been.
28. Mitigating Circumstances Panels should make a recommendation to the Examination Board for proposed mitigation for an accepted request using the alphanumeric codes below.
29. Mitigating Circumstances Panels should refer to the section on Handling Mitigation Acceptance and Application below for the mechanism by which requests for mitigation should be handled by Schools and the fundamental tenets upon which cases should be decided.
30. For summative assessments falling outside of key assessment periods, it is acceptable for Sub-Panels to be used to ensure the timely consideration of requests for mitigation, for example, where a student requests an extension. However Sub-Panels are only empowered to make recommendations C3, C5 and C6 and these recommendations still require ratification by an Examination Board (or through use of Chair's Action).

Meeting frequency

31. Paragraph 13 of this document states that Mitigating Circumstances Panels should be convened for each significant assessment period with a minimum of three per academic year (Semester One, Semester Two and Resit Period).
32. Mitigating Circumstances Panels should meet prior to the Examination Board for an assessment period.
33. Mitigating Circumstances Panels may wish to hold more meetings than the minimum requirement, which may depend on:
- a. the number of requests for mitigation that Schools receive;
 - b. the timing in which it is felt necessary to respond to or consider the impact of a request for mitigation; and
 - c. the use of Mitigating Circumstances Sub-Panels.

Mitigating Circumstances Panels: Handling Mitigation, Acceptance and Application

Handling Mitigation Requests

34. The process below outlines the mechanism by which requests for mitigation should be handled by Schools and the fundamental tenets upon which cases should be decided.
35. Requests for mitigation should be submitted by a student to their Programme owning School only, even if the student is submitting a request for mitigation for a unit managed by another School. All cases will be considered and decided upon by the Programme owning School, although other Schools may be consulted at the discretion of the Mitigating Circumstances Panel.
36. All Schools must have a constituted Mitigating Circumstances Panel. The Panel should meet prior to the Examination Board and should not consider the marks or profile of the individual student concerned. The purpose of the Mitigating Circumstances Panel is to establish the severity of the mitigating circumstances and to determine whether such circumstances have had a significant effect on the outcomes of the assessment.
37. Requests for mitigation must be submitted prior to the outcome of any assessment being known. For most practical purposes, this will mean the submission of a request in sufficient time (at least 5 working days depending on the application of paragraph 38 below) prior to the meeting of an Examination Board to allow for decisions on academic progress to be made. Schools must publish the deadlines for the submission of requests for mitigation in appropriate places, for example, programme handbooks, websites, by email and on notice boards.
38. Requests for mitigation submitted after the published date for the beginning of an assessment period (except as a result of circumstances that have arisen during the course of that assessment period which should be submitted within one working day of the end of the assessment period) will not be considered without a credible and compelling explanation as to why the circumstances were not known, or could not have been shown, before the beginning of the assessment period. Requests submitted as a result of circumstances that arose during the course of an assessment should be submitted in time for the relevant meeting of the Examination Board or for subsequent Chair's action on behalf of the Examination Board.
39. Requests for mitigation that do not involve summative assessments may be considered by a Sub-Panel of the Mitigating Circumstances Panel which will be comprised of PSS staff in conjunction with a member of the Mitigating Circumstances Panel, who will usually be the Chair, alongside other appropriate academic colleagues (*e.g.* unit coordinators, programme directors) without recourse to a full meeting of the Mitigating Circumstances Panel. All decisions made by the Mitigating Circumstances Sub-Panel must be suitably documented, and be available to the full Mitigating Circumstances Panel.
40. Requests for mitigation of a summative assessment must be considered by the Mitigating Circumstances Panel, and any recommendations made passed on to the Examination Board for consideration.
41. Any requests for mitigation that mention disability support, lack of disability support, the impact of a disability or where a student has disclosed a possible disability must be referred to the Disability Advisory and Support Service (DASS). DASS will, where possible, provide confirmation of the individual circumstances, veracity of information provided and specialist advice on disability-related applications before the Panel reaches a decision. This should be the case regardless of whether or not the student is registered with the DASS, as legislative duties may still apply. Panels can also seek further information about potential types of disability from the DASS (<http://www.dso.manchester.ac.uk/who-do-we-support/current-students/>).

42. The table below (Accepting Mitigation) outlines potential outcomes from the Mitigating Circumstances Panel that should normally be applied to each individual student case following appropriate consideration.

Accepting Mitigation

Code Outcome

A	Accepted – circumstances meet the grounds for mitigation and the Mitigating Circumstances Panel is satisfied with the supporting evidence. A recommendation based on the severity of the impairment suffered by the student is indicated by the alphanumeric codes described under Applying Mitigation.
PA	Provisionally accepted – student has referred to difficulties in obtaining evidence or DASS has recommended that further evidence should be obtained, but, based on the description of the circumstances, the request is approved pending the evidence being provided (submission date must be before the Examination Board in which the mitigation is considered). A recommendation based on the severity of the impairment suffered by the student is indicated by the alphanumeric codes described under Applying Mitigation below, but it would not be applied if the requested evidence is not presented to support the case.
N codes	The following codes indicate when mitigating circumstances are not accepted by Mitigating Circumstances Panels, with the codes being helpful as part of the process of providing feedback to students.
N	Not accepted – circumstances provided by the student are not regarded as grounds for mitigation under the Policy on Mitigating Circumstances.
N1	Not accepted - supporting evidence does not cover the relevant period.
N2	Not accepted - supporting evidence not supplied by an appropriate source.
N3	Not accepted - evidence is deemed insufficient to support the student's claim of seriousness of impact on their assessment performance.
N4	Not accepted - the evidence supplied does not confirm the student's claim of the circumstance adversely affecting them.
N5	Not accepted – no evidence is provided, and the student has not given any explanation as to the reasons why nor indicated when evidence could be available.
N6	Not accepted - the evidence relates to a chronic condition for and which the student is already in receipt of appropriate support from the DASS. This decision must always be confirmed by the DASS, as there are occasions when the support available will not be able to fully mitigate the student's need.

N7	Not accepted - evidence relates to a condition or circumstance previously used to claim mitigation where the Panel, on the earlier occasion, instructed the student that this mitigation could not be used again and may have instructed the student to obtain support from the DASS. This decision must always be confirmed by the DASS as some conditions will inevitably recur, sometimes without warning and mitigation may still be relevant.
N8	Not accepted – the request for mitigation was submitted after the School’s published deadline and the student has not provided any credible or compelling reason for the delayed submission.
N9	Not accepted - other stated reason. [Note: Must be recorded.]

Note: Examination Boards need only be informed of accepted, or provisionally accepted, requests for mitigation. The above codes must be used to provide an outcome of the decision to the student, where mitigation is not accepted. The Mitigating Circumstances Panel minutes and communication with the student may detail further explanation as to why a code is allocated.

43. Students are advised to submit independent and time-specific evidence to support a request for mitigation. Mitigating Circumstances Panels should be satisfied that any evidence is sufficiently independent and contemporaneous to confirm the veracity and impact of the circumstances that the student is describing. Panels should check the evidence to be satisfied that the circumstances described by the students are accurate and that the evidence is authentic. It would be expected, for example, that evidence is provided on letter headed paper, written in English (or certifiably translated), clearly states the name and signature of the author of the material, includes relevant dates and has the student’s name visible.
44. Students registered with DASS who have stated a disability-related reason for their mitigation (where this is the same as the disability for which they are registered with DASS), should not routinely be asked to provide medical evidence to support their application. However, if students have stated external factors that have e.g. exacerbated their disability, evidence of these external factors should still be provided. DASS will advise the School if they feel that further disability-related evidence should be provided. DASS registered students applying for the reasons above must provide a detailed explanation of how their disability is affecting their studies.
45. As soon as possible after the meeting of the Mitigating Circumstances Panel, the decision as to whether or not the request for mitigation has been accepted or not accepted should be conveyed to the student. In instances where a student has disclosed a disability or a possible health concern, then the student should be directed to an appropriate University support service in the same communication. Schools should seek consent from the student, where possible, for a referral to DASS or Occupational Health (rather than just signposting the student), by following the referral guidelines and form. (Please see the “[Referral form of Students to University Support Services for Medical or Mental Health Reasons](#)” form). Please note, for referrals to the Counselling Service, staff are encouraged to complete an online triaging questionnaire with the student, or advise the student to complete it; the details are available at: <http://pssweb.manchester.ac.uk/includes/html/counselling/>.

46. The acceptance of a request for mitigation by the Mitigating Circumstances Panel should be accompanied by a recommendation on mitigation, (using the alphanumeric codes detailed below under 'Applying Mitigation') from the Chair of the Mitigating Circumstances Panel, which will assist in conveying the Panel's view of the severity of the impairment suffered by the student, to the Examination Board. This recommendation, which must be made in the absence of any knowledge of a student's assessment results, may or may not be adopted by the Examination Board which has the final say in all matters. A preliminary internal meeting of an Examination Board may also be conveniently used for applying mitigation.
47. In accordance with the Undergraduate and Postgraduate Taught Degree Regulations, as reassessment cannot be undertaken by final year undergraduate or penultimate year integrated masters students, the recommendations available to Mitigating Circumstances Panels take into account distinct year groups alongside the types of assessment. The exception to this is Schools which have alternative progression and assessment regulations where these are required by Professional, Statutory and Regulatory Bodies (PSRBs).
48. The coding below (Applying Mitigation) outlines potential recommendations which should be provided by the Chair of the Mitigating Circumstances Panel to the Examination Board. Such a recommendation should be forwarded to the Examination Board for individual students with approved mitigation for summative assessments. One or more of the codes below should be recommended and may depend on the intended learning outcomes for a Programme.

Applying Mitigation

(Panels should recommend one of the listed codes relating to each type of work which was identified by the student as being affected by mitigating circumstances.)

- i. Coursework (including dissertations), which can be subject to reassessment

Code	Recommendation
-------------	-----------------------

- | | |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| C1. | Coursework to be submitted as a first attempt (deferral) in the next possible reassessment period appropriate to the programme. |
| C2. | Coursework to be submitted as a reassessment (referral) in the next possible reassessment period appropriate to the programme. |
| C3. | A reasonable extension to coursework to be granted within an assessment period (new deadline will need to be stated). This would include the removal of any late submission penalties imposed. |
| C4. | Exclude the coursework assessment mark(s) from the calculation of the unit average if the coursework constitutes 30% or less of the unit assessment. |

Regarding C1 to C3, if feedback for coursework has been provided to a programme cohort, Mitigating Circumstances Panels may request that the Programme Lead sets a new coursework question.

- ii. Coursework (including dissertations), where reassessment is not practicable

Students may be unable to access or undertake some assessments once the deadline for the assessment has passed (e.g., an eLearning assessment in Blackboard or carrying out some laboratory work). In such cases, where there is no opportunity to recommend codes C1 - C3 (above), Mitigating Circumstances Panels should consider recommendations C5 – C7 (below).

Code Recommendation

- C5. Student to sit paper copy version of the eLearning assessment at a date set by the Mitigating Circumstances Panel.
- C6. Student to sit using an alternative assessment method, to be agreed with the unit coordinator, either as a referral or deferral, but the assessment must meet the same intended learning outcomes (ILOs) as the original.
- C7. Exclude the coursework assessment mark(s) from the calculation of the unit average if the coursework constitutes 30% or less of the unit assessment.
- iii. Assessments where resit opportunities exist (e.g. years 1 or 2 of a 3 year programme or programmes with PSRB requirements which allow final year resits)

Code Recommendation

- A1. If affected assessment(s) have been passed at first attempt, but the student has significantly underperformed in relation to other assessments, the assessment(s) may be taken as a first attempt (deferral) in the next possible assessment period.
- A2. If affected reassessment(s) have been passed, but the student has significantly underperformed in relation to other assessments, the assessment(s) may be taken as a reassessment (referral) in the next possible assessment period.
- A3. If affected assessment(s) or reassessment(s) have been passed, the results of the affected assessments may be excluded from the degree classification calculation if there is evidence of underperformance compared to unaffected assessments/units.
- A4. If assessment(s) have been failed or missed, they may be taken as a first attempt (deferral) in the next possible reassessment period.
- A5. If reassessment(s) have been failed or missed, they may be taken as a reassessment (referral) in the next possible reassessment period. (When making this recommendation, the Mitigating Circumstances Panel/Exam Board should consider the required workload.)
- A6. In exceptional circumstances, only if it is determined that more evidence (e.g., other assessment results) is required to conduct a result comparison, it could be recommended that the mitigation is carried forward to be evaluated in a future year/Examination Board.
- iv. Assessments (including coursework) where resit opportunities cannot be offered as an option (e.g. in the final year of a programme)

Code Recommendation

- A7. Where there is sufficient evidence of attainment, exclude the assessment mark(s) from the calculation of the unit average if the assessment(s) for which mitigation applies does not exceed 50% of the unit assessment.
- A8. If there is evidence of underperformance compared to unaffected units, disregard the affected *unit(s)* from the degree classification calculation (to a limit of 45 credits for the academic year).
- A9. Extend the limit of the boundary zone for students falling between degree classifications at final classification stage by a maximum of 2%. The Mitigating Circumstances Panel will determine the extent of this depending on their assessment of evidence relating to severity, duration, timing and impact of the mitigating circumstances.
- A10. In exceptional circumstances for scenarios not addressed in a recommendation above, a Mitigating Circumstances Panel may make an alternative recommendation considered to be reasonable; however, an explanation of the reasons must be fully documented.
49. Where a request for mitigation covers a significant number of units which the Mitigating Circumstances Panel feels unable to mitigate, rather than a specific component of assessment, then it may be more appropriate for the student to be directed by the School on the advice of the Mitigating Circumstances Panel to the [Policy on Interruptions to an Undergraduate or Postgraduate Taught Programme of Study](#).
50. When a student who is registered with the DASS misses the first sit of an assessment citing disability reasons, but the level of assessment means resit opportunities are not available, e.g. level 6 or 7 for Integrated Masters, Schools should enquire with the DASS to see if the reasons can be substantiated. If so, the DASS's likely recommendation would be to allow the student an opportunity to take the assessment as a first sit in a subsequent assessment period, but NOT to discount the assessment altogether without the student having the opportunity to sit it as a first sit. This is also the case when a student is not registered with the DASS but has disclosed a disability, or possible disability, through the mitigating circumstances process.
51. As per paragraph 17, an Examination Board may, in some circumstances, choose not to adopt the recommendation of the Mitigating Circumstances Panel, where an alternative code/course of action may be more appropriate or beneficial, based on the student's overall marks/results. The application of mitigation is considered to be an academic judgement; therefore, the final decision on what action or code to be applied rests with an Examination Board. Mitigating Circumstances Panels are only empowered to make recommendations as to mitigation. The Examination Board has a more holistic view of the student's performance and is therefore better placed to make a final decision on the most appropriate course of action to address the request for mitigation.
52. As soon as possible after the meeting of the Examination Board, the final decisions made should be conveyed by the School to students who have applied for mitigation.

Document Control Box	
Policy / Procedure title	Mitigating Circumstances Procedures (formerly Mitigating Circumstances Panels: Terms of Reference)
Date approved	September 2014 (revised June 2017)
Approving Body	Teaching and Learning Group (TLG)
Version	May 2017 (TLG) - TBC (with effect from TBC)
Supersedes	June 2015 version of the Mitigating Circumstances Panels: Terms of Reference
Previous review dates	N/A
Related information	<ul style="list-style-type: none"> • Policy on Mitigating Circumstances • Basic Guide to Mitigating Circumstances • Request for Mitigation form
Policy owner	Emma Hilton-Wood, Head of Academic Policy, TLSO
Lead contact	Miriam Graham, Teaching and Learning Adviser (Policies and Procedures), TLSO