Mitigating Circumstances Process and Procedures

(For Undergraduate and Postgraduate Taught Students.)

a) Typically, a student will be encouraged to submit mitigating circumstances following discussion of their situation with an informed source (Personal Tutor, Departmental Senior Tutor, Departmental Director of Undergraduate Studies or Director of Graduate Studies, University Senior Tutor, Student Support Services, Student’s Union Advice Centre).

b) The student will submit their case for mitigating circumstances using the appropriate form. The ‘Mitigating Circumstances Declaration Form’ is intended to act as a template that can be further customised by individual departments who may wish to include additional sections. Students who have not discussed their circumstances with an informed source may submit a form. The form should be submitted to the student’s home department. In the case of joint degrees, the home department will inform the partner department/s of the student’s submission of Mitigating Circumstances.

c) The appropriate documentation (mitigating evidence) should be listed on the Mitigating Circumstances Declaration Form and attached to the form at the time of submission. If this is not available, the student should clearly indicate when it will be forthcoming. Departments can choose whether to implement an on-line form and submission system, in which case evidence will be uploaded with the form; or to offer a form that can be downloaded and to accept submission in hard copy only.

Current guidance states that all mitigating evidence, whether directly from a candidate or from a personal tutor, or other member of university staff on behalf of a candidate, should be communicated in writing to ensure clarity of information and that a proper record exists and can subsequently be kept.

d) Deadlines
   i. Mitigating Circumstances involving examinations: if a student is prevented from attending an examination paper, or any part of an examination, for medical reasons, s/he should submit the Mitigating Circumstances Declaration form with a doctor’s note confirming their inability to take or complete the exam at the prescribed time. Students are strongly encouraged to do this as soon as possible after the missed examination. They must submit the required documentation no later than 3 working days following the last day of their University examinations.
   
   ii. All other cases of mitigating circumstances should be submitted no later than 5 working days in advance of the Mitigating Circumstances panel/pre-board meeting in the students’ department/faculty. Departments will notify their students of the date.

e) The Mitigating Circumstances panel/pre-board
All cases of mitigating circumstances should be discussed at the Mitigating Circumstances panel/pre-board, which is held prior to the Board of Examiners. Confidentiality means that the discussion of individual cases will be confined to members of the Mitigating Circumstances panel/pre-board. The Mitigating Circumstances panel/pre-board meeting will typically include: the Senior Tutor, the Director of Undergraduate Studies/Director of Graduate Studies, the Head of Department, the Exams Secretary and/or the Chair of the Exam Board. The external examiners may attend the Mitigating Circumstances panel/pre-board but they are not required to do so. The panel/pre-board should include senior staff members who are aware of the department/faculty’s history of previous decisions. Mitigating evidence (from personal tutors’ reports to doctors’ notes) should be presented
in writing to the Mitigating Circumstances panel/pre-board. New verbal and anecdotal information about candidates should not be introduced at the panel/pre-board unless circumstances make this inevitable.

**Principles**
The Mitigating Circumstances panel/pre-board should use the following 3 principles when considering cases of mitigating circumstances:

i. **Timeliness**: how close is the period of mitigation to the summative assessment (essay/practical/examination)? How lengthy is the affected period? Is the timeframe of the affected period supported by the evidence?

ii. **Relevance**: how do the circumstances impact on the candidate’s ability to do the summative assessment? Does the evidence support the claim?

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

**Evidence**
The judgment of all three principles depends on the presentation of appropriate evidence, which can take different forms:

**Convincing primary evidence:**
- Letters provided by medical practitioners or practitioners registered with an appropriate professional body, such as the British Psychological Society (for full details see paragraph at the end of Table 1) which provide the date and duration of the illness, offer a clear diagnosis, and outline how it has impacted on the students’ ability to work.
- Letters from the University Counselling Service, detailing the period in which the student has attended counselling, the counsellor’s sense of the student’s condition, and its likely effect on their ability to work.
- Letters from Student Support, confirming the student has consulted them over a particular traumatic circumstance, such as bereavement, and giving a sense of the impact on the student. Such letters would attest to the student’s full engagement with Support Services probably over a period of time.

**Supportive secondary evidence:**
- Documentation provided by a Personal Tutor who knows the student well and can attest to the impact of particular circumstances on the student.
- Documentation such as prescriptions or hospital appointments that back up the primary evidence. This kind of evidence can only form part of an overall case.
- Documentation such as the completion of particular on-line mental health courses, which backs up primary evidence from a medical practitioner.

**Unconvincing evidence:**
- Notes from medical practitioners that are written retrospectively, which merely report student’s claims – for example that s/he felt unwell or had reason to believe s/he was ill.
- Notes from Student Support that are written retrospectively and provide no evidence of the student’s proper engagement with the relevant support service.

The Mitigating Circumstances panel/pre-board will use the above principles and evaluate the presented evidence in order to distinguish between acceptable and unacceptable cases of mitigating circumstances. All acceptable cases of Mitigating Circumstances would be mapped according to a 3 point scale: severe, moderate or weak.
• **Severe**: severe circumstances, such as physical or psychological distress, which would be expected to be highly detrimental to a student’s academic performance.

• **Moderate**: Medical or other circumstances where substantial impairment of a student’s performance would be expected with some reasonable degree of certainty.

• **Weak**: less disruptive than the above, but still sufficient to impair a student’s academic performance to some limited degree.

**Recommendations**
The Mitigating Circumstances panel/pre-board makes a judgement as to the most appropriate course of action, depending on the type and severity of the mitigating circumstances. The Mitigating Circumstances panel/pre-board may, for example, recommend:

i. A student with a piece of work that is subject to late penalties may have the penalties waived or partially waived.

ii. A student who has failed to submit a piece of work for assessment with a low CAT weighting (up to 3 CATS) may have that piece of assessment waived.

iii. A first-year or intermediate-year undergraduate student with a failed module may be granted a further first attempt. A postgraduate taught student with a failed module may also be granted a further first attempt at the required assessment.

iv. The regulations governing the provision for final-year undergraduate students are set out in paragraphs (4) and (5) of Regulation 12 of the University Calendar. [http://www2.warwick.ac.uk/services/gov/calendar/section2/regulations/absence/](http://www2.warwick.ac.uk/services/gov/calendar/section2/regulations/absence/)

v. In the case of i)-iii), the Mitigating Circumstances panel/pre-board will need to consider whether the student can be reasonably expected to recover or resolve the situation in time for the next round of assessment. The Exam Board may decide that the student be granted a further first attempt. However, if it is felt that the student would be better served by repeating the year, or taking temporary withdrawal, these courses of action are outside the remit of the Boards of Examiners to determine and would require approval by the Academic Registrar (in the case of withdrawal) or the Senate or the Vice-Chancellor acting on its behalf (in the case of requests that a student be permitted to repeat a year of study).

The Mitigating Circumstances panel/pre-board provides a written record of its recommendations for the Exam Board, noting the time period of the mitigating circumstances, their severity (severe, moderate or weak) and the suggested resolution. External examiners who have not attended the Mitigating Circumstances panel/pre-board should be made aware of their decisions in advance of the Board of Examiners.

f) **Cases arising prior to the Mitigating Circumstances panel/pre-board** Students are strongly encouraged to discuss their cases for mitigating circumstances with appropriate persons within their department (Personal Tutor, Senior Tutor, Director of Undergraduate Studies/Director of Graduate Studies) in order to receive advice concerning how best to put together their case. Senior members of the Mitigating Circumstances panel/pre-board may also advise students as to the recommendation that they will present to the Mitigating Circumstances panel/pre-board. However, it is up to the Mitigating Circumstances panel/pre-board as a committee to agree the final form of the recommended action, which is then ratified by the Board of Examiners.

g) **The Board of Examiners** is there to determine parity between the judged severity of the mitigating circumstances and the recommended course of action. Boards of Examiners will normally accept the recommendations of the Mitigating Circumstances panel/pre-board without the need for further discussion of the personal or medical circumstances affecting students’ academic performance. Only in very exceptional cases will the Board request to see evidence presented to the Mitigating Circumstances panel/pre-board. Where a request from a member of the board is made for disclosure
of such evidence, the Chair will determine whether the circumstances of the case are so exceptional as to require disclosure, having particular regard for the sensitivity of the information to the student and to any other persons whose identity might be disclosed. Evidence should only be disclosed on the express authority of the Chair of the Board of Examiners and on the strict understanding that all members of the Board are bound by the requirements of confidentiality and non-disclosure of evidence.