University of Birmingham

Mitigations Guidance for Staff

These guidelines are for Undergraduate and Postgraduate Taught students. They also apply to the taught elements of research degree programmes. However, these guidelines do not apply to the research elements of such programmes as research degree students should keep their supervisors informed of any mitigating circumstances they have experienced and should use the Progress Review mechanism outlined in the Code of Practice for Supervision and Monitoring Progress of Research Students (www.ppd.bham.ac.uk/policy/cop/code12.htm) to formally raise matters of concern. Circumstances affecting the oral examination of theses should be raised with the School or Department and Academic and Student Administration and will be dealt with on a case-by-case basis.

These guidelines are based on a series of recommendations that were approved by Senate in June 2005. These guidelines should be read in conjunction with the Student Guidance on Mitigations. Where Schools wish to deviate from this guidance they must submit their own procedure documentation to the Progress and Awards Board of Senate at the start of the academic year for approval. Given this scope for variation, students are advised to consult their School in the first instance to confirm the exact procedure they should follow.

A) Introduction

1. Within the lifetime of a programme of study and given the number of students in the institution, it is unlikely that every student will follow a whole programme without some illness or misfortune affecting them at some time to a greater or lesser extent.

2. How that is dealt with is a matter of concern both for the student in terms of equity of treatment, staff understanding of what is fair, and for the institution should litigation ensue. These guidelines are intended to assist tutors to deal with these periodic misfortunes in a fair and systematic manner and to assist students in understanding their rights and responsibilities.

B) Mitigation Panels

3. Discussions about the validity of requests for mitigation should take place at Mitigation Panels, rather than the full Examination Board so the student can be confident that their mitigations will be handled with the utmost sensitivity, privacy and confidentiality.

4. In the interests of promoting equity and ensuring confidentiality for students Mitigation Panels will be University panels, applying University procedures, but operating locally within Schools.

5. Mitigation Panels are independent from the Examination Boards. Mitigation Panels will meet to discuss all cases of mitigations prior to the meeting of the Examination Board.

6. Mitigation Panels will report recommendations relating to progress decisions to the relevant Examination Board for approval. Further detailed discussion of the mitigation should not take place at the Examination Board.

7. In establishing the distinction between Appeal Panels and Mitigations Panels and the related interests of promoting equity, Mitigation Panels should be considered to be University Panels applying University procedure and guidance, but held at School Level. Examination Boards should continue to meet at the level as determined by the School which permits the presence of those with the relevant academic expertise relating to assessment being considered.

8. It is considered best practice for there to be one Mitigation Panel for each School. However this will not always be practical model for Schools that have diverse disciplines. For multi-Department Schools the membership of any Mitigation Panel must include members from across the School, not solely from one Department.

Membership of Panels

9. To help ensure confidentiality, individual Mitigation Panels should be kept small and should not normally exceed 5 members). Schools are recommended to establish a pool of potential members from which Panels can be drawn. The Panel should be chaired by the Head of School (or their nominee), and must include a Mitigations Officer, and an Examinations Officer. Schools may revise this model if necessary but any changes should be submitted for approval to the Progress and Awards Board of Senate.

10. External Examiners should have the right but are not required to attend the Mitigation Panel. All documentation of the Mitigation Panel, as well as the decisions taken by the Panel should be made available for the scrutiny of the External Examiner.

11. The terms of reference for the Mitigation Panel should be:
    ”To review all cases of mitigating circumstances that have been collated and put forward by the Mitigations Officer. To discuss all cases, grade them according to severity, and likely impact on the academic performance of the student. To record their decisions and pass them to the relevant Examination Board. Details of the mitigating circumstances must not be passed on to the Examination Board.”

    Schools may amend this if necessary. Terms of reference should be agreed by the Mitigation Panel when they meet. Schools should ensure that members of the Mitigation Panel are appropriately briefed in the mitigation process at local as well as University level. Members should be appropriately briefed on the relevant regulations, and programme requirements. Mitigation Officers should attend the University’s briefing sessions.

12. Schools should ensure that Mitigation Panels have continuity of membership from year to year to help consistency in decision making. A minimum term wherever possible of three years membership of the pool from which Panel members are drawn should be adopted.

13. The size of Mitigation Panels, and a full list of the potential members (ie the pool) should be available to students, however membership of any individual Mitigation Panel will not be communicated to students.

Procedures of Panels

14. Each School must appoint a Mitigations Officer. The Mitigations Officer is responsible for collating mitigation submissions together with any evidence before the Mitigation Panel meets. The Mitigations Officer does not have to be a member of academic staff.

15. Mitigation submissions must be held in a confidential file by the Mitigations Officer. They should not be stored in the student’s general file in the School.

16. No Mitigation will be considered unless it has been submitted on the Mitigation Form. To preserve a student’s confidentiality mitigation **cannot** be submitted on behalf of a student by anyone in the School. Students are informed that it is solely their responsibility to submit mitigations in the University’s guidance to students, unless there are exceptional circumstances.

17. It is important that not more than one allowance for mitigation is awarded. It will often be entirely appropriate for instance that a deadline to an assessment is extended in response to mitigation that was raised earlier in the year. Unless this mitigation is part of a pattern of more extensive mitigation through the year and the Mitigation Panel is

satisfied that the original redress was therefore insufficient for the mitigating circumstances originally presented, a second allowance must not be made.

18. Mitigation Panels have the right and in some cases the duty to consider mitigations that have been raised in previous years. Unless some form of re-assessment is appropriate or necessary it is appropriate to defer discussions of mitigations until the final award is discussed. The mitigation should be reported to the Examination Board when the final award is discussed.

19. Individual marks for modules or assessments must not be raised as a result of mitigation, unless a technical correction is appropriate such as removing a late penalty in light of mitigation.

20. It is important to note that not all mitigations are dealt with at the end of the year. For problems which affect work during the period of a module rather than the end examination, the possibility of using extensions to deadlines should be considered or alternative assessments e.g. substitutes for a missed presentation. Schools must keep written records of all “in-year” mitigations in the student’s file held by the Mitigations Officer so that mitigation submissions at the end of the year can be checked if necessary.

21. Mitigation submissions must usually be accompanied by independent third party evidence of some form at the time of submission or as soon as possible and in line with the timescale set by the mitigations panel if unavailable at the time. Examples of evidence are:
    a) Doctor/ Consultant or other medical practitioner certificate or letter;
    b) Mitigation support form from the University Student Support and Counselling Service;
    c) Letter from counsellor or solicitor;
    d) Copies of prescriptions;
    e) Death certificate or newspaper article pertaining to death;
    f) Copies of financial statements.

    Other forms of evidence are acceptable. Mitigation Panels should use their experience to determine how much weight in terms of allowance to give to a piece of evidence. For instance a Panel might determine that a case that had a post-dated Doctor’s letter should not have the same allowance as a case who saw a Doctor at the time. Note that delayed submission of evidence may result in delays in examination decisions relating to the student.

22. Mitigation Panels will accept and consider mitigation submissions from students if supporting evidence is still awaited, provided that there is a good reason for the delay. Mitigation Panels will recommend an outcome subject to confirmation if and when evidence is received. The Mitigation Officer will write to the student with a deadline. This deadline must be met. Unavailability of evidence alone will not be a ground for appeal.

23. Mitigation Panels are not required to assess mitigations anonymously. It is important for Panels to know who they are talking about, and consider the student’s marks at the discussion to properly assess the impact of the mitigations on a particular assessment, and make informed recommendations to the Examination Board.

24. An agenda and minutes of the meeting must be recorded. The Agenda must contain the following items:
    a) Approval of Terms of reference
    b) Approval of membership
    c) Approval of grading criteria
    d) Determination of mitigation cases (to be reported on the Report grid)
    e) Recommendations for Examination Board (to be reported on the Report grid)

25. The minutes must not include detailed discussions of individual cases.

26. At its meeting the Mitigation Panel will discuss all the cases of mitigation, and grade them to assess firstly the severity of the mitigations, and then the likely impact this would have had on the student's academic performance. These criteria are attached as Appendix A. The criteria should be used as a tool to help consistency in decision-making, and must not prevent discussion of individual cases, or the application of academic judgement by the Mitigation Panel. Grading criteria should not overrule academic judgement in the assessment of the academic impact of mitigations.

27. Mitigation Panels will record their decisions on the severity and impact of the mitigation and pass their conclusions to the Examination Board on a grid for approval not further discussion. The grid is attached as Appendix B. The grid is helpful to ensure consistency, and to provide a record of decision-making that is clear and easy to access in future years. The grid must not include any detail about the individual circumstances of any student.

28. Examination Boards must ensure that arrangements are in place to carry forward to subsequent years the relevant information where appropriate.

Communication to Students

29. Schools must publicise mitigations. This publicity must make references to University guidance documents, as well as local information on the following:
    a) Contact details of the Mitigations Officer;
    b) Details of where to hand in mitigations forms, and how these will be recorded;
    c) Details about the level of confidentiality these forms will be subject to;
    d) Explicit information on the deadlines for submission, making it clear that a lack of confirmatory evidence is not justification for failing to raise mitigations by the deadline.

30. Schools must provide a briefing session on mitigations procedures for all students at the start of the academic year. This may be done for example in a lecture or in small group teaching, whichever is most appropriate for the School.

31. All students must sign a mitigation statement, confirming that they are aware of the Schools mitigation procedure. This could be included in other mechanisms that Schools may have to ensure that students have received or read important documents.

32. Where Personal Tutors and or Welfare Tutors have been made aware of a student's mitigating circumstances they should recommend to students who feel their performance may have been affected by mitigations that they must also formally submit mitigation forms to the Mitigation Officer. Students must be made aware that it is their responsibility to submit mitigations and that no one can submit a mitigation form on their behalf. Students not reporting mitigations in time for mitigation panels to consider will normally be deemed either to have decided that the circumstances were not relevant or to have failed to fulfil their duty to report the circumstances.

Feedback to Students

33. Schools must provide feedback on the consideration, but not the results of mitigation should a student request it. This feedback should be a statement confirming that the mitigation has been considered by the full Mitigation Panel and that the recommendation was passed to the Examination Board in accordance with the University's procedure.

34. The feedback will not be an opportunity to re-hear the case or for the student to submit further evidence. If the mitigation was discussed without full evidence, but it had been accepted by the Mitigation Panel as genuine then this should be communicated to the student so that they know that producing fresh evidence would not have changed the recommendation.

Approved by the Academic Policy and Regulations Committee in May 2007 to take effect from the 2007/08 session.