

Mitigating Circumstances Policy		
Approving Committee: ACADEMIC STANDARDS AND POLICY COMMITTEE	Effective Date: 02/01/2024	Developer: ACADEMIC STANDARDS AND QUALITY OFFICE

1.0 INTRODUCTION

Students are expected to meet the academic demands of their chosen programme. However, they may experience a range of serious and unanticipated difficulties, which adversely affect their ability to study, complete assessments or attend their required classes and other learning activities.

All students need to be treated equitably as part of the learning and assessment process. To assist School Boards in their decision-making process, it is necessary to have an appropriate evidence base to inform the judgements which can be made. This policy sets out the definition of mitigating circumstances and policy principles for mitigating circumstances and the consideration of these circumstances.

2.0 PURPOSE

This Policy on Mitigating Circumstances provides a framework through which the School Boards may take these difficulties into account in a fair and equitable manner.

3.0 SCOPE

This policy applies to all Undergraduate and Postgraduate students of Sunway University.

4.0 POLICY STATEMENT

- 4.1** Mitigating Circumstances refers to occurrence of unforeseen and unavoidable events that have a significant negative effect on otherwise able student's ability to meet the required academic standards of their programme.
- 4.2** Claims for Mitigating Circumstances should be submitted at the **first reasonable opportunity**. If the academic decision has already been made, the student should use the academic appeals process. Students may only appeal on the basis of mitigating circumstances if they could not, reasonably, have applied for mitigating circumstances ahead of the decision being made.
- 4.3** Claims for Mitigating Circumstances should be made using the appropriate form, including submission of independent documentary evidence.

4.4 Mitigating Circumstance shall be conveyed to the Programme Assessment Board. The Programme Assessment Board shall be responsible for determining what, if any, action is taken in respect of the student's progression or award.

4.5 The decision on the impact of the extenuating circumstances on the student's performance is a matter of academic judgement on the part of the Programme Assessment Board. The Programme Assessment Board shall not change the marks given, but may, for example:

- i) Make an adjustment of the grade(s) awarded in any subject(s), or part(s) thereof
- ii) Remove any penalty or penalties for non-attendance or late submission
- iii) Permit a re-sit or retake, with or without any penalty
- iv) Make any other such reasonable adjustments which it deems appropriate to the circumstances and the impact on the student's performance.

The student shall be notified of the decision of the Mitigating Circumstances Panel and any remedial actions agreed by the Programme Assessment Board. The decision taken by the Programme Assessment Boards is final and may only be appealed in accordance with the University's Student Academic Appeals Policy and Procedure.

4.6 Mitigating Circumstances

4.6.1 In order to be considered as a Mitigating Circumstance, such circumstance must meet **all** of the following criteria:

- i) beyond the student's reasonable control;
- ii) of temporary duration, or contemporary in origin¹;
- iii) have had a clear impact on the performance of the student; and be contemporary to the period time during which the student was negatively impacted.

4.6.2 Reasons for claiming Mitigating Circumstances may include (but are not limited to):

- i) inability to attend or engage in classes or other required teaching and learning activities;
- ii) inability to meet submission deadlines;
- iii) failing to complete assignments or attend examinations;
- iv) impaired performance in an assignment or examination.

¹ Long-term circumstances, such as disability, learning needs or financial issues, that may affect a student's performance should be disclosed at time of application or as soon as the student becomes aware that (s)he has a long-term problem that may affect their performance becomes know

4.6.3 Acceptable Mitigating Circumstances may include but are not limited to:

- i) Illness or Injury
 - a) An illness or injury relates to the student or to a family member or dependent.
 - b) Medical conditions must be supported by written evidence from a medical practitioner, consultant, or relevant member of hospital staff. Written evidence from complementary therapists will only be considered where the School is satisfied that the therapist is a member of a recognised professional body. Support documents for medical condition that are obtained online will not be accepted.
 - c) Evidence must be contemporaneous and give a clear diagnosis. The date of the evidence must demonstrate that the student visited the medical practitioner at the time the mitigating circumstances occurred.
- ii) Bereavement
 - a) Where the mitigating circumstances relate to the death of an immediate family relative of the student, a death certificate or an officially certified copy of a death certificate should be provided.
 - b) Bereavement will normally be considered to cover assessments within the term when the death occurred, and shortly afterwards. Students who feel that they have been affected by a death beyond this time will need to provide additional evidence to indicate how the death has affected them personally e.g. a doctor's certificate, report from a counsellor.
- iii) Court attendance
 - a) This can include jury service, attendance at tribunals and the requirement to attend court as a witness, defendant or plaintiff.
 - b) Documentary evidence from the relevant Court official must be produced to show that the clash cannot be avoided.
- iv) Victim of crime

Students who consider that they have been adversely affected by being a victim of crime must provide relevant details, such as a police reference number or a report from an expert, confirming the impact of the crime upon. Examples may include theft of a laptop, being assaulted, or being burgled.
- v) Other serious circumstances deemed acceptable by the University

The list of mitigating circumstances is not exhaustive and the University appreciates that other circumstances may arise which meet the criteria outlined in section 4.2 of this policy.

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- 4.7** Sunway University will not accept non-serious domestic or personal disruptions, such as moving house, change of job, weddings, normal job pressure, failed travel arrangements, minor-moderate financial difficulties, oversleeping, technology failures, holidays or any other events that fail to be supported with evidence as valid grounds for mitigation.
- 4.8** All information provided in relation to mitigating circumstances will be treated in strictest confidence and such information will be limited to the staff directly involved in administering and evaluating the circumstances
- 4.9** Students must provide contemporary, independent evidence to support any mitigating circumstance, and are responsible for demonstrating the impact to their performance. In every case it will be necessary for the student to show that the impact of these circumstances was significant, unforeseeable and unavoidable, and that they had taken all reasonable steps to minimise the impact.
- 4.10** The University reserves the right to investigate the validity of applications. In cases where there is a suspicion that an application may have been submitted fraudulently, the issue may be referred to the University's disciplinary process.
- 4.11** Schools should ensure that all students are aware of this policy. As a minimum they are expected to include information in their initial induction packs and remind students each year of its existence. This may be done by inclusion in the School/Programme Handbook.

5.0 Mitigation

- 5.1** Claims for mitigating shall be heard by the School Mitigating Circumstances Panel.
- 5.2** The Mitigating Circumstances Panel shall determine whether or not a student's academic performance has, on the balance or probability, been negatively impacted by circumstances beyond their reasonable control, and, in such circumstances, shall make recommendations to the Programme Assessment Board on possible measures to alleviate the impact. The Programme Assessment Board shall make the final decision on what measures shall be taken.
- 5.3** Any measures taken by the Programme Assessment Board shall be in line with the University's normal regulations, policies and procedures. In the event that the Programme Assessment Board determine that measures that are outside of the Regulations and Policies of the University, the matter shall be referred to the Appeals and Special Cases committee of the University, which shall make the final determination.
- 5.4** The decision of the Mitigating Circumstances Panel may be appealed, pursuant to the Student Academic Appeals Policy; however, the decision of the Programme Assessment Board, or (if applicable) the Appeals and Special Cases Committee, is a matter of academic judgement and may not be appealed.

6.0 REFERENCE DOCUMENTS

1. Student Attendance Policy
2. Student Attendance Monitoring Procedure
3. Student Appeals Policy (Academic)
4. Student Appeals Procedure (Academic)

7.0 DOCUMENT HISTORY

Document History		
Version	Approval Date	Document Reference/ Section of Changes
01	01/12/2016	Not Applicable
02	31/10/2019	Item 4.0 <ul style="list-style-type: none"> - Revise Policy Statements by adding reasons and criteria for consideration of mitigating circumstances cases. Item 5.0 <ul style="list-style-type: none"> - Introduce School Mitigating Circumstances Panel (SMCP) for consideration of mitigating circumstances cases - Add a clause that decision from SCMP must be conveyed to the PAB and the adjustments that should be considered by the PAB.
03	15/12/2023	Item 4.0 <ul style="list-style-type: none"> - Exclude the School Mitigating Circumstances Panel (SMCP) from the policy in sections 4.3 and 4.4 to align with the Academic Regulation practices. - Include the terms of Support documents for medical conditions that are obtained online will not be accepted in section 4.6.3 to align with the Academic Regulation practices.