

Mitigating Circumstances in Higher Education

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Abstract: This paper explores the extenuating circumstances that have a direct impact on Higher Education students' academic progress. It looks at the rules and regulations of two Higher Education Institutions in the UK to determine whether they are in line with basic human rights policies. It also seeks to find out how students' educational progress has been affected by mitigating circumstances. The paper utilizes case studies of students who have experienced difficult circumstances over which they had no control, and have therefore had extended interruptive periods in their education, which adversely affected their education progress. The paper also reviews the rules and regulations of the two institutions concerned. The findings from the analysis of the case studies and the two institutions' rules and regulations show that mitigating circumstances do have some negative impact on students' academic progress. The findings also show that educational institutions need to pay closer attention to basic human rights principles in helping students to progress.

Key words: intercalulation, deferral, self certification, assessment, regulations, policies and rights

1. Introduction

This paper looks at mitigating circumstances in Higher Education (HE). It explores the extenuating circumstances that have a direct impact on Higher Education students' academic progress. Students from three London Universities were used for this purpose. The rules and regulations of these two Higher Education Institutions (HEIs) were examined to determine whether they are in line with basic human rights policies. The paper also seeks to find out how the educational progress of selected students from these two HEIs has been affected by mitigating circumstances. To support the discussion, the paper utilizes case studies of students who have experienced difficult circumstances over which they had no control, and have therefore had extended interruptive periods in their education.

2. What Are Mitigating Circumstances?

Generally, to mitigate something is to decrease its harmful effects. From an educational point of view, it has a similar in that HEIs make an effort to lessen the harmful situations that can have an adverse effect on students' achievement and aspirations. But why is there a need for mitigation at HEIs? The way of life in the twenty first century is fast-going in many respects and there are many situations that impact students' personal and academic

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life in one way or another. Some of the circumstances are beyond students' control. When this happens and students are unable to produce the best work possible on given assignments and coursework, HEIs employ mitigation.

One of the universities that the participants for this research attend defines mitigating circumstances as: "unforeseen, unpreventable circumstances that significantly disrupt student performance in assessment" (Birkbeck, 2013). For this definition, Birkbeck explains: "'assessment' relates to any form of assessment including coursework, reports, essays, examinations, laboratory work, in-class tests, projects, dissertations etc". The second HEI that participants attend used the following definition: "Mitigating circumstances are defined by the University as circumstances that are acute, severe, unforeseen and outside a student's control that occur immediately before or during the assessment period in question" (London Metropolitan University, 2013).

Another university explains that there are times when circumstances or events beyond students' control may adversely affect their ability to perform in an assessment to their full potential or to complete an assignment by the set deadline (University of Manchester, 2012). In explaining what mitigating circumstances entails, the University of Nottingham (2013) describes the condition by noting that during the course of students' study, they "may encounter significant personal difficulties that are outside their control and impact on their ability to study and/or complete assessments". The University also point out that it refers to these difficulties as *Extenuating Circumstances*. One university defines extenuating circumstances as:

...circumstances beyond the student's control which either prevent the student from submitting a piece of course work or sitting an examination, or cause the student to perform less well in his or her course work or examinations than he or she might otherwise have been expected to do (on the basis of other work) (Queen Margaret University, 2011).

Other accounts have also used the expression "*extenuating circumstances*" in the context and sense that the term "*mitigating circumstances*" is used (Grove, 2014; Koletsi-Kounari, Polychronopoulou, Reppa & Teplitsky, 2011). The third HEI that participants attend employs that same term. London South Bank University (LSBU, 2013) explains:

Extenuating circumstances (ECs) should satisfy **all** of the following criteria, namely they should be circumstances that are:

"non-academic; unexpected; significantly disruptive; arising from matters beyond a student's control; likely to have affected the student's academic (including clinical) performance (or ability to attend in whole or part) to an extent that is material." (Academic Regulations for Taught Programmes (ARTP) 2010-2011, 12.86) (Cited in LSBU, 2013).

In light of the above, this paper will use both terms. It should be noted that some conditions are not normally accepted as mitigating circumstances:

- failure to read the examination timetable or coursework deadline properly
- pressure of work
- failure to save work properly
- minor illnesses or self-induced conditions (colds, hangovers etc.)
- religious festivals
- domestic or personal disruptions which may have been anticipated (e.g., moving house, holidays etc.)
- sporting fixtures (University of Leicester, 2013).

Considering definitions above, it can be seen that assessment is at the heart of HEIs' mitigation policies and procedures. The next section will look at how HEIs deal with mitigating circumstances.

3. How Mitigating Circumstances Impact on Students' Performance

The remarks made in this section are based on personal experiences and informal conversations that I have had with some colleagues.

Mitigating circumstances affect students' ability to make educational progress in various ways. Unforeseen events such as having a learning difficulty, becoming physically disabled, contracting an unbearable disease, being struck with a severe illness, the sudden or anticipated death of a loved one or dealing with a family crisis can hinder students from meeting assessment deadlines. As a result, it may be necessary to ask for an extension. Additionally, some students cannot cope with examinations in times like these, because they only serve to add more stress to an already stressful state of affairs. Some situations may get so serious that they create financial hardship for students. These circumstances can also make students lose their academic focus because they are unable to concentrate on anything other than their present adverse situation. Sometimes the situation is such that the students are forced to take away from their studies. The situations described here are quite similar to the uncontrolled events that universities speak of (University of Nottingham, 2013; University of Manchester, 2012).

Some mitigating circumstances are more serious than others. Therefore, when possible, students should play their part in their own learning as this is his/her responsibility. It might be a case of time management — being able to structure one's work in time-periods that are manageable. It is also beneficial to talk to those students who have had difficult times and were still able to cope with their studies. Discussing one's situation with the lecturers can also be a source of encouragement and support. In life, positive and negative situations will always arise, so it is important to develop coping skills. However, all of the extenuating circumstances mentioned above do impact negatively on students' progress; hence the need for universities to do what is possible to help students to succeed.

4. How HEIs Deal with Mitigating Circumstances

Universities across the United Kingdom (UK) try to ensure that all their students are in a position to make educational progress. This involves helping the students to deal with any drawbacks or inconvenience in a way that will not prevent them from being successful. Of course, all universities would want to have and maintain a high standard of education. This means that they will do their best to make sure that their standards do not drop because of students' inability to complete assessment and examination exercises. So in dealing with extenuating circumstances, HEIs have formulated policies and regulations that will help students to cope with any circumstances over which they have little or no control. Students are allowed to submit claims for mitigating circumstances within a given period. Four weeks from the published submission date of the component concerned or the date of the examination is the period given for one of the universities used for this paper has the following procedure in place. It states:

All claims must be submitted to an Undergraduate or Postgraduate Office. *Students are however encouraged to submit a claim as soon as practicable.* A claim for Mitigating Circumstances may be submitted in relation to:

- non-attendance at an examination;
- non-submission of coursework;
- impaired academic performance in an examination (London Metropolitan University, 2013).

The second and third universities that the participants attend also have procedures in place to deal with claims but the time period is different as shown below:

- Students are encouraged to submit their claim for mitigating circumstances in advance and at the earliest opportunity. The final deadline for submission of a claim is *normally* 1 week after the final assessment for a module unless otherwise stated by the appropriate School.
- Claims should be used where possible to the standard of the College Mitigating Circumstances claim form (see annex A) which should be submitted in accordance with the procedure for submission published by the appropriate School (Birkbeck, 2013).
- The procedures for EC claims represent the University's concern that a student should not be disadvantaged in their studies by a situation that is beyond their control. If a claim is rejected, it is rejected against criteria. Rejection of an EC claim does not mean that Panel members failed to acknowledge the difficulties of a student's situation (LSBU, 2013).

Other HEIs across the UK operate a similar policy and procedure system in dealing with extenuating circumstances.

5. Methodology

This paper made use of a small-scale research. The sample consisted of 30 students who attend three HEIs — Birkbeck (10), London Metropolitan University (12) and LSBU (8). The sample was chosen because of convenience. All the participants consented to taking part in the research exercise. Information was collected from the participants by using semi-structured interviews.

6. Findings and Discussion

Below are some of the responses given to selected questions by selected respondents from the three HEIs that they attend. The responses selected are a reflection of all the responses from all the participants.

Q1. What is your understanding of a mitigating circumstances?

Yes, it means students with problems handing in work or left school due to family issues etc. I had a friend with mitigating circumstances. She lost her dad and went back to Bulgaria for couple of months. She was devastated and did not really want to continue with her programme. However her mum wants her back to the university to finish the course. She came back to the Uni to ask for an extension to submit her missed work; she was told that she had left the matter too late and therefore no longer fall within the category to be exonerated. Her case was dismissed and she was asked to repeat the year (S1).

Q2. Have you had any mitigating circumstances that affected your studies? Explain what they are.

I had a problem with my course. I was studying a law degree that I was enjoying. My best friend had a serious car accident and was in coma in the hospital. All the friends had big shock including me. I was very ill and at the same time visiting him in the hospital for several weeks. I could not attend my lessons then. Unfortunately my friend passed away. I did not see any struggle for career aspirations as anything again. I later regained my confident and decided to go back to finish my law degree. When I met my course tutor to explain my situation, he told me that I did not contact him nor has he got any record of reporting this to the university. He asked me to complete a mitigating circumstances form which I did, my case was dismissed on the ground that this does not fall within extenuating circumstances. I was very upset and I left that institution and changed my course

because I could not see my colleagues in year 2 while I am still doing year 1. My case should have gained sympathy but did not (S13).

Q3. Briefly describe the steps used in dealing with students with mitigating circumstances in your University.

I have submitted mitigating circumstances a few times, I didn't ask for the support that I needed in the past and I couldn't do the exam so I had to submit a request for mitigating circumstances. My mitigating circumstances are always accepted as I have genuine reasons. They asked me if I needed support and this time I said "yes, I need it". I still believe students should be given more support, although they may not want to share personal reasons, this may put people off from appealing (S18).

Q4. How effective would you describe the policy of extenuating circumstances in your university?

The university do have good policy to support people with mitigating circumstances, but very rigid and difficult to convince anyone particularly when you lose a friend so close and important as part of your life. Cases of this nature do not comply with my Uni policy; hence I find it somehow ineffective, not because it was not explained fully to us, but the handling of it by the people involved. Sometimes you look like a fool or seen as telling lies if you do not have an evidence and cases based on loss of friend can make you fail or dropout from Uni and can wreck your career plans as you cannot win based on loss of friend. It can be fairly applied to all, although people should not use it as an excuse not to meet up deadlines and complete set work or not attend lessons (S22).

I had to submit mitigating circumstances due to someone we know passed away. I feel the University could improve the mitigating circumstances by not always assuming that students need a doctor's note when they submit work late. It could be for other reasons not just to do with sickness or doctors and you can't get a death certificate to prove why you are off from University, so they need to take this into consideration (S29).

Q5. If you have been a victim of this, how was your case handled by the institution?

Yes, I have been a victim which is the reason why I came back on this course. I was studying a BA Hons in humanities which my case was badly handled. My wife gave birth and I had a lot of duties and responsibilities to support her being our first baby. This affected my attendance and submission of course work. I thought paternity leave was to be granted as a father, my appeal based on extenuating circumstances was refused on the ground that the institution has no provisions on their policy to grant a student paternity leave based on child birth. This is why I think the policy needs revisiting to support students with similar case (S25).

Q6. What would be your suggestions for improvement?

Universities to be more rigid and firm with the policy to ensure that students take their programmes serious, but need to be fair and consistent (S27).

Maintain confidentiality considering the sensitivity of some cases which the student may not wish any other person to know (S24).

All the respondents knew what is meant by mitigating circumstances. This is because the universities made sure that students were given handbooks that contained this information. The respondents also are aware of the policies and procedures that their individual universities had in place to deal with extenuating circumstances. The respondents' knowledge of mitigating circumstances matched the information stated by their universities (Birkbeck, 2013; London Metropolitan University, 2013). However, based on the responses, it is evident that the respondents are not satisfied with how some cases are handled, as noted in this comment: "*I find it very ineffective as you can still fail and cannot apply for it based on loss of friend*". One case was dismissed "*on the ground that*

this does not fall within extenuating circumstances” although it seemed that the case, which was the death of someone, falls into the category for mitigating circumstances (University of Nottingham, 2013; University of Manchester, 2012).

The dissatisfaction that was expressed by all the students was not as a result of the universities’ lack of proper guidelines on mitigating circumstances. They have all noted that information relating to the procedures and policies that the universities have in place are very well circulated among students. The problems noted come from the manner in which individual cases are dealt with. The issue of fairness was even mentioned by one student; and this is the issue that universities are trying very hard to address. No university wants to be seen as treating students unfairly.

7. Conclusion

The paper explores the extenuating circumstances that have had a direct impact on Higher Education students’ academic progress. To do this, it examines some of the policies and procedures used by selected universities in the UK. It also analyses the interview responses given by students who attended three universities — Birkbeck University of London, London South Bank University and London Metropolitan University. These students experienced mitigating circumstances that affected their educational progress. There is need for follow-up research to address issues such as deferrals, appeals, medical certificates, self-certification, confidentiality and how and when to submit claims.

Generally, the findings from an analysis of the HEIs’ rules and regulations show that HEIs in the UK are committed to recognizing mitigating circumstances and dealing with them in a manner that will not make students miss out on their education by becoming drop outs. The findings from the analysis of the students’ responses have shown that mitigating circumstances are real and that they should be addressed in a way that benefits students’ educational progress. They also show that HEIs should pay closer attention to basic human rights principles in helping students to progress.

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