

## Document D

# MITIGATING CIRCUMSTANCES POLICY

**Effective from the academic year 2018/19**

### 1. Principles:

- This policy applies to all registered students undertaking undergraduate and postgraduate taught programmes and students registered on taught modules on Doctoral research programmes.
- This policy does not apply to mitigating circumstances affecting a postgraduate research viva. These should be raised directly with the student's supervisor in advance of the viva.
- With the exception of extensions for coursework, mitigating circumstances for students on joint degrees should be recorded by the student's home department (the department in which the student is registered).
- Extensions for coursework for joint degree students are dealt with by the department which owns the module in consultation with the student's home department.
- It is the responsibility of the student to report mitigating circumstances at the earliest possible opportunity.
- Each department will produce written guidance to supplement this policy which should contain details of points of contact, deadlines by which the mitigating circumstances should be submitted and information on where the Mitigating Circumstances Form (MCF) can be obtained. Departments must ensure that guidance includes relevant information and contact details for both undergraduate and postgraduate students.
- International students are recommended to speak to a member of staff in the Immigration Service (<https://warwick.ac.uk/study/international/immigration/>) about any impact which mitigating circumstances might have in relation to their visas.

### 2. Definition of mitigating circumstances

- 2.1 Significant personal difficulties that have a negative impact on a student's ability to study for or complete academic assessments including examinations, they are acute, severe, exceptional, unforeseen and are outside the student's control.

These may occur at any point in the academic year and affect any form of assessment including coursework, continuous assessment, class tests and examinations, but usually appear immediately before or during an assessment period and normally within three weeks of the relevant assessment event or deadline.

Prolonged, long-term or chronic conditions are not normally considered a basis for mitigating circumstances. Students with a chronic illness or disability, of normally a duration greater than a term, are advised to access the support services available which can put in place reasonable adjustments for specific learning requirements and examinations. However, the timing of the diagnosis, or a marked deterioration of an existing condition may be considered a basis for mitigating circumstances. For example, a late diagnosis which meant that reasonable adjustments cannot be made

or an existing condition worsens and is not covered by reasonable adjustments already in place.<sup>1</sup>

- 2.2 Mitigating circumstances can be submitted in relation to:
  - 2.2.1 Extension requests for items of assessment classified by a “Deadline” (laboratory reports, essays, posters, coursework, written assignments, dissertations, projects or other assessed work).
  - 2.2.2 Decisions about progression and/or final classifications usually made by Boards of Examiners.

### **3. Procedure for submission of mitigating circumstances**

- 3.1 Submission for mitigating circumstances must be made on the Mitigating Circumstances Form (MCF) for consideration by the Mitigating Circumstances Panel (MCP) and should be submitted to the designated person within the department who is usually the Mitigating Circumstances Officer (MCO).
- 3.2 A student who believes that the submission contains sensitive personal information and/or evidence or highly confidential information and/or evidence, may submit their MCF and accompanying evidence marked “strictly confidential and for the attention of the Chair of the MCP only”.

#### **3.3 Evidence**

- 3.3.1 Apart from cases falling under category 4.1 below, all submissions for consideration of mitigating circumstances must be accompanied by independent third party evidence which must confirm the existence of the mitigating circumstances and state how the reported circumstances have impacted on the student’s ability to study and/or complete assessments.
- 3.3.2 Evidence must be legible and in English. Evidence obtained overseas which is written in another language must be accompanied by a certified translation (with any costs incurred in obtaining the evidence being borne by the student).
- 3.3.3 The student is responsible for providing acceptable and sufficient evidence.
- 3.3.4 Departments will not make enquiries to obtain evidence on a student’s behalf.

#### **3.4 Deadline**

- 3.4.1 A student may submit an MCF to report mitigating circumstances arising during an examination. Relevant evidence must be provided by the student. Cases must be submitted to the MCO or designated person within 24 hours of the examination in question. Evidence should be submitted within five working days of the submission being made.
- 3.4.2 All other deadlines relating to mitigating circumstances procedures must be set by the department and must be clearly and widely publicised.
- 3.4.3 It is the sole responsibility of the student to disclose mitigating circumstances to their department and submit the necessary forms and evidence in a timely manner without

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<sup>1</sup> More extensive information on the definition of mitigating circumstances can be obtained in the “Mitigating Circumstances – Advice for Students” and the “Mitigating Circumstances – Guidance for Departments” documents.

delay and normally by the stated deadline. Departments cannot make submissions on behalf of students, save in exceptional circumstances.

- 3.4.4. Mitigating circumstances not submitted by the relevant deadline cannot be considered by the department under this policy and may only be considered by an Academic Appeals Committee as part of an academic appeal. An Academic Appeals Committee will not consider mitigating circumstances reported outside the deadlines as set out in this policy unless there is an exceptional reason why the submission was not presented at the correct time, accompanied by supporting evidence.

#### **4. Self-certification and extensions for deadline assessed work**

##### **4.1 Self-Certification for deadline assessed work**

Current arrangements for self-certification for deadline assessed work as defined under 2.2.1 above, are set out in the Examination and Assessment Policies (“Senate Examination and Degree Conventions”) in section F at:

<https://warwick.ac.uk/services/aro/dar/quality/categories/examinations/policies/>

This states that where an assessment contributes ten percent or less of the module credit, self-certification by students is permitted. In these circumstances, students are required to provide their self-certificate within three days of their return to the University after an illness covered by the policy and departments may, where appropriate grant an extended deadline, without the provision of supporting evidence submitted by the student. Departments may not excuse students from any piece of assessed work on the basis of self-certification of illness, although where the department sets out standard procedures, credit normally assessed in smaller pieces of assessed coursework may be transferred to other assessment events on the same module. Administrative arrangements on how to submit self-certification for deadline assessed work are normally set out in the departmental student handbook. Students are not normally permitted to self-certify to obtain an extension on more than two occasions during any academic year.

##### **4.2 Extensions for deadline assessed work**

After students have exhausted their right to self-certify for assessed work as set out under 4.1 above and if they wish to apply for additional extension requests, they must submit an application for an extension request due to mitigating circumstances. This request must be supported by acceptable third party evidence and submitted with the extension application for consideration by the department. The Director of Studies with input from the Chair of the MCP (normally the Senior Tutor) will review the mitigating circumstances in confidence and will decide whether an extension or late submission penalty waiver is appropriate. The decision should be communicated to the student within 3 WORKING DAYS. The Board of Examiners will be notified of any decision, but not of the student's mitigating circumstances behind it to ensure confidentiality. The outcome should be graded as rejected (R), weak (A0), moderate (B0), or severe (C0), and the module code including relevant dates should be included for reference for Boards of Examiners. The '0' records that the mitigation has already been taken into account thereby ensuring that no 'double counting' will take place at the meeting of the relevant Board of Examiners.

#### **5. Organisation of Mitigating Circumstances Panels**

- 5.1 Mitigating Circumstances Panels (MCPs) will operate in line with approved terms of reference which are:

- 5.1.1 To consider under the authority of the Departmental Board of Examiners details of applications for mitigating circumstances and to make recommendations on the outcome of each application to Boards of Examiners.
  - 5.1.2 To determine whether the circumstances submitted are acceptable grounds to grant mitigation and to grade them as rejected (R), weak (A), moderate (B) or severe (C).
  - 5.1.3 To ensure that decisions are equitable and that there is consistency of treatment across cohorts.
- 5.2 The MCP will be guided by the following principles when making decisions:
- 5.2.1 Whether the mitigating circumstances are genuinely circumstances beyond the student's control or ability to foresee and whether they seriously impaired the student's assessment(s) attempt;
  - 5.2.2 If evidence provided is independent evidence as a guide to determine the impact of the event or circumstance on the student and their studies;
  - 5.2.3 The duration of the circumstance and their effect;
  - 5.2.4 The proximity of the circumstance to the assessment(s);
  - 5.2.5 Whether all/other assessment(s) might be equally affected;
  - 5.2.6 Whether there is verifiable and current third party evidence to support the request for underperformance.
- 5.3 The Mitigating Circumstances Panel (MCP) will typically include: the Departmental Senior Tutor and recommended to act as Chair, the Director of Undergraduate Studies/Postgraduate Studies, the Head of Department, the Chair of the Board of Examiners, the Secretary to the MCP and the Director of Student Experience. Departments must publish the membership of their MCP's in the Departmental Student Handbook and may vary membership if appropriate. Departments may constitute separate MCPs for undergraduate and postgraduate programmes. If there is a Faculty Mitigating Circumstances Panel, it should include a representative from each department. The quorum of an MCP should be at least three members.
- 5.4 The MCP should be scheduled to convene after the deadline for submission of the MCFs has passed, usually, the week following this deadline, but before the meeting of the Board of Examiners and meetings will be organised to suit the requirements of the programme.
- 5.5 In exceptional circumstances and for serious and time sensitive decisions, the Chair of the MCP is authorised to approve MCs outside a formal meeting.
- 5.6 An agenda must be set and will contain the following items:
- a) Approval of terms of reference
  - b) Approval of membership
  - c) Recommendations for Boards of Examiners
- 5.7 Cases will be discussed with the utmost sensitivity. A MCP may, but need not, assess cases anonymously; however privacy and confidentiality are paramount. Members of the MCP must not discuss cases outside the meeting.

- 5.8 The MCP will triage and consider all MC submissions initially in the absence of students' marks to ensure equity and scrutiny.
- 5.9 The MCP will be guided by the following principles:
- 5.9.1 **Timeliness:** How close is the period of mitigating circumstances experienced to the summative assessment (essay/practical/examination)? How lengthy is the affected period? Is the timeframe of the affected period supported by the evidence?
- 5.9.2 **Relevance:** How do the circumstances impact on the candidate's ability to do the summative assessment? Does the evidence support the claim?
- 5.9.3 **Severity:** To what extent have the circumstances affected the candidate's ability to do the summative assessment? Is this fully supported by appropriate evidence?

The MCP will use the following grading criteria to classify cases:

- a) **Rejected (R):** The claim is rejected due to insufficient evidence, incomplete information, or does not meet the criteria for mitigating circumstances.
- b) **Weak (A):** (i) The mitigating circumstances were considered mild, and/or had little material effect on the student's academic performance. For example, the circumstances fall within the normal level of everyday life that a person with normal emotional resilience would be expected to cope with OR (ii) There is weak evidence (or the evidence is post-hoc in nature) detailing the level of impact on the student making it impossible to assess the impact with reasonable certainty.
- c) **Moderate (B):** Medical or other circumstances where substantial impairment of student's performance would be expected and are evidenced with some reasonable degree of certainty.
- d) **Severe (C):** Severe circumstances which would be highly detrimental to a student's academic performance and are evidenced with a high level of certainty.

- 5.10 A MCP will not make recommendations to raise marks under any circumstances.
- 5.11 Following the initial MCP meeting and once the majority of marks have been received, a second meeting of the MCP (or a pre-examination board with representation from the MCP), will make more nuanced recommendations to the Board of Examiners. Depending on the size of the cohort, departmental administrative arrangements and localised timing constraints, it is permitted to undertake the initial triaging (e.g. grading of MCs as R, A, B or C) and provide more detailed recommendations in the same meeting.

## 5.12 Possible outcomes

MCPs must make recommendations to the Board of Examiners depending on the type and severity of the mitigating circumstances. Marks for individual modules cannot be adjusted. Depending on the severity of the circumstances, the MCP/PRE-EXAMINATION BOARD may make one of the following recommendations, roughly in order of severity from weak to severe: (The MCP should state whether the outcome should be with or without residence at the University where applicable, as outcomes involving students to be in residence at the University will have fee implications for students.)

- 5.12.1 The claim for MCs is rejected.

- 5.12.2 The mitigating circumstances were considered weak, and/or had no material effect on the student's academic performance. For example, the circumstances fall within the normal level of everyday life that a person with normal emotional resilience would be expected to cope with.
- 5.12.3 Waive or reduce penalties for late submission of assessed work.
- 5.12.4 A student who has failed to submit a piece of assessed work with a credit weighting of 3 credits or less may have that piece of assessment waived if the MCP concludes that it is not in the student's interest (or it is not possible) to reschedule it. The unreliable component will be disregarded and the module mark will be recalculated.
- 5.12.5 Allow further re-sit (examination) /re-submit (assessed work) opportunity. This would be as a final attempt so the marks will be capped at the pass mark and there will be no further opportunity to remedy failure.
- 5.12.6 Allow further sit (examination) /submit (assessed work) opportunity. This would be as a first attempt so marks will not be capped and there will be a further opportunity to remedy failure. Any marks achieved in the subsequent attempt will count as the original mark.
- 5.12.7 Proceed with low credit to the next year of study. This decision must be made within University and Programme Regulations. Students must be notified of the implications this has on any future failure and the achievement of their degree.
- 5.12.8 Subject to any restrictions imposed by accreditation or professional certification, recommend to award of a Degree (or other qualification), or award a higher class of degree than would be merited by the marks returned.
- 5.12.9 Recommend to the Academic Registrar that the student should be granted a repeat of year in full as a final attempt so that the marks are capped at the pass mark and there will be no further attempt to remedy failure. This recommendation will have fee implications for students.
- 5.12.10 Recommend to the Academic Registrar that that student should be granted a repeat of the year in full as a first attempt so that marks will not be capped (except for the MBChB programme) and there will be a further attempt to remedy failure. All previous marks achieved will be discounted. This recommendation will have fee implications for students.
- 5.12.11 An additional outcome at any level of severity may be that no action is required in terms of progression decisions, but that circumstances will be carried forward and be considered when determining the degree classification at the relevant level and at a future meeting of the Board of Examiners.
- 5.13 The MCP should take into account and reflect relevant factors such as the student's mode of study, or mode of assessment.
- 5.14 The decision of the MCP should only be based on the evidence that has been presented to the MCP for consideration in the original submission.
- 5.15 Decisions on cases concerning joint honours students should be made by the department in which the student is registered and should be communicated immediately to the module-owning department.
- 5.16 A record of the outcomes must be taken at the MCP meeting and cases may be referred to by student name and ID number. Recommendations passed on to the

Board of Examiners should be recorded by student ID number only. The record will include a brief summary of the discussion of the case. A student is entitled to know the outcome of their submission, however, details on the discussions held at the MCP will not normally be disclosed, unless requested by the student.

- 5.17 The MCP will report recommendations relating to progression decisions to the relevant Board of Examiners for approval. Individual case details will not be discussed at the Board of Examiners.