



**New College Durham**

**Process for the Consideration of  
Extenuating Circumstances / Mitigation**

**August 2019**

## **Regulations**

This document has been produced and aligned to the New College Durham Academic Regulations for the Awards of Foundation Degree, Section C: Regulations Governing Assessment and Progression Assessment Policy, Section C10 Extenuating/Mitigating Circumstances.

## **Alternative Format**

If you require this document in an alternative format and/or language, please contact the relevant Administrative Coordinator.

NB: In an effort to keep costs to a minimum a conscious decision has been made not to print out this document and it would be appreciated that you refer to the copy and relevant Appendices available on the Intranet

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## Introduction

Students are expected to demonstrate their achievement of learning through the successful completion of module assessments. However the college recognises that sometimes, through unexpected and unavoidable circumstances, students are unable to submit assessments or perform in an examination to the full extent of their abilities. These are referred to as **Extenuating Circumstances**.

In these situations the College operates a process for **Mitigation**, in line with the New College Durham Academic Regulations, which enables students to request that their extenuating circumstances are taken into consideration to authorise a **delayed submission**.

There are two types of delayed submission grantable an **Extension or Mitigation**.

## Extension

A tutor may use their discretion to permit an extension, at the point of assessment. Extensions **may not** be granted for an examination of any type, including time constrained test, or Objective Structured Clinical Examination (OSCE).

## Mitigation

Mitigation is normally defined as:

***‘Circumstances outside the control of the student that have significantly affected performance in any summative assessment.’***

If a student who has previously applied for an extension, at the point of assessment, remains unable to submit the assessment by the extended submission deadline due to extenuating circumstances they may, in exceptional cases, be able to apply for mitigation (*subject to the relevant awarding body regulations for the course*).

**NB Only in exceptional circumstances will a retrospective application be considered for an Extension or Mitigation.**

## On-going Extenuating Circumstances

Where a student has a pre-existing condition(s) or other circumstances which may impact upon their studies on an on-going basis, then they are required to declare this upon

registration (enrolment), whereupon the College will endeavor to provide appropriate support and make reasonable adaptations/adjustments throughout their studies. For these circumstances the student should not need to make an application for extenuating circumstances as their assessment processes will be adjusted by mutual agreement to take account of their study and support needs.

This would not preclude a request for an extension or an application for mitigation if at the point of assessment, the ability to perform or their performance has been affected by other extenuating circumstances.

Where a student has pre-existing medical condition or extenuating circumstance that only impacts upon their studies on an adhoc basis then they are required to declare this upon registration. This would not preclude them for applying for an extension to their assessment deadline or an application for mitigation if, and at the point when, their studies may be affected. The student will be required to provide up to date evidence to support the extenuating circumstance at the point of assessment.

It may be necessary for students with on-going or long term extenuating circumstances to submit an application for extenuating circumstances at more than one point in an academic year to support any adhoc occurrences / episodes of their condition. Up to date evidence should be supplied with each application.

## **Extensions**

Extension maybe granted in line with the Academic Regulations of the Awarding Body:

### **New College Durham and the Open University:**

7 days (NCD Section C C5.6, OU Section D13.2)

### **Pearson:**

A student may apply for an extension to a summative assessment deadline with a valid reason. If the valid reason is accepted by the Course Leader, an extension of up to 5 College days will be given to the student.

### **Teesside University:**

Short extension 7 days, Long extension -1 academic year plus the re-sit period

All requests for an extension at the point of assessment should be made in writing before the due date of the assessment to the Module Leader. Any extensions granted will be for the stated maximum of number of days from the original hand-in date permitted under the relevant award regulations.

## **Process for requesting a delayed submission**

1. An application may only be granted where appropriate evidence of the extenuating circumstances is provided.
2. All applications are to be made in writing.

## **Process for applying for mitigation (delayed submission)**

1. An application for mitigation should be submitted as soon as a student is aware of extenuating circumstances (not necessarily at the point of assessment) and no later than 14 days following the assessment deadline date and prior to the deadline for the submission of applications to the Mitigation Panel. Only under exceptional circumstances will an application submitted late be considered by the Mitigation Panel.
2. Applications for mitigation must be supported by appropriate evidence. A list of which can be found in the Student Guide to Mitigation. If the application is found to be valid, mitigation in respect of these will be considered in accordance with the Academic Regulations of the Validating / Awarding body.

## **Confidentiality**

All submissions giving details of extenuating circumstances will be treated as confidential by the College. However there may be occasions where New College Durham is required to share relevant information with University/Awarding Body staff and/or a Professional Statutory or Regulatory Body linked to the course.

## **Application for Mitigation**

A student who seeks mitigation is advised to:

- a) Discuss with their Course Leader/Module Leader their reasons for applying for mitigation;
- b) Complete 'Application for Mitigation'
- c) Obtain signature from Course Leader/Module Leader prior to submission
- d) Submit their completed 'Application for Mitigation' with appropriate evidence as early as is practicable but no later than 14 days following the assessment deadline(s) to:

**Neville Building Reception** in a sealed envelope with their Name, Enrolment number and the words "Application for Mitigation" on the front. Students will be issued with a receipt which will be classed as proof of submission.

- e) If the office is closed the drop box should be used.

- f) If a student wishes to submit a form electronically, this must be sent as an attachment to [mitigation@newdur.ac.uk](mailto:mitigation@newdur.ac.uk). providing they are accompanied by verification of student identity (e.g. Student ID/enrolment number and all other relevant details which would enable the panel to make an informed decision) and should also e-mailed to the Course Leader The email which will be sent in response to this submission will be classed as a receipt.
- g) Any applications for mitigating circumstances received after the published deadline will only be considered by the panel at their discretion, having taken account of the reasons and evidence provided by the applicant for its late arrival.

**All students should:**

- 1. Ensure all relevant information (e.g. dates, modules affected) are noted.
- 2. Provide sufficient supporting documentary evidence (examples of which can be found in the Student Guide to Mitigation) relevant to the assessment period(s) noted in the application.
- 3. Ensure they have considered and, where required, completed all parts of the application form including tutor signature and supporting statement where appropriate
- 4. Submit the completed application within the agreed timescale depending on the Awarding Body Regulations

**The Course/Module Leader will:**

- a) Ensure students have access to the validating/awarding body regulations and guidance.
- b) Ensure students are made aware of the designated member of staff to whom they should discuss their circumstances which may give rise to an application for mitigation.
- c) Ensure students are made aware of the location and method by which they should submit requests for mitigation.
- d) Provide students with the scheduled dates of the mitigation panel meetings and the deadlines by which requests for mitigation should be submitted.
- e) Ensure confidentiality at all stages of the process.
- f) Provide the Mitigation Panel, for note, a list of all assessment extensions applied for and granted at the point of assessment.
- g) Ensure that a clear reason has been given and appropriate evidence has been submitted by the student before granting an extension.
- h) Where appropriate complete Section 2 of the application form.
- i) Clearly communicate the outcomes of a request for extension at the point of

assessment to the student, any other relevant staff, and the Course Leader

**NB** Where required by a Teesside student, complete section 3 of their application

## **Mitigation Panel**

The Mitigation Panel is an essential mechanism in ensuring fairness and impartiality in giving due consideration to applications made by students, whose ability to undertake an assessment or whose ability during an assessment activity was compromised through unexpected and unavoidable circumstances.

The panel will be responsible for receiving and considering all applications and associated evidence. The panel will agree a recommendation/outcome. This will be reported at the proceeding Assessment Board.

The substantive details and nature of the extenuating circumstances themselves are not disclosed to the Board or Committee.

## **The Mitigation Panel Meeting**

Once convened, the meeting will be conducted in the following format:

1. The Chair will set out the Terms of Reference and remind the members of the meeting of their roles, responsibilities and the confidentiality of the proceedings.
2. The Chair will ensure the agenda is followed.
3. The Chair will introduce each application and invite comments and discussion by panel members.

*(Please note – for applications in respect of courses validated by Teesside University, the Chair will present a summary of the application and evidence submitted)*

4. The panel will arrive at their decision for each application and each element of the assessment(s) and apply the appropriate outcome code(s).
5. The Panel Secretary will minute the outcome of the discussion ensuring each application and each element under consideration is clearly recorded. This is to be able to provide detailed feedback to students where they have requested information on the decision reached.
6. Panel members will attend for the entirety of the meeting. Where early departure is unavoidable, the minutes will indicate precisely the point at which the member left.

Due to the confidential nature of the panel proceedings, panel members are not

permitted to discuss any aspects of the business of the meeting, outside of the meeting. If a request for information is made to them, the requestor must be directed to the Chair.

### **Decision of Mitigation Panel**

Students will be informed of the decision of the Mitigation Panel by the panel secretary using a standard template letter which will be sent, within 5 days of the meeting.

Following the meeting, the Panel Secretary will;

1. Produce the panel outcomes letters which set out the panel decision and outcome code and the subsequent actions which may be required. These will be sent to students by email within 5 days of the meeting;
2. Circulate the anonymised outcomes spreadsheet within 5 days to;
  - a. BIS for uploading against the student assessment record on Unit-E;
  - b. the Chair of relevant Assessment Board meetings;
  - c. Course Leaders, for note;
  - d. Heads of School, for note;
  - e. HE Quality Manager, for note.
3. Ensure the confirmed minutes and outcomes report is stored on IDOX.

### **1. Outcome Codes**

The Mitigation Panel will categorise the seriousness of accepted extenuating circumstances as follows:

#### **Mitigation A:**

Very serious extenuating circumstances such as to make appropriate, if the Assessment Board or Committee so considers, the provisions of the following:

- i. Permit the student to be assessed in a form agreed by the Board or Committee.
- ii. Judge the student to have passed the assessment.
- iii. Award a mark.
- iv. Raise a mark or permit re-assessment to raise a mark.
- v. Offer the relevant award if it is the final stage.

#### **Mitigation B:**

Extenuating circumstances sufficiently serious to make appropriate a decision to defer an assessment.

**Mitigation C:**

Extenuating circumstances not deemed sufficiently serious to make a deferral of assessment appropriate.

**2. Actions**

- 1 Submit assessment by the required date without penalty\*
- 2 Submit assessment by the required date with penalty
- 3 Sit the examination at the next available opportunity without penalty – see *Course Leader for details (Penalty – is a grade which is restricted to a minimum level of pass mark)*

- 4 Re-sit the examination at the next available opportunity with penalty – see *Course Leader for details*
- 5 Insufficient evidence to support the application
- 6 Date(s) of the supporting evidence do not align with the date(s) of assessment
- 7 Application form is incomplete or missing key information / evidence
- 8 Other - please state.....

### **Associated Documentation**

- Application for Mitigation
- A Student Guide to Extenuating Circumstances/Mitigation
- Mitigation Panel Agenda
- Terms of Reference for Mitigation Panels
- Extension to Assessment Deadline Report
- Pro-forma for recording outcomes of Mitigation Panel (anonymised)
- Mitigation Panel Outcomes Letter