

Summary of TLMG Consultation Feedback: *Policy on Mitigating Circumstances and Mitigating Circumstances Panels: Terms of Reference (June 2016)*

A. Policy on Mitigating Circumstances

Faculty / School	Feedback	Comments/ Action Taken
Humanities	1. (new) Para. 19 –“Faculty of MHS” needs updating to “Faculty of Biology...” (from 1 August)	ACTION 1: Update the wording.
	2. Para. 15 – suggested that it would be helpful to have guidance on how to conduct this.	The amended wording re religious observance isn’t introducing anything new; just cross-referencing policies. As religious observance isn’t normally unforeseeable or unpreventable, this wouldn’t fall under the criterial for mitigating circumstances. ACTION 2: Discuss religious observance guidance with Paul Redmond and Patrick Johnson.
	3. (new) Para. 24 – “If a mitigation request is accepted by the Mitigating Circumstances Panel, they <u>may</u> recommend mitigation to be applied in a certain way, according to the codes listed in the Mitigating Circumstances Panel: Terms of Reference (pages 6 and 7, Appendix 1)”. Should this be “they <u>will</u> recommend mitigation ... according to the codes listed”? i.e. do they have to confine themselves to the options listed, or could they make up something else?	ACTION 3: Update the wording to say ‘they <i>should</i> recommend mitigation to be applied in a certain way...’
	4. (new) Para. 24 – the following comment was received re ‘However, a Mitigating Circumstances Panel’s remit is to look at the individual assessment(s) which the student has identified as being affected by mitigating circumstances’ - The MC Panel judge whether the circumstances are likely to have affected the work. The Exam Board decide how to apply the mitigation on the basis of whether the performance is affected. The MC panel still don’t look at the marks?	Yes, the MC Panel are not required to look at marks. They are considering the possible impact of mitigating circumstances on a unit of assessment, rather than the actual marks achieved; the latter being the role of the Exam Board. Noted; NO ACTION REQUIRED.
	5. (new) Para. 28 – “When mitigating circumstances mean that assessment has been completed only partially for some units or that resit opportunities do not exist,” Should this be, “When mitigating circumstances mean that assessment has been completed only partially for some units, or where resit	The wording of this paragraph has been amended/removed to try to put all available recommendations/options to Mitigating Circumstances Panels/Exam Boards in one place in

	opportunities do not exist”? If it just means that a student’s in the final year, then “where” is more appropriate.	the newly renamed ‘Procedures for Mitigating Circumstances Panels’.
	6. Para. 28 – suggestion that the last line of this paragraph be amended to read “If any results are revised in this way the Examination Board will simply adopt the decision that the revised results imply” i.e. remove “in the absence of any general mitigation” as this infers double compensation.	The wording of this paragraph has been amended/removed to try to put all available recommendations/options to Mitigating Circumstances Panels/Exam Boards in one place in the newly renamed ‘Procedures for Mitigating Circumstances Panels’.
FLS	1. Point 15 - Does this not conflict with the University Policy? Perhaps needs to be reworded so that it states that sometimes adjustments cannot be made. The statement might infer to students that Schools should accommodate anything. We have already had problems this year with Ramadan, it is over the whole exam period next year and the Exams Team will not be able to schedule exams that do not conflict. If students read this they might think that the School will accommodate moving an exam if the Exams Team cannot. Perhaps we have misunderstood but some clarification would be appreciated.	As noted above, the amended wording re religious observance isn’t introducing anything new; just cross-referencing policies. As religious observance isn’t normally unforeseeable or unpreventable, this wouldn’t fall under the criterial for mitigating circumstances. (Have added extra wording to confirm this). ACTION 4: Insert clarification to the wording of the policy.
EPS	Please note our initial comments from the Faculty Team for TLG (this has not been disseminated to Schools for comment at this stage): <ul style="list-style-type: none"> • On the whole it looks like a nicely written sensible document • There should be more ‘must’ than ‘should’ - if it is policy then surely it has to be followed • We feel there needs to be a mechanism for dealing with students who are affected by events that are foreseeable and possibly preventable such as job interviews, internships, sporting events etc. • The first paragraph of the policy doc should be re-worded as follows: <p><i>During the course of their studies, students may suffer from some illness or misfortune that adversely affects their ability to complete an assessment or</i></p>	As it is a Policy, Schools must apply it but we feel that the use of ‘should’ is sufficient in most usages of it within the policy document, given that the Policy is applied locally by Schools. ACTION 5: Update wording in policy to change from ‘should’ to ‘must’ where relevant. Noted. Short-term, foreseeable circumstances such as job interviews and internships do not come under the criteria for mitigating circumstances and should normally be dealt with under Schools’ internal procedures, with Schools having discretion to decide whether to accommodate such requests.

	<i>the results they obtain for an assessment. This Policy sets out the University's arrangements for considering applications for mitigating circumstances</i>	Longer term events would be dealt with under the arrangements for interruptions. ACTION 6: Amend the wording of the first paragraph to remove the double use of 'considering' and 'consideration'.

B. Mitigating Circumstances Panels Terms of Reference / Newly named 'Procedures for Mitigating Circumstances Panels'

Faculty / School	Feedback	Comments/ Action Taken
Humanities	<p>1. Codes are needed to record the cases where mitigating circumstances are rejected (N1-N8). Although the Exam Board doesn't need to take action in these cases, if a student is considered for Classification Review, it is useful for the panel to be aware from the grid that the reason for a low mark or poor mark (and hence late submission penalty) may be down to a rejected mitigating circumstances case. We used to use the old SR1-9 codes on campus solutions to record mitigating circumstances decisions and we allocated one of these codes for rejected cases, but the new coding system doesn't allow us to record the rejected cases. It would also be helpful to have a code for recommending that a student interrupts, and also for recommending a referral to DASS if possible.</p>	<p>- Exam Board Notes are used to record the Exam Board's actions in response to mit circs cases. Exam Boards only need to be aware of accepted cases of mit circs, as per the policy. An Exam Board shouldn't know if a mitigating circumstances case has been rejected, as this could cause potential bias.</p> <p>- Schools can still use codes SR1-9 in CS if they want to use them for other purposes.</p> <p>- Regarding referral to DASS, students would need to consent to referral or interruption; it can't just be an Exam Board or Mit Circs Panel decision. Therefore this should be recorded outside of CS, e.g. in minutes of meetings. NO ACTION REQUIRED.</p>
	<p>2. Suggested that code N1 should be changed to reflect ineligible circumstances i.e. should be Not accepted – ineligible circumstances (not grounds for mitigating circumstances) and then the former N1 be combined with N2 to read 'Not accepted - supporting evidence not supplied by an appropriate source or Not accepted - supporting evidence does not cover the relevant period'.</p>	<p>Code 'N' on its own relates to not meeting grounds for mitigation. N1 and N2 relate to different reasons, so should be kept separately. We could refer to 'N' (not meeting grounds for mitigation) as 'NO' but this may be confusing.</p> <p>ACTION 7: Amend the format of the N code table to make it clearer that code 'N' is a code on its own.</p>

	<p>3. Clarification is sought as to why code C1 has been paired down. If the student has submitted on time (and passed) are we still able to review the potentially affected component.</p>	<p>No changes have been made to code C1. Changes were made to code A1 (for assessments where resit opportunities exist) and a new code C4 (for coursework) permits a Board to exclude assessment marks from the calculation of the unit average if it constitutes 30% or less of the unit assessment. NO ACTION REQUIRED.</p>
	<p>4. Does code C5 actually mean an 'alternative assessment' i.e. a different format? If so is this just intended for DASS registered students or does it in fact mean a first attempt?</p>	<p>It relates to the method of assessment and is not restricted to DASS registered students. ACTION 8: wording has been updated slightly to clarify, in newly numbered code C6.</p>
	<p>5. Concern was expressed that the '30%' in Code C6 is quite high.</p>	<p>This has been in place since the ToR were introduced and was decided upon by a Task and Finish Group (& TLG) who reviewed the Policy and produced the ToR. The School can specify a lower %age if they require; the wording states "30% or less". NO ACTION REQUIRED.</p>
	<p>6. Clarification is sought as to the meaning of code A2. Does 'reassessment' in this case refer to deferred/referred assessments/both? Does this imply that a student has been affected by mit circs in the resit, has passed but the mark is out of line, and is therefore offered another opportunity to resit?</p> <p>The following comment was also received about code A2 - "If affected reassessments 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". From our understanding, if the reassessment (referral) has been passed we query the value of the student having the burden of another referral even if they do have accepted mitigation. As the reassessment has been passed wouldn't the student gain a mark of 30% and the credit for the course unit to allow them to progress?</p>	<p>Yes, it refers to a student who has been affected by mitigating circumstances in the resit, who has passed but the mark is out of line with other assessments, so they are offered another opportunity to resit.</p> <p>This code (and the option of other codes) is giving the MC Panel the opportunity to recommend the course of action which they feel is in the student's best interests; deferral, referral or excluding affected marks. In some Schools (MHS professional body accredited programmes, for example), they may have to recommend referral for professional body purposes. NO ACTION REQUIRED.</p>

	<p>7. Code A4 "If reassessment(s) have been failed or missed they may be taken as a reassessment (referral) in the next possible reassessment period". We presume this means by Progress Carrying Forward Credit or Repeat Without Attendance; if so should there be an insertion of 'subject to academic standing'?</p>	<p>Academic standing is not a consideration when considering mitigating circumstances. However, Exam Boards should consider the student's workload when considering this code (new code A5).</p> <p>NO ACTION REQUIRED.</p>
	<p>8. Code A5 – it would be useful to have guidance on how many credits this can be applied to as it affects progression. We would only allow a student to carry a maximum of 20 credits which would be taken as a referral in Jan, so that if failed they could pick up the carried credits in Sem 2.</p>	<p>A5 (A3 in the updated version): It shouldn't affect progression as the student has passed the assessment; this code is merely to exclude the affected mark from the calculation of the final degree classification. If Schools want to specify a maximum number of credits, they can do. Students whose assessments are carried over into a subsequent year due to mitigating circumstances do not have a cap on the maximum amount of credit that can be carried over. However, Exam Boards should consider the student's workload in subsequent years when considering this code.</p> <p>NO ACTION REQUIRED.</p>
	<p>9. Clarification is sought that code A5 only applies to final year students.</p>	<p>No, code A5 (A3 in the updated version) applies to any student where resit opportunities exist.</p> <p>NO ACTION REQUIRED.</p>
	<p>10. Clarification is sought as to whether Code A6 would only apply to second year students, as first year does not count towards classification?</p> <p>11. Code A8 - Is it necessary to stipulate that the student must also have the requisite number of credits in the higher range, in addition to the extended boundary zone?</p>	<p>This would depend on the programme, as some 1st year assessments do count towards final classification.</p> <p>Not necessary to state here as this is captured in Appendix A of the UG Degree Regs and the PGT Regs. Applying this recommendation doesn't remove the credit requirements specified in the Degree Regulations.</p> <p>NO ACTION REQUIRED.</p>
	<p>12. Para 17 - should this be 'recorded in the Exam Board minutes' in place of</p>	<p>This statement has now been removed from the</p>

	<p>'recorded on the student's file'? For example, we have had scenarios where a student has accepted mitigation for an exam period and the Mitigating Circumstances Panel has recommended first sits if necessary. The student's profile of marks presented to the Exam Board then show that they have achieved first class marks in all of their exams and there is no evidence to show that marks are out of line and that the cause of their mitigation has impacted on their exam performance. The decision of the Board is then that first sits are not required and this would be recorded in the minutes. If there is also to be a record of EBA on the student's file, is this to be entered in Campus Solutions? And, if so, where?</p>	<p>document (in new paragraph 16). ACTION 9: Remove the statement about Exam Board Alternatives/student files.</p>
FLS	<p>1. In reference to A1, we are not sure why we would award this when A5 exists? Are we given the students the choice and therefore have to award two codes? Also, what if they fail it? I assume we will revert to the original mark.</p>	<p>The code gives Panels the flexibility to recommend what they feel is in the student's best interests. This new code has been added at the suggestion/recommendation of a number of Schools. If a student did fail the deferral, it would be treated as a fail in the same way as any other fail (if no further mitigating circumstances apply) and it would be up to the Exam Board to decide how to deal with it, as per other fails. NO ACTION REQUIRED.</p>
MHS	<p>1. The only comment I have in relation to Appendix 1 of the Mitigating Circumstances Panels Terms of Reference, where it states that 'A referral form for staff members to refer students to University support services for medical or mental health reasons, is available.' A mental health condition is also a medical condition, so I'm not sure it's strictly necessary to separate the two.</p>	<p>The wording about 'medical or mental health reasons' is consistent with the wording on the form, produced by the Counselling Service. NO ACTION REQUIRED.</p>

Note: Comments received from Humanities, EPS, FLS and MHS

ACTIONS REQUIRED

Number	ACTION	COMMENTS
	Policy on Mitigating Circumstances	
1	Update the wording of paragraph 19 to reflect the title of the new Faculty.	DONE
2	Discuss religious observance guidance with Paul Redmond and Patrick Johnson.	DONE & ongoing
3	Update the wording of new paragraph 24 to say 'they <i>should</i> recommend mitigation to be applied in a certain way...'	DONE
4	Insert clarification to the wording of paragraph 15 regarding religious observance not normally being unforeseeable or unpreventable.	DONE
5	Update wording in policy to change from 'should' to 'must' where relevant.	DONE
6	Amend the wording of the first paragraph to remove the double use of 'considering' and 'consideration'.	DONE
	Procedure for Mitigating Circumstances Panels (formerly Terms of Reference)	
7	Amend the format of the N code table to make it clearer that code 'N' is a code on its own.	DONE
8	Update the wording in C5 (C6 in the latest version) to clarify using an alternative method of assessment and the fact that this recommendation is not restricted to DASS registered students.	DONE
9	Remove the statement about Exam Board Alternatives/student files.	DONE