

MITIGATING CIRCUMSTANCES POLICY

Effective from the academic year 2022/23

1. Principles:

- 1.1 This policy applies to all registered students undertaking undergraduate and postgraduate taught programmes.
- 1.2 It is the responsibility of the student to report mitigating circumstances at the earliest possible opportunity, and before the deadlines specified in section 3.6.
- 1.3 Students whose mitigating circumstances may impact on their visa status are advised to check the implications on the international office website.
(<https://warwick.ac.uk/study/international/immigration/>).
- 1.4 With the exception of extensions for coursework, mitigating circumstances for students should be recorded by the student's home department (the department in which the student is registered).
- 1.5 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 claims should be submitted. Departments must ensure that guidance includes relevant information and contact details for both undergraduate and postgraduate students.

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, and are outside the student's control. Circumstances eligible for mitigating circumstances will usually be unforeseen and will not be possible to cover via reasonable adjustments.

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, inability to provide recommended reasonable adjustments, or a marked deterioration or flare up of an existing condition may be considered a basis for mitigating circumstances. For example, a late diagnosis or other circumstances which means that reasonable adjustments cannot be made, or an existing condition worsens and is not covered by the reasonable adjustments already in place.

Circumstances that are within a student's control (e.g., misreading an examination timetable, uploading an incorrect or blank file, unreadable scan quality) are not normally eligible for consideration.

- 2.2 Full-time students are expected and required to be in the vicinity of the University of Warwick, or their normal study location if different, for the duration of the academic year and consequently mitigating circumstances claims related to being in a different location without cause will not be accepted.

Circumstances that cause an absence from the University of the Warwick will be eligible where they meet the definition of mitigating circumstances (section 2.1) and evidence requirements. Students experiencing circumstances that may lead to an absence should contact their home department to discuss implications and support options wherever possible before leaving.

Examples of circumstances caused by absence that would not be eligible without authorisation of the home department include inability to accept provision of university support or equipment (e.g. scribe, loan laptop, access to small group teaching), participation in online examinations from a different time-zone and lack of a reliable power or internet connection.

- 2.3 Mitigating circumstances can be submitted in relation to assessed work only. Any circumstances that do not affect assessment (including absence from monitoring points) should not be submitted via mitigating circumstances.

3. Procedure for submission of mitigating circumstances

- 3.1 With the exception of self-certification for extension and specific extension requests, submission of mitigating circumstances for consideration by the Mitigating Circumstances Panel (MCP) must be made via the system indicated by the students' home department in the course handbook. This is usually the Mitigating Circumstances Portal in Tabula. Self-certification for extension and specific extension requests must be made through the system indicated by the department delivering the assessment.
- 3.2 A student who believes that the submission contains sensitive personal information and/or evidence or highly confidential information and/or evidence, should submit the claim through the portal as normal but ensure that they tick the box marked 'I have sensitive information that I would prefer to show to a member of staff in person'.

This will allow the student to make the claim without having to upload sensitive evidence. Instead, the student should discuss their issue in complete confidence with the Departmental Chair of the Mitigating Circumstances Panel or the Departmental Senior Tutor (or another member of staff if appropriate).

Departments are responsible for publishing arrangements for signing off sensitive evidence, which is likely to include list of nominated staff to contact and method for arranging an alternative if the nominated staff are not considered suitable.

Students are responsible for arranging the viewing of sensitive evidence by contacting a nominated member of staff or following the process to request an alternative.

3.3 Evidence

- 3.3.1 Apart from self-certification requests, 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 to the best of their ability.
- 3.3.2 Where a reasonable adjustment does not mitigate a situation and the third-party evidence has already been seen, the student does not need to provide additional evidence.
- 3.3.3 Evidence must be legible and in English. Evidence obtained overseas which is written in another language should normally be accompanied by a certified translation (with any costs incurred in obtaining the evidence being borne by the student). Students are advised to contact their home department if they are experiencing a sudden change in circumstances for which they have evidence but cannot provide a translation within the deadlines.
- 3.3.4 The student is responsible for providing acceptable and sufficient evidence.
- 3.3.5 Departments will not make enquiries to obtain evidence on a student's behalf.
- 3.4 It is the sole responsibility of the student to disclose mitigating circumstances to their department and submit the necessary information and evidence via the Portal in a timely manner without delay and normally by the stated deadline. Departments cannot make submissions on behalf of students, unless in exceptional circumstances.
- 3.5 Deadlines relating to mitigating circumstances procedures must be set by the home department and must be clearly and widely publicised.
 - 3.5.1 Departments must publish to students the deadlines for submission of claims for consideration by scheduled examination boards.
 - 3.5.2 Departments should publish to students the deadlines for submission of claims for each examination period where assessments take place in modules listed in course regulations (e.g. January, April, Summer).
- 3.6 The following deadlines apply to assessments of various types:
 - 3.6.1 Specific extension requests should be submitted by the assessment deadline.
 - 3.6.2 Circumstances affecting performance in coursework should be submitted within 20 university working days of the assessment deadline or scheduled event, or the departmental deadline for consideration by examination boards if earlier.
 - 3.6.3 Circumstances affecting performance in examinations should be submitted within the deadlines specified by the home department for the examination period in which the examination was scheduled.
- 3.7 Submissions received *before* the final advertised deadline for consideration by examination boards, but *after* the deadline for specific extension requests, deadline for the relevant coursework or other assessment events, will only be accepted if there is good reason why the submission was not presented at the correct time.

- 3.8 Mitigating circumstances not submitted by the deadline for consideration by examination boards are not required to be considered by the department under this policy.

A department may choose to consider a late submission if there is an exceptional reason why the submission was not presented at the correct time, accompanied by supporting evidence why the claim was not submitted earlier.

- 3.9 If a student believes that there has been a procedural error in the recommended outcome and / or the application of the recommended outcome (e.g. they have not been entered for a further first attempt on a failed module and have been informed that they have accepted mitigation), they should contact their home department's administrative / support office to ask for clarification. Contact should normally be made within 10 working days of the results release to enable correction of errors.

- 3.10 Reconsideration of mitigating circumstances will be made on the basis of new evidence only. A student who has additional evidence available should submit a new mitigating circumstances claim.

Resubmission claims will be considered without detriment with respect to the original claim, however the mitigating circumstances panel will consider under the same criteria as late submissions and there must be exceptional reason why the submission was not submitted at the correct time.

Students who are eligible to appeal their academic progression or classification decision following the Board of Examiners and are in possession of new evidence that was not previously available to the Board of Examiners should note that they may not receive a mitigating circumstances decision by the deadline for appeal submission. Consequently, students in this position are advised also to submit an appeal.

4. Self-certification and extensions for deadline assessed work

- 4.1 Self-Certification for extension on deadline assessed work

Current arrangements for self-certification for deadline assessed work 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 is identified as being eligible in the module information, self-certification by students is permitted.

Administrative arrangements on how to submit self-certification for deadline assessed work are normally set out in the departmental student handbook.

- 4.2 Students who wish to request an extension for assessments that are not eligible for self-certification, or have exhausted their right to self-certify for assessed work as set out under 4.1 above must submit an application for a specific extension request due to mitigating circumstances.

- 4.3 Specific extension requests for coursework are considered by the method specified by the department that delivers the module. This may be via the system that the assessed work is submitted in. Departments delivering modules are responsible for publishing to students information about where specific extension requests should be submitted.

- 4.3.1 Departments that deliver modules taken by students from different departments must provide guidance in the assessment information on where specific extension requests should be submitted.

- 4.3.2 Where the specific extension requests are normally considered by the delivering department, the student's home department may be consulted if necessary.
- 4.3.3 The delivering department may direct specific extension requests to the mitigating circumstances portal where the assessment submission system does not have specific extension request functionality. Where this occurs, specific extension requests may be considered by the home department and this will be done in consultation with the delivering department.
- 4.3.4 Students taking external modules who do not wish to disclose information outside their home department may contact their home department to request support for a specific extension request.
- 4.3.5 Delivering departments who receive information in a specific extension request that causes concern should contact the Senior Tutor of the students' home department.
- 4.4 Departments will make arrangements for nominated staff to consider specific extension requests. This may involve the Director of Studies and / or the Senior Tutor as appropriate.
- 4.5 The decision should be communicated to the student within 3 working days.
- 4.6 The Board of Examiners will be notified of any decision, but not of the student's mitigating circumstances behind it to ensure confidentiality.

5. Waivers

- 5.1 Waivers may only be applied to assessments where:
 - It is not possible to mitigate the circumstances via an extension
 - The assessment is worth fewer than 3 credits
 - The learning outcomes are covered in other assessments in the same module
 - The assessment has not been awarded a mark above the pass mark
 - The cumulative total of waived assessments will not be more than 6 credits for the academic year.
- 5.2 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.
- 5.3 Self-Certification for waiver on assessed work

Current arrangements for self-certification for waiver 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/>

Eligibility for self-certification for waiver in an assessment is specified in the module information and is typically only possible for very low credit assessments for which extensions are not possible.
- 5.4 When one or more assessment components in a module are waived the overall module mark will be calculated as a weighted average of the remaining components.

Where one or more sub-components of a reportable component are waived, the component mark will be calculated as a weighted average of the remaining sub-components.

- 5.5 Provisional recommendations for waivers should be made prior to the examination board that considers progression or classification and module marks should be reported to examination boards as calculated after the waiver. MCPs and examination boards should scrutinise recommendations for waivers and ensure that they comply with the specified limits.
- 5.6 Decisions on waivers concerning students taking external modules will be made by the home department and communicated to the department delivering the module.

6. Organisation of Mitigating Circumstances Panels

- 6.1 Mitigating Circumstances Panels (MCPs) will operate in line with approved terms of reference which are:
 - 6.1.1 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.
 - 6.1.2 To determine whether the circumstances submitted are acceptable grounds to grant mitigation and to grade them as rejected (R), mild and/or weak (A), moderate (B) or severe (C).
 - 6.1.3 To ensure that decisions are equitable and that there is consistency of treatment across cohorts.
- 6.2 The MCP will be guided by the following principles when making decisions:
 - 6.2.1 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.
 - 6.2.2 If evidence provided is independent evidence as a guide to determine the impact of the event or circumstance on the student and their studies;
 - 6.2.3 The duration of the circumstance and their effect;
 - 6.2.4 The proximity of the circumstance to the assessment(s);
 - 6.2.5 Whether all/other assessment(s) might be equally affected;
 - 6.2.6 Whether there is verifiable and current third-party evidence to support the request for underperformance.
- 6.3 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.

Mitigating circumstances panels that make ratings on claims and conditional recommendations (dependent on the marks obtained, e.g. further first attempt if module failed) may be comprised of staff with a pastoral remit.

Mitigating circumstances panels that consider marks and make actual recommendations to the examination board must include the Chair of the Board of Examiners, or their nominated representative, and academic course representation (e.g. Director of Undergraduate / Postgraduate Studies, course director). Mitigating circumstances recommendation panels of this type are described as a pre-meeting in [J: Boards of Examiners for Undergraduate Degrees](#).

Departments must publish the membership of their mitigating circumstances panels in the Departmental Student Handbook and may vary membership if appropriate. Departments may constitute separate MCPs for undergraduate and postgraduate programmes.

The quorum of an MCP should be at least three members.

- 6.4 The MCP should be scheduled to convene after the deadline for submission of the claims 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.

Where students take major assessments in periods significantly removed from the Board of Examiners (e.g. January examination period) an MCP may be convened prior to the release of provisional module marks. Provisional mitigating circumstances recommendations may be released to students at the same time as the provisional module marks.

- 6.5 In exceptional circumstances and for serious and time sensitive decisions, the Chair of the MCP is authorised to approve MCs outside a formal meeting.

- 6.6 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

- 6.7 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.

- 6.8 The MCP may triage and consider all MC submissions initially in the absence of students' marks to ensure equity and scrutiny.

Triaging of MC submissions and recommendation for grading may be undertaken by a nominated individual, usually the Senior Tutor, in the first instance. Where this is the practice, the MCP must have sight of all claims and formally ratify the recommendations.

- 6.9 The MCP will be guided by the following principles:

6.9.1 **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?

6.9.2 **Relevance:** How do the circumstances impact on the candidate's ability to do the summative assessment? Does the evidence support the claim?

6.9.3 **Severity:** To what extent have the circumstances affected the candidate's ability to do the summative assessment? Is this fully supported by appropriate evidence?

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

- i. **Rejected (R):** The claim is rejected due to insufficient evidence, incomplete information, or does not meet the criteria for mitigating circumstances.

- ii. **Mild and/or Weak (A):**

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

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.

- iii. **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.
 - iv. **Severe (C):** Severe circumstances which would be highly detrimental to a student's academic performance and are evidenced with a high level of certainty.
- 6.11 The MCP should take into account and reflect relevant factors such as the student's mode of study, or mode of assessment.
- 6.12 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.
- 6.13 The MCP should normally only consider assessments that have been claimed by the student in the mitigating circumstances portal. The MCP may choose exceptionally to consider assessments that have not been claimed for where:
- i) An error has been made in the claim submission and the relevant assessment that has been affected has been clearly identified.
 - ii) The documentation and description clearly identify other affected assessments that took place during a similar period.
 - iii) There is written information received from the student to request that other affected assessments are considered.
 - iv) Relevant information has been received via an appeal.
- 6.14 Following the initial MCP meeting and once the majority of marks have been received, a second meeting of the MCP (hereafter termed a mitigating circumstances recommendations panel), 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 vary the organisation by;
- a) undertaking the initial triaging (e.g. grading of MCs as R, A, B or C) and providing more detailed recommendations in the same meeting; OR
 - b) making decisions relating to outcomes in the examination board, with representation from, and based on ratings supplied by, the mitigating circumstances panel; OR
 - c) combining the mitigating circumstances recommendation panel with a pre-examination board.
- 6.15 Decisions on cases concerning joint honours students and external modules should be made by the department in which the student is registered and should be communicated immediately to the module-owning department.
- 6.16 A record of the outcomes must be taken at the mitigating circumstances recommendation panel 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.
- 6.17 The mitigating circumstances recommendation panel 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.
- 6.18 A student is entitled to know the outcome of their submission, however, details on the discussions held at the mitigating circumstances rating panel and mitigating circumstances recommendation panel will not normally be disclosed, unless requested by the student.

7. Outcomes

- 7.1 A recommendation to raise marks will not be made under any circumstances.
- 7.2 A recommendation will not be made to enter a student for reassessment (either further first attempt or resit) in a module that has already been passed under any circumstances. A student who has achieved an overall module mark above the pass mark but has not achieved above the pass mark in required components has not passed the module.
- 7.3 Recommendations must be made depending on the type and severity of the mitigating circumstances. Depending on the severity of the circumstances, the mitigating circumstances panel or mitigating circumstances recommendation panel may make one of the following recommendations, roughly in order of severity from mild to severe:
- 7.3.1 The claim for MCs is rejected.
- 7.3.2 The mitigating circumstances were considered mild and/or weak and 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.
- 7.3.3 Waive or reduce penalties for late submission of assessed work.
This outcome may be appropriate for moderate or severe circumstances where the claim was received after the time limit for specific extension requests.
- 7.3.4 Accept submission of assessed work received by a method other than the delivery assessment system (with or without late submission penalty).
This outcome may be appropriate for coursework or online examinations where the student has submitted work within an acceptable timeframe but not via the normal method.
- 7.3.5 A student who has failed a piece of assessed work with a credit weighting of 3 credits or less may have that piece of assessment waived.
This outcome may be appropriate for moderate or severe circumstances where it was not possible to offer an extension and the learning outcomes are covered in other assessments in the module. See section 5.1.
- 7.3.6 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.
This outcome is appropriate for moderate or severe circumstances affecting significant components for a final attempt.
This recommendation is only available to mitigating circumstances recommendation panels or equivalent.
- 7.3.7 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.
This outcome is appropriate for moderate or severe circumstances affecting significant components for a first attempt.
Mitigating circumstances recommendation panels should note that applying uncapped first attempts and capped resits to different components within the same module is

unsupported in marks management systems. Where possible a recommendation for capped resit or uncapped first attempt should be made to cover the entirety of a module. This recommendation is only available to mitigating circumstances recommendation panels or equivalent.

- 7.3.8 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.

This outcome may be appropriate for students with severe circumstances who have not passed sufficient credits, but have passed all core required modules and there are no further reassessment opportunities the same academic year. The MCP should also consider further reassessments the following academic year.

This recommendation is only available to mitigating circumstances recommendation panels or equivalent.

- 7.3.9 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.

This outcome may be appropriate for students who are borderline and have moderate circumstances or students who have severe circumstances. Guidance on discounting marks for the purposes of calculating an informal classification average can be found in 7.4. Where there is not a clear outcome, the mitigating circumstances recommendation panel should ask the examination board to consider the affected assessments and severity of the mitigating circumstances when determining the classification as per 7.3.13.

This recommendation is only available to mitigating circumstances recommendation panels or equivalent.

- 7.3.10 Recommend to the Academic Registrar that the student should be permitted to proceed to the next year of study after failing a core required module.

This outcome may be appropriate if the timeliness of reassessment opportunities is considered to be detrimental and the mitigating circumstances panel and examination board is assured that the student has the required understanding to undertake future years of study. Typically, this will involve a module mark close to the pass mark, a fail due solely to late penalties, or evidence of performance above the pass mark in significant components or closely related modules.

- 7.3.11 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.

The mitigating circumstances recommendation panel 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.

This outcome may be appropriate for students who have failed the majority of assessments in an academic year as final attempts and whose circumstances are such

that they would have found it difficult to engage in their studies for the duration of the academic year.

This recommendation is only available to mitigating circumstances recommendation panels or equivalent.

- 7.3.12 Recommend to the Academic Registrar that the 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.

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)

This outcome may be appropriate for students who have failed the majority of assessments in an academic year as first attempts and whose circumstances are such that they would have found it difficult to engage in their studies for the duration of the academic year.

This recommendation is only available to mitigating circumstances recommendation panels or equivalent.

- 7.3.13 An additional outcome at any level of severity may be that the mitigating circumstances recommendation panel is unable to make a decision and will report the severity and affected assessments to the examination board for a decision on progression outcomes or classification.

This outcome may be appropriate for students who have failed required core modules, or the panel wishes calibration at examination board to determine whether mitigation is sufficient against the grade profile to warrant promotion.

- 7.3.14 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.

- 7.4 A mitigating circumstances recommendation panel may discount assessments or modules with mitigation in order to calculate an informal classification average for the purposes of deciding whether to recommend that a student be promoted to a higher classification.

The calculation should only discount assessments that have severe mitigation and total no more than 30% of the weighted degree credit.

The panel must also consider whether other requirements for the higher award (such as number of credits passed at the higher level) have been met or have appropriate mitigation before making a recommendation for promotion.