

## Mitigating circumstances

# Mitigating circumstances

**2023**



## Disclaimer

This Mitigating circumstances guidance is aligned with the Standard Operating Procedure for processing of learner requests for mitigating circumstances (SOP TD-003-01) effective as of 2 October 2023. The master document is held by the EUAA. In case of dispute, the SOP TD-003-01 will apply.





# Introduction

This document describes the procedure to follow when learners indicate that they are facing adverse circumstances that may have an impact on their studies and, in particular, situations that may affect their attendance or performance in assessment tasks.

Unforeseeable and/or major circumstances that would justify a learner's absence in the workplace are acceptable as mitigating or extenuating circumstances. Examples (non-exhaustive) include:

- force majeure events,
- sickness,
- major events, such as the death of a close relative.

Other major circumstances that are acceptable include:

- a sudden and unforeseeable increase in workload, e.g., such as following a humanitarian or national crisis.
- unforeseeable operational decisions, such as deployment to an alternative duty station or role.

The assumption is made that the threshold for acceptance of adverse circumstances will broadly be the same as the threshold for being absent from work due to adverse circumstances or sickness. If the employee would be justified in having time off work for the reason(s) specified (except for vacation leave unless this is in case of an emergency), this would qualify the learner for mitigating circumstances.

Learners should notify of adverse circumstances at the earliest possible opportunity, which in most cases will be before the assessment takes place. However, it is also possible that learners miss an assessment due to adverse circumstances and notify afterwards. Although this is not recommended (in case the mitigating circumstances request is rejected and the assessment has already taken place), it remains possible for learners to notify afterwards, given the unexpected and sudden nature of adverse events. In the event that the request is accepted, equal treatment should apply irrespective of the date of notification.)

# Procedure

Learners who work for a Member State should notify the relevant EUAA Training National Contact Point (TNCP) of any adverse circumstances. In cases where learners are not Member State officials (such as EUAA staff), the learner should notify their line manager. Supporting evidence may be requested from the learner to substantiate the request. The supporting evidence must not be shared further (i.e., do not share with Training and Professional Development Centre staff).





**The TNCP (or delegate) or line manager (for non-Member State staff) will assess the request.**

## The request is accepted

The TNCP (or delegate) or line manager informs the learner of the positive decision. They send an email to [training@euaa.europa.eu](mailto:training@euaa.europa.eu) informing that the learner will be absent and that the learner's request for mitigating circumstances to be taken into account has been accepted.

The EUAA will make reasonable adjustments to support the learner continuing their studies. The adjustments will be conditional on them not providing the learner with any undue advantage compared with other learners in the same cohort.

The learner will be informed of the adjustments and instructed to continue their studies in line with the adjusted plan.

Such adjustments may include, but are not limited to, adjustment of submission deadlines or deferral of summative assessments until a future date. Where an extension cannot be accommodated within the assessment and verification schedule, the assessment is deferred to the next available opportunity, without penalty.)

## The request is not accepted

If the request is not accepted, the TNCP (or delegate) or line manager (for non-Member State staff) informs the learner of the decision. The request and the outcome are kept on record. An email should be sent to [training@euaa.europa.eu](mailto:training@euaa.europa.eu) stating that the learner will be absent. They should inform the EUAA that a request for mitigating circumstances had been made and that it was not accepted.

**End of procedure.**

## Records

Records relating to learners' requests for mitigating circumstances that have been accepted will be saved by the EUAA.



