

Mitigating Circumstances Policy

MPhil/PhD Students

This Policy must be read in conjunction with the [Research Degree Regulations](#).

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1. Introduction

- 1.1 This policy provides students and staff with guidance on what to do when research students experience **unexpected non-academic events** (mitigating circumstances) which have a significant impact on their ability to prepare for or to take assessments. The policy applies only to summative assessments as these contribute to the final marks for modules and awards. The School operates an evidence-based approach to ensure that all claims are dealt with fairly, equally and transparently so that no student is advantaged or disadvantaged by the policy.
- 1.2 This policy applies across SOAS to all MPhil/PhD students. There are separate provisions for the consideration of mitigating circumstances affecting taught students as set out in the [Mitigating Circumstances Policy – Taught Students](#).
- 1.3 MPhil/PhD students may use this policy in relation to their thesis submission, upgrade from MPhil to PhD, and the assessment of taught modules (when applicable).
- 1.4 By submitting a claim for mitigating circumstances the student is confirming that their circumstances are severe and have impacted on their studies. Submitting false claims or evidence is a serious matter and will be dealt with under the School's disciplinary procedures.
- 1.5 It is each student's personal responsibility to report mitigating circumstances promptly and in accordance with this policy.
- 1.6 The School will appoint at least one Mitigating Circumstances Coordinator (MCC) and a Mitigating Circumstances Panel (MCP) to make decisions about MCs. This information can be found in Appendix D.
- 1.7 Abbreviations used in this policy are as follows:
MCs = Mitigating Circumstances
MCC = Mitigating Circumstances Coordinator
MCP = Mitigating Circumstances Panel

2. What Are Mitigating Circumstances?

- 2.1 Mitigating circumstances are **exceptional, short-term, unforeseen** and **unpreventable** events which have a negative impact on a student's ability to take or submit assessments or to prepare for assessments. They are over and above the course of everyday life and significantly disrupt a student's ability to study for or to complete assessments.
- 2.2 Mitigating circumstances relate to **non-academic problems only**. Any difficulties with the organisation or operation of programmes of study should be dealt with via the [Student Complaints Procedure](#).
- 2.3 Mitigating circumstances must also be **contemporaneous**, i.e. occur at the time of the assessment or in the period immediately leading up to the assessment. If a student was unwell for two weeks at the beginning of term, this would not normally be expected to impact on assessment later in the year unless that student can demonstrate valid reasons to support this.
- 2.4 Further information on acceptable mitigating circumstances and the evidence that is required can be found in Appendix A.

Acceptable mitigating circumstances include:

- (a) Illness or Injury
- (b) Bereavement
- (c) Personal problems/trauma/family crisis
- (d) Court attendance
- (e) Victim of crime
- (f) Exceptional financial or accommodation problems
- (g) School IT problems
- (h) Exceptional work commitment (part-time students only)
- (i) Other serious circumstances deemed acceptable by the MCP

2.5 **Unacceptable** mitigating circumstances include:

- (a) Minor ailments (e.g. coughs, colds etc.) even if supported by medical evidence
- (b) Circumstances which do not relate to the assessment period in question
- (c) Minor computer problems including failure to save documents appropriately
- (d) Poor time management (e.g. pressure of work, conflicting assessment deadlines, unavailability of books etc.)
- (e) Misreading the examination timetable or submitting the wrong assignment in error
- (f) Assessments or examinations scheduled close together
- (g) Transport difficulties such as strikes, delayed trains or traffic jams
- (h) Holidays/domestic events (e.g. moving house, attending a wedding, death of pets)
- (i) Routine work commitments
- (j) Sports activities
- (k) Other circumstances deemed unacceptable by the MCP

2.6 The submission of a claim for mitigating circumstances does not mean that the claim will be automatically accepted by the MCP. The MCP will take into account the following factors:

- The circumstances meet the criteria for acceptable mitigating circumstances
- The proximity of the events covered by the claim to the timing of the relevant submission.
- The suitability and validity of the evidence submitted

2.7 Equally, the acceptance of mitigating circumstances does not necessarily mean that action will be taken as a result of the MCs.

3. Long-term Conditions/Pregnancy/Disabilities

3.1 Long-term health conditions (including pregnancy) and/or disabilities are not in themselves considered a basis for mitigating circumstances. However, students with long term conditions and/or disabilities are eligible to submit mitigating circumstances claims if they experience a serious unforeseen effect of their condition or if they experience mitigating circumstances based on factors not connected with their condition.

3.2 Students with on-going conditions are encouraged to access the Student Disability Advisers in the [Student Advice and Wellbeing](#) team to arrange support and reasonable adjustments for specific learning requirements and assessments.

4. Specific Learning Differences (SpLD)

- 4.1 Learning Support Agreements (LSAs) and SIPs (Study Inclusion Plans) for students with Specific Learning Differences (SpLD) for their current programme of study may include entitlement to an additional period of study. More information on this is available from the [Disability & Dyslexia Service](#).
- 4.2 Students who have SpLDs covered by a Learning Support Agreement (LSA) are eligible to submit mitigating circumstances claims which meet the criteria set out in this policy. However, they cannot submit mitigating circumstances based on their SpLD alone.

5. Submission Procedure and Deadlines

- 5.1 Discussing your circumstances with a member of staff does not constitute a submission of mitigating circumstances. Individual members of staff cannot make adjustments to the assessment process or make decisions on mitigating circumstances, therefore students must follow this procedure and submit a claim for mitigating circumstances.
- 5.2 Mitigating Circumstances claims must be submitted via SID as a 'Mitigating Circumstances for MPhil/PhD student' service request.
- 5.3 The student must complete the service request concisely but provide sufficient details on the nature and timing of the circumstances and what their impact has been. All claims must be accompanied by original, contemporaneous documentary evidence that supports the details of the claim. Further information on acceptable forms of evidence can be found in Appendix A.
- 5.4 A student who believes their MC submission contains sensitive or highly confidential personal information and/or evidence may submit to the Doctoral Research Centre their documentary evidence in a sealed envelope marked 'private and confidential' for the attention of the Chair of the Mitigating Circumstances Panel. They will not provide this information to the mitigating circumstances panel but will confirm whether the evidence was sufficient and valid.
- 5.5 If a student is unable to submit their mitigating circumstances claim in person due to illness or other circumstances, then the student can authorise, in writing to the Doctoral Research Centre at doctoralschool@soas.ac.uk, someone to submit the claim on their behalf.
- 5.6 Students must keep the email receipt of their submission on SID and a copy of all evidence submitted. This will serve as their proof of submission. The claim will initially be read by 2 members of the MCP. If they are in agreement that the claim and evidence is in line with the policy then this will be considered a successful claim and the student will be informed. All other claims will go to the full MCP.
- 5.7 Deadlines for the submission of mitigating circumstances will be published by the Doctoral School each academic year. The deadline for the submission of claims is the Friday before the week of the appropriate Mitigating Circumstances Panel and all mitigating circumstances must be submitted by these deadlines. Late claims will be rejected unless a valid reason for the late submission can be provided and in such cases Chair's Action will be taken. As a minimum, Panels will be held at the following points in the year which will be published in the assessment calendar (available on the website) as follows:

- Thesis submission deadline in term 1 MCP before the end of term 1
- Thesis submission deadline in term 2 MCP before the end of term 2
- Thesis submission deadline in term 3 MCP before the end of term 3

5.8 Mitigating Circumstances which are submitted after the ratification of marks will be rejected. These claims can only be considered under the School's [Appeals Policy](#). The appeal must include an explanation and supporting evidence demonstrating why the claim was not submitted at the correct time.

6. Documentary Evidence

6.1 All mitigating circumstances claims must be accompanied by original, contemporaneous, independent third party documentary evidence which must confirm the existence of the mitigating circumstances and state how the circumstances have impacted upon the student. Further guidance on sources and types of documentary evidence is given in Appendix A.

6.2 The student is responsible for providing acceptable and sufficient documentary evidence and the School will not obtain evidence on behalf of a student. However, if a claim is submitted to the MCP and the evidence is deemed insufficient, the MCP will advise the student of this and give them an opportunity to provide further evidence within 2 weeks.

6.3 Any costs involved in providing documentary evidence, including the translation of the relevant documents into English if necessary, must be borne by the student.

6.4 Evidence must be legible and in English. Evidence which is written in another language must be accompanied by a certified translation.

6.5 MCPs will decide whether the documentary evidence meets the requirements of this policy and their decision is final.

6.6 SOAS counsellors, SOAS Mental Health Advisors, psychiatrists and counsellors with a recognised professional qualification may provide a confidential statement as evidence.

7. Impact of Mitigating Circumstances on Assessment

7.1 Decisions of the MCP

The MCP will make one of two decisions with regards mitigating circumstances and these will be reported to the Sub-Board of Examiners:

- Accept the claim
- Reject the claim

7.2 Viva voce

(a) Absence – If students cannot attend their viva due to mitigating circumstances then they can submit a claim for mitigating circumstances. Where a student knows in advance that they will not be able to attend their viva, they can request a postponement of this examination. These requests must be submitted as soon as the student knows they will be unable to attend the viva, and Chair's Action will be taken on these requests to expedite the decision-making process. Students will be notified as soon as the decision has been made.

(b) Illness during a viva – Students who are taken ill during a viva must report their illness

immediately to the Doctoral School if at all practical. The mitigating circumstances claim and the evidence from the Doctoral School will be considered by the relevant MCP.

7.3 Draft chapters submission (Upgrade and Continuation papers, Final thesis submission)

- (a) Non-submission – If students cannot meet the required submission deadline due to mitigating circumstances then they can submit a claim for mitigating circumstances. Where a student knows in advance that they cannot submit their work, they can request an extension to their deadline. Extension requests must be submitted as soon as the student knows they will be unable to complete their work and Chair's Action will be taken to approve these requests to expedite the decision-making process. Students will be notified as soon as the decision has been made.
- (b) Late-submission – Students who do not submit their work on time due to mitigating circumstances can submit a claim for mitigating circumstances. Any work submitted after the deadline without any evidence will be counted as a non-submission.
- (c) Outcomes
 - (i) *Work not submitted*: If the mitigating circumstances claim is **accepted** then the student will be required to submit the work by a deadline agreed by the MCP.
 - (ii) *Work submitted late*: If the mitigating circumstances claim is **accepted** then the student will be required to submit the work by a deadline agreed by the MCP.
 - (iii) If the mitigating circumstances claim has been **rejected** then the work will be marked as a late submission and the student might be at risk of being withdrawn from the programme.

Appendix A – Acceptable Mitigating Circumstances and Documentary Evidence

A1 Illness or Injury

- (a) The illness or injury relates to the student or to a relative/dependant.
- (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.
- (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. Statements that a student reported that they were ill, or which do not include a clear diagnosis, will not be accepted.
- (d) Students with long-term medical conditions and/or disabilities, including those with mental health difficulties, may have difficulty in obtaining medical evidence for each instance when their health has been affected. Their evidence may instead show that their condition is fluctuating and that they had an extended period of ill health.

A2 Bereavement

- (a) Where the mitigating circumstances relate to the death of someone related to or known to the student, a death certificate or an officially certified copy of a death certificate should be provided.
- (b) Where a student has been affected by the death of someone other than a relative they should explain their relationship to the deceased and the impact upon their studies.
- (c) 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.

A3 Personal problem/trauma/family problem

- (a) This can include a range of issues such as separation from a partner, family conflict, caring for a dependant.
- (b) Examination stress is not considered to be a mitigating circumstance as this is common to all students. However, this could be accepted if this exists in an acute form documented by a registered medical practitioner. Students who suffer from examination stress should seek support available at the School.

A4 Court attendance

- (a) This can include jury service, attendance at tribunals and the requirement to attend court as a witness, defendant or plaintiff.
- (b) It is normally possible to apply for deferral of jury service if it clashes with an examination. If deferral is not granted, documentary evidence from the relevant Court official must be produced to show that the clash cannot be avoided.

A5 Victim of crime

- (a) 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.
- (b) Where the crime committed is of a very personal nature, i.e. sexual assault, it may be difficult to obtain a police report. Likewise, some students may not wish to report the crime to the police. In such circumstances appropriate documentary evidence can be provided from a

medical professional, counsellor or other professional body (i.e. rape support service or the School's [Student Advice and Wellbeing](#) team).

A6 Exceptional financial or accommodation problems

- (a) Many students may experience financial and accommodation problems as part of daily life. These circumstances will be considered on a case-by-case basis where they are significant and significantly disrupt a student's academic performance.
- (b) Typical evidence may include a letter from a bank or other financial agency, letters from landlords or housing support agencies.

A7 School IT problems

- (a) Failures of equipment, including IT systems and computer viruses, will only be accepted when they occur SOAS-wide, nationally or internationally, and are verified by the IT helpdesk. Students should aim to finish coursework well in advance of deadlines to avoid such problems.
- (b) Evidence required will be provided by the School's IT department.
- (c) Routine computer issues such as viruses, corrupt files and printer problems are not acceptable as mitigating circumstances. Students must take adequate precautions to reduce the potential impact of these problems such as backing up files.

A8 Exceptional work commitment (part-time students only)

- (a) SOAS appreciates that some students work to finance their studies but assumes that students will make their studies a priority. It is a student's responsibility to evaluate whether they can comply with the requirements of their chosen course before enrolling at SOAS.
- (b) Full-time students will not normally be eligible to claim for mitigating circumstances in relation to employment.
- (c) Part-time students may submit a claim for mitigating circumstances if the work requirement is unexpected and/or non-negotiable and this prevents them from attending examinations or completing coursework by the published deadline. The student must provide documentary evidence from their employer confirming the work requirement and its duration.

A9 Other serious circumstances deemed acceptable by the MCP

The list of mitigating circumstances is not exhaustive, and the School appreciates that other circumstances may arise which meet the criteria outlined in section 2 of this policy. If you are in doubt, please contact your Department Office or the Students' Union for advice.

Appendix B – Decisions available to the Mitigating Circumstances Panel (MCP)

- B1 Each case is different and it is important to consider every submission on its merits. It is, however, unfair for students in similar circumstances to be dealt with differently. To help ensure consistency of treatment across the School, MCPs should review the mitigating circumstances claim against the criteria in section 2 of this policy.
- Do the MCs meet the definition of acceptable mitigating circumstances
 - Were the MCs exceptional, short-term, unforeseen and unpreventable
 - What is the proximity of the events covered by the MC claim to the timing of the relevant assessment(s)
 - The suitability and validity of the evidence submitted
- B2 If the documentary evidence is deemed insufficient by the MCP, it can request further evidence/clarification from the student.
- B3 The MCP will not grade the claims. Mitigating circumstances by their nature are significant events which are likely to have impacted on a student's assessment. It is not possible to determine how a particular set of circumstances will impact on a student as the same circumstances can affect students in different ways.
- B4 Marks for modules or assessment elements cannot be adjusted in light of accepted mitigating circumstances.
- B5 The MCP can make one of two decisions:
- Accept the MC claim
 - Reject the MC claim

Appendix C – Mitigating Circumstances Panels (MCPs)

- C1 There will be a minimum of one Mitigating Circumstances Panel for Research Students.
- C2 Membership of the MCP will comprise of a minimum of three members of staff, at least one of whom should be an Associate Director for Research. The MCP will be chaired by the Mitigating Circumstances Coordinator and administrative support will be provided by professional services. The restricted number of members ensures that consideration of personal information is restricted to the smallest possible number of people, consistent with making an informed decision. There should be some continuity of membership of the MCP from year to year where possible. A minimum term of three years should be applied wherever possible in order to ensure consistency.
- C3 The dates will be agreed by the Doctoral Research Centre. There will be a minimum of three meetings of the MCPs in each academic year as outlined in 5.7.
- C4 The MCP will report the outcome of cases to the Doctoral Research Centre Management Group.
- C5 Cases will be discussed with the utmost sensitivity. Anonymity of candidates should be lifted to enable informed discussions to take place, but privacy and confidentiality are paramount. Members of the MCP should not discuss cases outside the meeting or make any information available unless a student has given written consent to such disclosure.
- C6 The decision of the MCP should be based solely on the evidence that has been presented to the Panel. A list of acceptable circumstances and documentary evidence can be found in Appendix A.
- C7 Each case is different, and every submission should be considered on its merits. However, it is important that students in similar circumstances are dealt with in a similar way. Thus to help ensure consistency of treatment across the School, it is recommended that MCPs use the criteria set out in Appendix B.
- C8 Decisions of the MCP should be communicated without delay to the student's supervisors and research tutor.
- C9 The outcome of each case must be recorded in the meeting identified by student/candidate number. They must not include detailed discussions of individual cases or student names. There must be a decision in respect of every submission.
- C10 The professional services team should inform students of the outcome of their submissions to the MCP. No details of the discussions held at the MCP will be disclosed.
- C11 Decisions of the MCP are binding. Students who believe that their Mitigating Circumstances have not been considered in line with this policy may submit an appeal against the decision after their work has been submitted.
- C12 The MCP will make an annual report to Doctoral Research Centre Management Group. The report will include the number of cases considered and their outcomes (in anonymous form) together with any issues of concern or examples of good practice.

Appendix D – Mitigating Circumstances Coordinator (MCC)

- D1 The Associate Director for Student Welfare will serve as the Mitigating Circumstances Co-ordinator (MCC). The Doctoral Research Centre should publicise widely the name and contact details of the MCC.
- D2 The role of the MCC is:
- To provide a central point of advice and referral for staff and students on the mitigating circumstances policy, in collaboration with department staff and Registry
 - To chair the Mitigating Circumstances Panel
 - To ensure the decisions taken at the panel are in line with the requirements of this mitigating circumstances policy
 - To ensure that information and documentation received in relation to mitigating circumstances is dealt with in accordance with the School’s Data Protection Policy with regards confidentiality.
- D3 The Doctoral Research Centre will ensure that this policy is publicised widely to students and staff. As a minimum, it should be brought to the attention of students as part of the induction process and at least annually afterwards. The information should provide the details of the MCC and as well as how to submit mitigating circumstances through SID.

Document Version

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2019/20	Nadja Abia, Curriculum and Regulations Officer	Updated departmental title and terminology to reflect changes resulting from the OPS restructuring.	September 2019