

MITIGATING CIRCUMSTANCES: ADVICE FOR STUDENTS

MITIGATING CIRCUMSTANCES (MCs)

During the course of study you may experience exceptional unforeseen short term circumstances which are outside your control and might have a detrimental effect on your studies. Some students have a late identification of a disability and so reasonable adjustments to assessments may not be in place. Both scenarios are dealt with through the University's mitigating circumstances procedure. It is important that you always tell your Personal Tutor/Departmental Senior Tutor of any mitigating circumstances or reasonable adjustment needs as early as possible to ensure that appropriate support is put in place.

1. DEFINITION

Mitigating circumstances are defined as:

- Situations that you could not have predicted and had no control over (e.g. serious illness, death of someone close, being the victim of a crime, family difficulties and unforeseen financial hardship);
- Situations with significant impact on your ability to undertake assessments/examinations which are independently evidenced in a timely fashion; (e.g. doctor's note during illness showing duration and level of negative impact);
- Situations that are acute or short term, the timing of which are relevant to the impact on your study (normally within three weeks of the relevant assessment event or deadline).

In general terms, mitigating circumstances must be (a) significant (they have more than a minor impact on you), (b) unexpected (you must have had no prior knowledge of the event), (c) unpreventable (there was no reasonable steps you could have taken to prevent the event), (d) relevant (you must be able to link the event, and its impact on the period for which your claim is being made) and (e) corroborated (it must be independently verifiable and the evidence must meet the University requirements-see appendix A).

NOTE: Long term chronic conditions (normally greater than a term in duration and that are likely to be ongoing) and disabilities are dealt with under the reasonable adjustments (RA's) policy which can be viewed at: <https://warwick.ac.uk/services/disability/howwecanhelp/>

2. UNIVERSITY SUPPORT FOR YOUR MITIGATING CIRCUMSTANCES

The University offers support through a number of mechanisms for individual mitigating circumstances. If you are in any doubt about whether your situation is eligible as a mitigating circumstance you should consult either your Personal Tutor or the Departmental Senior Tutor. Your Student Handbook will specify who should be consulted in the first instance in your department about mitigating circumstances. Additionally, you may wish to consult staff outside your department for extra support and guidance, e.g. Wellbeing Support Services or one of the advisors at the Students' Union Advice Centre. Even if your circumstance is not eligible for consideration it may nevertheless be something for which you should seek support.

NOTE: A successful mitigating circumstance case does not excuse you from an assessment as the learning outcomes for the module(s) affected must still be undertaken. It may lead to an extension for assessed work or a resit opportunity (as a first attempt or for a capped mark) for any test, oral or written examination (to be taken at the earliest scheduled opportunity).

3. CONFIDENTIALITY

Information provided by you is sensitive and will be treated confidentially and in line with General Data Protection Regulation (GDPR). Any student who believes that the mitigating circumstances submission contains sensitive personal information and/or highly confidential evidence, may submit their mitigating circumstances marked “strictly confidential and for the attention of the Chair of the Mitigating Circumstances Panel only”. The information will be relayed by the Chair to the Mitigating Circumstances Panel (MCP) in each Department and/or Faculty without divulging the details of the sensitive nature of the information, subsequently, the MCP will decide on the recommendations to be made to the Board of Examiners. Any further communications to other bodies (such as to Board of Examiners boards and/or module leaders) is ONLY permitted to list the type of mitigation agreed and reporting the appropriate grading of the MC submission AND NOT the details of the circumstances or any evidence or how it was assessed.

4. REPORTING OF MITIGATING CIRCUMSTANCES

While it is acknowledged that you may be reluctant or not comfortable disclosing relevant information pertaining to private or sensitive issues or mental or physical health difficulties which are impacting on your academic progression, this cannot be used as an excuse not to do so. We cannot take into account circumstances that we are not told about. To ensure fairness to all students, it is your responsibility to fully disclose all relevant mitigating circumstances within the time frames laid down by your department. Once marks have been officially released to you, it is too late to submit mitigating circumstances and retrospective applications. Consequently, mitigation where a student did not wish to raise their issues until they received their results, will not normally be considered or accepted. All applications for mitigating circumstances are treated confidentially, and only a small number of staff will sit on the panel which decides the outcome.

What if I miss the deadline? Mitigating circumstances not submitted by the relevant deadline cannot be considered by the appropriate Board of Examiners and may only be considered by an Academic Appeals Committee as part of an academic appeal, please see Regulation 42 at:

<https://warwick.ac.uk/services/gov/calendar/section2/regulations/reg42academicappeals>

An Academic Appeals Committee will only consider mitigating circumstances reported outside the deadlines if there is an exceptional reason why the submission was not presented at the correct time. **The reason must be evidenced by independent supporting documentation highlighting why it wasn't presented before the deadline.** Academic Appeals Committees often take place after the start of the next academic year which means if successful, a student may have to take a year out before re-joining their course or taking resit exams or assessments.

5. SUBMISSION OF INFORMATION

- You should normally discuss your mitigating circumstances with your Personal Tutor or a Departmental Senior Tutor before submission (this allows you to be signposted to relevant University support services).
- You must fill out the mitigating circumstances form as published by your department AND ATTACH your independent evidence.
- Joint Honours students MUST make their request to their home School/Department, unless it is an extension request for an individual piece of work which will have to be made to the School owning the module.

6. GUIDANCE ON TYPES OF MITIGATING CIRCUMSTANCE

In principle, if your circumstance requires treatment or support by a professional¹ or a University Support Service, it is likely to qualify as a mitigating circumstance. If you have not accessed support then it might not be serious enough to warrant mitigation. For example, if an illness does **not require**

medical treatment (e.g. medication prescribed by a GP, GP visit or a referral to specialist physical or mental health services) or is minor (e.g. cough or cold) then it will not normally be eligible. Similarly, typical short term assessment/examination stress and anxiety is expected and normal and might not meet the mitigating circumstance criteria. Students who have been diagnosed with long term mental or physical health conditions (e.g. anxiety, panic attacks) may be eligible for reasonable adjustments for study which are recommended by either the Mental Health and Well Being Team or Disability Services (<https://warwick.ac.uk/services/disability/howwecanhelp/>). **Students would need to provide additional evidence of worsening or new symptoms or any other circumstances that would have impacted on their academic performance during the assessment period to meet the mitigating circumstances criteria.**

NOTE: Evidence of serious physical or mental illness must demonstrate that advice or treatment was sought at the time, or soon after any illness. Disclosure weeks or months later would not normally be eligible or will carry very little weight.

Claims based on the following fall normally within the definition of mitigation circumstances (the list is not exhaustive)

- A significant deterioration of a permanent or chronic condition close to assessment (normally within three weeks of the assessment due) which you have already reported and is already covered by reasonable adjustments OR/IF the reasonable adjustments do not fully address the impact of the condition and still leave you at a disadvantage over others.
- Serious illness (physical or mental), accident or severe trauma at the time of the assessment or during the preparation for it.
- Death of someone close to you around the time of the assessment.
- Serious illness or accident (including significant caring responsibilities) of someone close to you at the time of the assessment.
- Significant change in employment circumstances beyond your control (part-time students only).
- Significant change in personal or unforeseen financial circumstances (e.g. divorce of student, fire, court appearance by student, acute accommodation crisis).
- Late diagnosis of a disability, including Specific Learning Difficulty (SpLD).
- Bullying, harassment or threatening behaviour.
- Victim of a crime or involvement in a criminal case (e.g. as a witness).

NOTE: This list is not exhaustive and if you feel that you want to report a claim for mitigating circumstances which is not listed above, but does in your opinion represent a mitigating circumstance, you should list the mitigating circumstances on your mitigating circumstances form and submit it for consideration as published by your department. The department will seek advice from the relevant Academic Director of Undergraduate or Postgraduate Studies to ascertain if the mitigating circumstance falls within the definition of mitigating circumstances.

Claims based on the following would not normally be considered to fall within the definition of mitigating circumstances (the list is NOT exhaustive).

- A permanent or chronic condition which you have already told us about and is covered by reasonable adjustments.
- Circumstances that do not relate to the assessment period in question unless independent evidence is provided which demonstrates the ongoing detrimental impact of a personal situation/medical condition.

- Minor illnesses, minor injuries (e.g. coughs, colds etc.) **not** requiring treatment from a qualified practitioner and that in a work situation would not normally lead to absence.
- Minor illnesses of relatives (unless you have substantial care or support responsibilities for the person).
- Examination stress and anxiety, unless a flare-up of a pre-diagnosed illness/condition.
- Stress or symptoms of anxiety or low mood which do not meet the criteria or threshold for a diagnosis of an anxiety or mood disorder.
- Pressure of academic workload.
- Computer, printer or other IT failure.
- Temporary self-induced conditions, e.g. hangover.
- Travel disruption (e.g. traffic jams, delayed trains).
- Misreading or misinterpreting of an assessment title, assessment dates, time and deadlines.
- Claims submitted without independent supporting evidence.
- Assessment dates being clustered or close together unless there has been a specific recommendation for reasonable adjustments which includes spacing of assessment dates.
- Employment or other types of external work (unless due to hardship that could not be foreseen).
- Non-academic activities and events that can be planned (such as holiday, moving house, weddings, normal sporting events etc.) or that were foreseeable and preventable.
- Late disclosure of circumstances on the basis that the student did not feel comfortable submitting mitigating circumstances prior to the relevant Board of Examiners' meeting where marks are confirmed (i.e. only submitting mitigation after they have failed an assessment.)
- Staff absence due to illness or other unforeseen circumstance.
- Ignorance of the regulations or examination or assessment arrangements.

7. ACCEPTABLE EVIDENCE

Evidence is a vital part of a mitigating circumstances submission. Without it your claim will be rejected. It must be:

- Written by an independent qualified practitioner¹ (letters from relatives are not acceptable); dated and written on headed or official notepaper and in English. If the letter is in another language you must provide both a copy of the original note and a certified translation into English. The University may seek to verify the accuracy of the translation provided.
- Photocopy or scanned evidence is acceptable.
- Written around the time you were experiencing your claim in order for an assessment to be made on the impact of your claim. *Evidence written sometime after the event will not*

¹ * Where your Mitigating Circumstances relate to **physical or mental health conditions** you should provide documentation from a medical practitioner or a practitioner who is registered with an appropriate professional body such as the British Association for Counselling and Psychotherapy, the UK Council for Psychotherapy, the British Psychological Society, or an appropriately qualified Student Support professional. Medical practitioners in the UK should be members of a recognised professional body such as the General Medical Council, Nursing and Midwifery Council, General Chiropractic Council, General Dental Council, General Optical Council, General Osteopathic Council, General Pharmaceutical Council, Health Professions Council or Pharmaceutical Society of Northern Ireland. If you have sought medical attention abroad the certificatory must be licensed to practise in the country in question. Where your Mitigating Circumstances relate to **non-medical conditions** you should provide evidence from a solicitor, a court or tribunal officer, a police or fire officer, an official certificate (e.g. Birth or Death Certificate), a Departmental or Faculty Senior Tutor. **University Services** Evidence can also be obtained from the following Warwick services: Student Support, Financial Hardship, Disability Services and Mental Health and Well Being and the Students' Union Advice Centre.

normally be accepted as it is not possible to evidence the impact of the claim on the individual during the period affected.²

- Comprehensive and up to date evidence referring to physical or mental health should be obtained normally after an appropriate face-to-face consultation with a qualified practitioner. Evidence obtained via a consultation over the phone (unless from a UK GP)) or over the internet may be given less weight, and will be rejected if it is has been written sometime after the event.
- If you are waiting for evidence and are worried it will not arrive in time before the mitigating circumstances deadline you should still submit your case BUT highlight that you are still awaiting evidence and report when it was requested, when it is likely to arrive and who it will be coming from.
- The University reserves the right to check the legitimacy of any evidence provided. If any submission is found to be fabricated or altered then the student may be investigated under Regulation 23, Student Disciplinary Offences.

For a guide on the type of evidence required see appendix A.

8. DEADLINES

Mitigating Circumstances must be submitted to your Home Department using the Mitigating Circumstances Form as published in the departmental student handbook as soon as possible. DEADLINES: For extensions requests for individual pieces of work as soon as possible and definitely before the submission deadline. For all other mitigating circumstances submissions that might be relevant to a Board of Examiners by the departmental deadline provided in either the Student Handbook, by e-mail or notices on Moodle.

Mitigating circumstances not submitted by the relevant deadline cannot be considered by the School/Department and may only be considered by an Academic Appeals Committee as part of an academic appeal, please see:

<https://warwick.ac.uk/services/gov/calendar/section2/regulations/reg42academicappeals>

An Academic Appeals Committee will not consider mitigating circumstances reported outside the deadlines as set out in this policy unless the student can demonstrate that there is an exceptional reason why the submission was not presented at the correct time which must be accompanied by independent supporting evidence highlighting why it couldn't be presented before the deadline.

9. WHAT HAPPENS NEXT?

Requests for extensions: The Director of Studies with input from the Chair of the MCP (normally the Senior Tutor) will review your mitigating circumstances in confidence and decide whether an extension or late submission penalty waiver is appropriate. You should receive a decision within 3 WORKING DAYS. The Board of Examiners will be notified of any decision but NOT your mitigating circumstances behind it to ensure confidentiality.

Other mitigating circumstances relevant for an exam board: Your evidence will be examined and impact of the mitigating circumstances, but not necessarily the circumstances themselves, will be graded (rejected, weak, moderate, severe) in confidence by a Mitigating Circumstance Panel (MCP) in your Department, after the departmental deadline for submission and before the Board of Examiners' meeting. The panel will make recommendations based upon the type, timing, severity and robustness of evidence provided. The MCP may typically include the Senior Tutor, the Director of Undergraduate/Postgraduate Studies, the Head of Department, the Chair of the Board of

² Evidence written after the fact by a professional that is based on observations made at the time is acceptable.

Examiners, the Secretary to the MCP, or the Director of Student Experience. Individual Departments must publish the membership of their MCP's in the Student Handbook and their membership may be different if appropriate. The Board of Examiners will be notified of the decision but NOT of your mitigating circumstances to ensure confidentiality.

Outcomes made to the Board of Examiners will 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 of the discussions held will not normally be disclosed.

10. POSSIBLE OUTCOMES AT AN EXAM BOARD

The MCP will take into account and reflect relevant factors such as your mode of study, or mode of assessment and the decision will only be based on the evidence that has been presented to it in the original submission. Marks WILL NOT be changed for assessed work or examinations. Depending upon the severity of the circumstances possible recommendations of the Board of Examiners can include:

- The claim was rejected.
- The mitigating circumstances were considered weak, and/or had no material effect on your 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.
- Waive or reduce penalties for late submission of assessed work.
- If you have failed to submit a piece of work for assessment with a credit weighting of 3 credits or less you may have that piece of assessment waived if the Board of Examiners concludes that it is not in your interest (or it is not possible) to reschedule it. The unreliable component will be disregarded and the module mark will be recalculated.
- Allow you a 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.
- Allow you a 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.
- Proceed with low credit to the next year of study. This decision must be made within University and Programme Regulations. You must be notified of the implications this has on any future failure and for the achievement of your degree.
- Subject to any restrictions imposed by accreditation or professional certification, recommend to award a Degree (or other qualification), or award of a higher class of degree than would be merited by the marks returned.
- Recommend to the Academic Registrar that you 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. Note this will incur another set of fees.
- Recommend to the to the Academic Registrar that you should be granted a repeat of the 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. Note this will incur another set of fees.

An additional outcome at any level of severity may be:

- No action is required in terms of progress decisions, but the 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.

Decisions on cases concerning joint honours students will be made by the school in which you are registered and will be communicated immediately to the other department(s).

11. WHY MIGHT MY CLAIM BE REJECTED

- Your form was incomplete or incorrectly submitted.
- Your evidence was recorded and submitted after the relevant event and deadline for MC submission without prior indication that it might be submitted late.
- Your evidence submitted did not support the claim that the nature of the circumstances was over and above the normal difficulties that would be experienced by an average person with average resilience.
- Your form was not submitted by the relevant deadline and the mitigation would not have prevented the claim being made before the deadline.
- No independent documentary evidence was supplied to support your request (letters from family, and friends are not normally sufficient).
- There was insufficient evidence to show that the timing of the circumstances adversely affected your assessment.
- Sufficient mitigation had already been made for the same circumstances.
- The circumstance is a disability for which reasonable adjustments had already been made.

APPENDIX A. EVIDENCE REQUIRED FOR MITIGATING CIRCUMSTANCES CLAIMS

Mitigating Circumstance	Evidence MUST include:
<p>A <u>significant deterioration</u> of a permanent or chronic condition which you have already told us about and is covered under reasonable adjustments. Where this permanent condition has already been adequately adjusted for through Special Examination arrangements or other reasonable adjustments only the deterioration counts as a Mitigating Circumstance.</p>	<p>(i) Letter from health professional, or Disability Services, or Mental Health and Well Being on official, headed paper (or have an official stamp) confirming deterioration with dates AND (ii) Must be written at the time of the deterioration* AND (iii) Must attest to evidenced impact on the student.</p>
<p>Serious illness (physical or mental), accident or severe trauma at the time of the assessment or during the preparation for it.</p>	<p>(i) Letter from an appropriately qualified health professional (e.g. medical doctor, nurse) on official, headed paper or have an official stamp confirming illness with dates AND (ii) Must be recorded at the time* of the serious illness, accident or trauma AND (iii) Must attest to evidenced impact on the student.</p>
<p>Death of someone close to you. Bereavement at assessment time or in preparation for it earlier in the academic year (not normally more than 6 months after the event). ‘Someone close’ can mean parents or guardians, children, siblings, a spouse or partner. It may include friends, in-laws, grandparents and grandchildren, <u>if it can be demonstrated that the relationship was close.</u></p>	<p>(i) If relationship is close and death occurred within the last six months, copy of the death certificate or order of funeral service in case of a death certificate not being available. OR (ii) If death occurred more than six months ago, evidence of impact on ability to do the assessment; such as from a doctor or counsellor or Students’ Union Advice Centre. OR (iii) If relationship is not close and regardless of time of death, evidence of impact on your ability to do the assessment, such as from doctor or counsellor or Students’ Union Advice Centre.</p>

<p>Serious illness or accident of someone close to you at assessment time or in preparation for it earlier in the academic year. 'Someone close' can mean parents or guardians, children, siblings, a spouse or partner. It may include friends, in-laws, grandparents and grandchildren, <u>if it can be demonstrated that the relationship was close.</u></p>	<p>EITHER: (i) Letter from health professional on official, headed paper or have an official stamp confirming the circumstances with the dates AND (ii) Evidence of closeness (e.g. statement from Personal Tutor, Student Support, counsellor or Students' Union Advice Centre) AND (iii) Letter from health professional, or Student Support or counsellor explaining how the circumstances are affecting your ability to do the assessment.</p> <p>OR FOR CARERS: (i) Letter from health professional on official, headed paper or have an official stamp confirming the circumstances with the dates AND (ii) Proof that you have substantial care and support responsibilities for the person</p>
<p>Significant change in your employment circumstances beyond your control (part-time students only).</p>	<p>(i) Letter from employer confirming new working hours AND/OR (ii) Statement from Personal tutor or Senior Tutor or Student Support or Students' Union Advice Centre attesting to impact on student.</p>
<p>Unforeseen significant change in your personal or financial circumstances (e.g. divorce of student, fire, court appearance or jury duty by student, acute accommodation issues of student, serious and unforeseeable transport disruptions such as road closure due to traffic accident).</p>	<p>Serious Family Problems (i) Letter from a doctor, solicitor or other professional person confirming the circumstances and dates (must be on official, headed paper) AND (ii) Evidence from a doctor, nurse or relevant professional of how the problem is affecting your ability to do the assessment.</p> <p>Unforeseen change to financial circumstances: (i) Evidence proving unforeseen financial hardship, e.g. bank statements showing your current financial circumstances AND/OR (ii) Letter of support from Student Funding / Hardship Fund. https://warwick.ac.uk/services/academicoffice/funding/hardshipfunds</p> <p>Court Appearance/jury duty: (i) Letter from court with date student is expected to appear.</p> <p>Other issues not listed: Evidence provided must prove the circumstance exists (must be from independent source) with dates AND evidence from a doctor, nurse or relevant professional of how the problem is affecting your ability to do the assessment.</p>

<p>Late diagnosis of a Specific Learning Difficulty. Only eligible when diagnosis is obtained too late (after the University deadline) for reasonable adjustments to be made by way of special exam arrangements.</p>	<p>Diagnosis letter and confirmation from the Department or Disability Services that it was submitted too late and missed the University deadline.</p>
<p>Bullying, harassment or threatening behaviour.</p>	<p>(i) Report from Senior Tutor or Student Support Services or Students' Union Advice Centre outlining nature of circumstance with dates affected AND (ii) Copies of relevant emails, screenshots, videos, social media posts, witness statements, or other communications (with dates where possible) that illustrate bullying, harassment or threatening behaviour.</p>
<p>You are the victim of a crime/assault</p>	<p>(i) Official police report giving the date of the crime OR a letter from health professional, or Senior Tutor, or Student Support or counsellor or Students' Union Advice Centre explaining how the circumstances are affecting your ability to do the assessment. AND (ii) Crime reference number.</p>

*Medical notes must demonstrate advice or treatment was sought at the time, or soon after any illness. Disclosure weeks or months later will carry little weight or may not be eligible.