

## Mitigating Circumstances Policy and Procedures for taught degrees (undergraduate and postgraduate)

### Introduction

1. Mitigating circumstances' means things that might happen, which a student could not reasonably expect to happen and which might interfere with their ability to sit an examination or to complete an assessment by the required deadline. This includes all kinds of assessment whether examinations, coursework, reports, essays, laboratory work, in-class tests, projects, dissertations or practical presentations or creative performances. If the assessment includes an attendance requirement over a period, then this policy can also be used to assess whether there are acceptable reasons why a student might not have been able to fulfil that requirement.
2. The purpose of the policy is to outline:
  - a. to whom this policy applies and how it relates to other policies;
  - b. what mitigating circumstances are likely to be agreed;
  - c. when students should submit requests for mitigation in their assessment;
  - d. what information is needed to assist the panel assessing the mitigation request;
  - e. how requests for mitigation will be considered;
  - f. what outcomes students can reasonably expect;
  - g. how the College will use information about mitigating circumstances applications received; and
  - h. where students and panels can find further information, advice and guidance.
3. The list below outlines terminology used regularly in this policy:
  - 'Birkbeck' or 'the College' refers to Birkbeck, University of London.
  - 'Student/students' means a person/people registered to study at Birkbeck.
  - 'Mitigating circumstances' refers to an unforeseen incident, occurrence or situation which interferes with a student's ability to undertake an assessment at the designated time or submit work by a given deadline or which is recognised by the student immediately after submission to have negatively affected the work.
  - 'Board' or 'Sub-Board' refers to the Sub-Board of Examiners for any particular course or group of courses which has the power to make and recommend decisions about progress and outcome.
  - 'Panel' or 'Mitigating Circumstances Panel' is the body tasked with deciding whether a claim will or will not be accepted and what mitigation will be offered to the student.

- 'Personalised Examination Provision' (PEP) relates to specific arrangements made to accommodate reasonable adjustments.
  - 'Self-certification' means that no additional evidence documents are needed alongside a mitigating circumstance claim.
  - 'Study Support Plan' (SSP) outlines the reasonable adjustments agreed for a student.
4. For mitigating circumstances to be considered, the incident, event or situation should
- a. have detrimentally affected either the student's submission of coursework or their attendance at another form of assessment, or have otherwise affected the student's performance in an assessment;
  - b. be something that the student could not reasonably expect ('unforeseen');
  - c. be out of the student's control and something that the student was not able to prevent; and
  - d. relate directly to the timing of the assessment.
5. **It is important for students to understand from the start that a claim for 'mitigating circumstances' is a last resort.** Students should do everything possible to meet deadlines, submit their work on time and complete assessments. Assessment is an important part of learning. It indicates the final outcome of a course, but it also provides students with information about how they are progressing. Students need to keep on top of their assessments throughout their course and seek to apply for mitigating circumstances only if there is something genuinely out of their control, which they could not expect to happen, that interferes with being able to take or complete an assessment. Mitigation is not a way of managing multiple deadlines or the day-to-day complexities of life. It is also not a way of improving a mark through a second chance if the student does not achieve what they had hoped. Birkbeck's approach is to consider that students will use this policy as a last resort and to provide that opportunity, but repeated requests for mitigation will require full evidence and Birkbeck might require the student to engage with College systems if they are consistently struggling to submit work as required.
6. Students are advised to read this policy and the associated guidance early in the academic year. This means that if something happens to cause worry about an assessment, students will know what they can do and where to find information.

### **Who and what is covered by this policy?**

7. This policy relates to students on all taught courses (undergraduate and postgraduate) and to students on research programmes containing taught

requirements before the research project phase (integrated PhDs or professional doctorates). It does not apply to general assessment milestones for research students studying on MPhil or doctoral programmes.

8. Research students should raise any requests for mitigation associated with deadlines with their supervisor until there is a separate mitigating circumstances policy for research students in place. Requests for extensions and other progression decisions will be determined by the relevant School/Department PGR Committee.
9. This policy applies to all forms of summative assessment (this means it will contribute to module marks), not to formative assessment tasks (which are usually designed to give some feedback, but which do not contribute to the final mark).
10. Birkbeck can only consider mitigating circumstances that are outside the student's control and have brought into question their fitness to complete a particular assessment to the best of their ability (see paragraph 3 to be reminded of what might apply).
11. Mitigation is applied once, although it might be applied across multiple assessments taking place at the same time, if all are potentially affected. It cannot be extended to cover a reassessment at a later date: a fresh claim explaining new or updated circumstances will be needed.
12. Under this policy, there are different evidence requirements for the first mitigating circumstances claim made in an academic year and for subsequent requests made that year. This means that claims are counted over the course of the year, starting from the term in which the student enrolls (either autumn or spring term), and reset at the beginning of their next academic year to nil. The first claim of the student's new academic year will never require evidence, while any subsequent claims will.
13. This policy is about incidents or circumstances that affect students being able to take assessments at the prescribed time, not about the management of long-term medical or other conditions (or caring responsibilities). Students with long-term medical conditions or disabilities should inform the College of this so that any necessary reasonable adjustments can be considered and put in place including being recorded in a Study Support Plan and/or through Personalised Examination Provision. The SSP/PEP documents reasonable adjustments for an individual student in assessment. This is in accordance with our obligations under the Equality Act 2010. Mitigation for an assessment will not be agreed for a known condition unless the student has indicated that there has been an **unforeseen worsening** of the condition or impairment when applying for mitigation. Please note that Birkbeck would not usually include examination stress or anxiety about

assessment as an example of something being 'worse' as this is reasonably foreseeable: most people will find assessment or deadlines heighten anxiety or stress.

14. Students with long-term conditions/disabilities should make every effort to ensure that they have notified Birkbeck about these so that the student can have plans in place in good time for any assessment. This does not mean that students are not allowed to submit a mitigating circumstances claim if support is not in place for an assessment or if they have only become aware of a condition later in their study. The decision whether to accept such claims will be a Panel judgment with advice from Student Wellbeing.
15. Students should read the [Late Submission Policy](#) which explains Birkbeck's rules about submitting coursework late (this does not apply to examinations, even those taken remotely/at home) with or without mitigating circumstances. Students can submit coursework late up to two weeks (14 days) after the deadline even if there are no mitigating circumstances. This will affect the final mark awarded, but it will still be possible to achieve a pass. Please see the policy itself for details and what assessments are/are not included.

### **What mitigating circumstances are likely to be agreed?**

16. There is a table at the end of this document (Appendix A) of mitigating circumstances which are likely to be agreed, unlikely to be agreed and where a panel would need to consider on a case-by-case basis. There might be other circumstances. Web resources and the list will be updated regularly. The list in Appendix A is a **guide**.

### **When to submit a claim to meet the deadlines**

17. As noted, Birkbeck's mitigating circumstances policy is to manage the **unexpected** and **unplanned**. Students are notified of term dates and assessment periods/deadlines in advance, so should plan their time to meet these requirements. This means that any request for mitigation submitted **before or after** the 'window' for receiving them will only be accepted if the student can show there is a good reason why they could not make alternative plans for circumstances known in advance (for example, recovery time from an operation which could not be rescheduled), or could not make the deadline (for example, due to being in hospital). All other requests for mitigation submitted **before or after** the 'window' will be rejected.
18. The **deadlines** for submitting claims depend on the timing of the assessment. These are:

- No earlier than two weeks (fourteen calendar days) before the assessment deadline.
- No later than two weeks (fourteen calendar days) after the assessment deadline or examination completion. For the avoidance of doubt, this means the original scheduled date of any assessment deadline or examination and does not include the two-week late submission period.
- If a student's performance in a timed examination has been affected, they are expected to submit a claim for mitigation as soon as possible after the examination and before receiving the mark. Students should reasonably know whether something has affected their performance (such as coming down with an illness) immediately after the examination and before receiving marks.
- Claims can cover more than one assessment within the same short period, up to a maximum of two weeks. If a claim applies to more than one assessment, then it should be submitted no earlier than two weeks (fourteen calendar days) before, and no later than two weeks (fourteen calendar days) after, the earliest assessment deadline. If assessments are spread over more than two weeks thus putting the final assessment beyond the two-week deadline, it is the student's responsibility to explain why they did not meet the deadline.
- If a student has more than one assessment within the period claimed for, they should still think carefully about whether the claim applies to all of the assessments within those two weeks. A student might, for example, be too unwell for an examination on the Monday, but be sufficiently better to take an examination on the Friday. The deciding Panel has the discretion to determine whether to accept a claim for grouped assessments.
- If a claim relates to an attendance requirement over a whole term, then the student has two weeks after the end of the term in which to submit a claim. However, if they have missed all or a majority of the term's classes, they should contact the module leader as a break in studies might be more appropriate than a mitigating circumstances claim.

### How to submit a claim and what information to provide

19. Students submit a claim using the ASK system on My Birkbeck.
20. Birkbeck treats a **first** claim for mitigating circumstances (whenever this happens in the academic year, see paragraph 12 as a reminder of what that means) as a self-certification. This means no additional evidence documents are needed alongside the claim, but the student does need to provide information about what happened and why they are claiming mitigation. This information needs to be sufficient for the Panel to decide whether to accept the claim or not. They are not reviewing a student's powers of persuasion but the facts of their circumstances. Students should keep it short and factual, explaining the situation and why it is/was not possible to meet the deadline. This includes why, if the student has submitted

work or taken an examination, they consider the attempt should be discounted without penalty. It is the student's responsibility to indicate the module, assessment(s) affected/likely to be affected, and their submission date. If the student does not provide the required information in the initial claim, their claim will be delayed. Students should note that their first claim for mitigation uses up the first self-certificating opportunity whether or not their request for mitigation is agreed, i.e., they cannot argue that if the first attempt was not agreed, they should have another automatic attempt at self-certification for a second claim.

21. If a student makes a **second** claim within the academic year, they should attempt to provide supporting evidence with the claim. If there are valid reasons for not being able to source evidence, it is the student's responsibility to explain this within the claim. The deciding Panel has the discretion to determine whether to accept the claim without evidence and might request more information before making a decision. If additional information is needed, the student should provide this by the deadline set to avoid an impact on the Panel's decision. See the section below about evidence for further information.
22. Any **subsequent** claim will not be considered unless evidence is attached to the claim or the student can provide an explanation in line with our guidance below why evidence is not possible.
23. Evidence requirements are outlined on the mitigating circumstances website. Students should also note the following points when supplying evidence:
  - a. Documentary evidence should normally be presented in English and, where required, fully certified translations must be provided by the student using a professional translator or translation company. It is not the responsibility of Birkbeck to translate any evidence provided by the student and any un-translated evidence will not be considered.
  - b. Any confidential third-party evidence submitted must be accompanied by written permission from the people named in the documentation. As students must submit the claim themselves, by submitting it, they are giving permission. If the evidence includes anyone else, this will require the other person's written permission to share (for example, parent/partner illness).
  - c. Birkbeck recognises that it can be difficult to be asked for 'evidence' in the case of extremely sensitive circumstances such as the death of a close relative or sexual assault, or to provide it in the case of sudden short-term severe illnesses such as food poisoning. In such cases, the Mitigating Circumstances Panel may use its discretion concerning the requirement for evidence according to the circumstances. In the case of short-term illnesses, such as food poisoning, this does not mean that evidence will never be required,

especially if this appears to be a pattern in requests.

- d. Birkbeck reserves the right to check the authenticity of all documentation submitted as part of a mitigating circumstances claim.
  - e. Any student who submits documentation that is not authentic may be subject to the College disciplinary procedures and may be liable to criminal proceedings.
24. Please note that if a Panel has reason to believe that a claim for mitigation is factually inaccurate, misleading or does not apply to the relevant assessment period, they may ask for evidence, even if it is a first claim. Failure to respond by the date requested may impact the Panel's decision.
25. Please note that **telling** someone about a claim (for example a personal tutor), including by email, will not be accepted as **submitting** a claim. Students need to submit the claim using the system and do so themselves. In exceptional circumstances, if a student is genuinely unable to do this, they can seek assistance from their department, but it is their responsibility to submit a claim in the right format and within the permitted period. Birkbeck will not accept claims submitted by one student on behalf of another nor by any other third party (excepting where a student has personal assistance as part of a SSP in which case this is treated as being submitted by the student).

### **How Mitigating Circumstances Panels work**

26. Birkbeck has Mitigating Circumstances Panels whose role is to consider claims made by students.
27. Birkbeck decides how to set up Panels in line with its requirements for College Boards of Examiners and Sub-Boards of Examiners.
28. The Panel associated with the home department or school of the student will determine the result of any claim for mitigation even if the module affected is not based in that department.
29. In brief, Panels will meet regularly, especially around the windows for submitting mitigating circumstances requests, to consider student submissions. Panels have the power to:
  - a. check whether the student has identified an acceptable category of claim;
  - b. decline a request for mitigating circumstances;
  - c. approve a request for mitigating circumstances and determine what should happen for that student's assessment;

- d. request evidence to make a judgment within the terms of this policy;
  - e. refer students to other services such as Student Wellbeing;
  - f. for final-year students, confirm any mitigation which might be considered across assessments when determining a final classification should a student be within 2% of a classification boundary; and
  - g. commission audits of evidence, for example if a higher-than-average number of students are submitting second claims for mitigation.
30. Panel decisions are confirmed by Sub-Boards of Examiners. Panels do not have the power to raise individual assessment or module marks as mitigation, nor to recommend that Sub-Boards of Examiners do so.

### Outcomes and timing

31. The decisions that a Panel may take are as follows:
- a. **Claim accepted:**  
This indicates that the student was not able to engage with the assessment at the appropriate time and is given an extension or a deferral of the assessment to the next period without penalty. Where a student has claimed that they were not able to perform to the best of their ability in a completed examination or timed assessment, a reassessment without penalty will be offered.
  - b. **Allow Late:**  
This indicates that where a student has submitted work within the two-week period permissible by the Late Submission Policy, it will be accepted and marks will not be capped.
  - c. **Claim Rejected:**  
The claim has not been accepted for the item of assessment.
  - d. **Final year mitigation:**  
A claim might be considered across assessments and the student's performance in their final year. In cases where a student's final award falls within 2% of a classification boundary and accepted, previously unapplied mitigating circumstances are held on the student's record, the student might be considered for uplift to the grade boundary.

If the Mitigating Circumstances Panel accepts a mitigating circumstances claim but finds that it is not possible or appropriate to offer a reassessment opportunity or allow late submission, the Panel can record a student's mitigating circumstances to be considered when their final award is ratified by the Sub-Board of Examiners. The Sub-Board of Examiners will use its



discretion to determine whether these mitigating circumstances might have had a significant impact on a student's performance and, as a consequence, the overall final classification. If a claim has already resulted in mitigation (for example accepting late submission of coursework) then it cannot be counted again towards a decision about a classification boundary.

32. Please note that the mitigation applied will be appropriate to the assessment. For example, an extension will not usually be applied to a timed examination.
33. Panels will consider requests for mitigation as promptly as possible. Please note that even if a request is submitted before a deadline or examination, it might not be possible to provide confirmation until after that deadline, depending on the volume of requests received.
34. Students will receive a confirmation of the outcome of their claim through the ASK system.
35. Students have the right of appeal using the College's Appeals Policy (Taught). Students can appeal on any of the grounds detailed in the Appeals Policy (Taught), as appropriate: however, please note that the Appeals Policy **does** require supporting evidence.

### **Confidentiality and use of information**

36. Birkbeck will only use information provided by students for the purposes of processing a claim. Original copies of evidence are only returned if the student writes to request them.
37. If a student discloses information which might be a cause for concern (for example about their health or wellbeing), this information may be shared with relevant colleagues in Student Wellbeing.
38. All claims and evidence are kept by Birkbeck for the duration of time stated in the College Records Retention Policy after which the records and evidence are destroyed. Birkbeck accepts no liability for the destruction of original evidence materials once the minimum retention period has lapsed.
39. Birkbeck will use general data collected to report to College committees about the general volume and nature of mitigating circumstances claims and to inform policy development. This includes any case studies. Birkbeck will always anonymise any details used for these purposes.

### **Further guidance and support**

40. Students can obtain guidance and information from the following sources:

- the mitigating circumstances pages of the Birkbeck website;
- personal tutor or academic and administration teams;
- the [Students' Union's advice service](#).

41. Staff can obtain guidance and information from:

- the mitigating circumstances pages of Birkbeck's website;
- resources in the ASQ Connect site;
- contacting members of Academic Standards and Quality direct: [asq@bbk.ac.uk](mailto:asq@bbk.ac.uk).
- If the student discloses as part of a mitigating circumstances claim that they are liable to be a danger to themselves or others, please report this to [safeguarding@bbk.ac.uk](mailto:safeguarding@bbk.ac.uk) without delay.

42. Related Policies and Procedures:

- [Common Awards Scheme](#);
- [Appeals Policy and Procedure \(Taught\)](#);
- [Late Submission Policy](#);
- [Break in Studies Policy](#);
- [Wellness Review Policy](#).

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## **Appendix A: What are Mitigating Circumstances?**

Mitigating circumstances means things that might happen, which a student could not reasonably expect to happen and which might interfere with their ability to sit an examination or to complete an assessment by the required deadline. This includes all kinds of assessment whether examinations, coursework, reports, essays, laboratory work, in-class tests, projects, dissertations or practical presentations or creative performances.

For mitigating circumstances to be considered, the incident, event or situation should:

- a. have detrimentally affected the student's submission of course work or attendance at another form of assessment or affected their performance in assessment completed on time.
- b. be something that the student could not reasonably expect ('unforeseen');
- c. be out of the student's control and something they were not able to prevent;  
and
- d. relate directly to the timing of the assessment.

These four criteria must be met for a claim to be successful, even for first claims where supporting evidence is not required. The following guidance has been provided using best sector practice to illustrate instances in which mitigating circumstances claims could be agreed, considered or rejected.

The EXAMPLES provided below are non-exhaustive and indicative.

### **Category of circumstances: Academic Work**

#### ***Section A - Circumstances which are normally agreed***

#### ***Section B - Circumstances that may be agreed***

- Serious problems with academic project work e.g. obtaining ethical approval, equipment failure (which can be evidenced), problems with sample collection.

#### ***Section C - Circumstances that will not be agreed***

- General exam or assessment worries
- Visa problems
- Poor time management
- Failure of IT equipment/ printers
- Failure to back up electronic documents
- Submitting an incorrect or old file version of an assessment.
- Having more than one examination on the same day.

- Examination clashes arising from incorrect registration by the student

**Category of circumstances: Bereavement**

***Section A - Circumstances which are normally agreed***

- Bereavement of a significant person the timing of which has affected the student's ability to undertake assessment.

***Section B - Circumstances that may be agreed***

***Section C - Circumstances that will not be agreed***

**Shorter-term medical conditions**

***Section A - Circumstances which are normally agreed***

- Serious personal injury, medical condition or mental health condition.

***Section B - Circumstances that may be agreed***

- Moderate personal injury, medical condition or mental health condition

***Section C - Circumstances that will not be agreed***

- Minor illnesses or injuries (such as coughs, colds, headaches, hay fever)
- Circumstances supported by evidence from unregistered medical practitioners, such as alternative therapists
- Circumstances supported by 'retrospective' evidence e.g. a medical note which states that the student declared they had been ill previously
- Conditions which have not been diagnosed by a registered professional/or where there is no evidence of symptoms.
- Hospital tests (if approved prior to the point of assessment or an examination)

**Category of circumstances: Caring responsibilities**

***Section A - Circumstances which are normally agreed***

***Section B - Circumstances that may be agreed***

- Serious illness of and care for a significant person the timing of which has affected the student's ability to undertake assessment.  
Unexpected caring responsibilities caused by unforeseen circumstances, e.g. sudden serious illness or worsening of ongoing medical or mental health condition in a child, sibling, parent, spouse, partner or other close relative

- Direct and very recent experience of violent crime, war, terrorist incident or natural disaster by a child, sibling, parent, spouse or partner

### ***Section C - Circumstances that will not be agreed***

#### **Category of circumstances: Disabilities and/or longer-term conditions**

##### ***Section A - Circumstances which are normally agreed***

- Serious worsening or acute episode of an ongoing disability, medical condition or mental health condition which cannot be accommodated by existing adjustments.  
Insufficient time to put reasonable adjustments in place (and the student has disclosed a relevant condition at the earliest possible stage).
- Matters relating to gender reassignment, including time off for medical appointments, surgery, or attending counselling sessions.

##### ***Section B - Circumstances that may be agreed***

- New disabilities or long-term medical or mental health conditions not previously disclosed.
- A severe long-term illness which can only be addressed by an extension, deferral or other form of one-off mitigation.

##### ***Section C - Circumstances that will not be agreed***

- General examination or assessment-related stress or anxiety.
- Stable, established disabilities, medical conditions and mental health conditions e.g. dyslexia (students should apply for reasonable adjustments to be made)
- Conditions which have lasted and remained unchanged for more than a year (students should apply for reasonable adjustments to be made)
- Conditions where reasonable adjustments are already in place.
- Non-disclosure of a disability, medical condition or mental health condition
- Claims where the student did not wish for reasonable adjustments to be made or preferred not to seek reasonable adjustments for study or assessment.

#### **Category of circumstances: Family and Personal Circumstances**

##### ***Section A - Circumstances which are normally agreed***

##### ***Section B - Circumstances that may be agreed***

- Family breakdown (such as divorce)

- See above for Caring Responsibilities or Trauma

***Section C - Circumstances that will not be agreed***

- Booked holidays
- Trips to see family abroad
- General domestic/ family problems

**Category of circumstances: Financial Problems**

***Section A - Circumstances which are normally agreed***

***Section B - Circumstances that may be agreed***

- Serious financial problems preventing the student from studying (corroborative evidence is required to verify the impact on the specific assessment period)

***Section C - Circumstances that will not be agreed***

- General financial problems.

**Category of circumstances: Housing Problems**

***Section A - Circumstances which are normally agreed***

- Serious and recent housing issues, beyond the student's control which has prevented the student from completing the assessment at the set time.

***Section B - Circumstances that may be agreed***

***Section C - Circumstances that will not be agreed***

- Moving home
- General housing problems

**Category of circumstances: Major Incidents**

***Section A - Circumstances which are normally agreed***

- Major fire in residence

***Section B - Circumstances that may be agreed***

- Serious travel or other disruption caused by terrorist incident or natural disaster

- Private or public transport failure leading to delays of more than 1 hour (corroborative evidence is required to verify such a delay)

***Section C - Circumstances that will not be agreed***

- Booked travel arrangements
- Minor private or public transport failure
- Missed trains, tubes or buses or delays of less than 1 hour.
- Inclement weather (unless exceptional/severe conditions)

**Category of circumstances: Pregnancy and Maternity**

***Section A - Circumstances which are normally agreed***

- Serious complications in pregnancy or maternity.

***Section B - Circumstances that may be agreed***

- Moderate illness due to pregnancy or maternity not resulting from complications.

***Section C - Circumstances that will not be agreed***

- Planned pregnancy or maternity where there are no complications (students may however apply for other reasonable adjustments or an interruption of study).

**Category of circumstances: Trauma**

***Section A - Circumstances which are normally agreed***

- Victim of violent crime (e.g. assault, mugging, sexual assault, rape, domestic violence)
- Direct experience of terrorist incident, war or natural disaster.

***Section B - Circumstances that may be agreed***

- Victim of non-violent crime e.g. burglary
- Experience of racial trauma or race-based traumatic stress caused by encounters with racial bias and ethnic discrimination, racism and hate crimes
- Experience of LGBTphobic hate crime
- Experience of discrimination relating to disability
- Experience of misogynistic abuse or trauma
- Experience of an abusive relationship.

***Section C - Circumstances that will not be agreed***

Victim of petty theft e.g. mobile phone theft, bicycle theft or car break-in (unless these involve mugging or assault, or an immediate impact on a student's ability to access timed assessments e.g. theft of laptop within the remote examination window).

**Category of circumstances: Work Commitments**

***Section A - Circumstances which are normally agreed***

- Professional emergencies e.g. medical, police, fire

***Section B - Circumstances that may be agreed***

- Major changes in professional commitments impacting on the student's ability to meet required deadlines.
- Changes to work commitments for critical workers due to local or national emergencies.

***Section C - Circumstances that will not be agreed***

- Ongoing work commitments
- Participation in extra-curricular activities (e.g. sport)
- Time spent on job/internship applications/interviews