

Mitigating Circumstances Policy

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Purpose	This document outlines Heriot-Watt University's Mitigating Circumstances Policy.
Related documents	This document should be read in conjunction with the following documents: 1. Submission of Coursework Policy 2. Temporary Suspension of Studies Policy Key links: 3. Mitigating Circumstances webpage - o <i>Mitigating Circumstances Guide for Students</i> - o <i>MC Self-certification form</i> 4. Assessment Results webpage Other links: 5. University Regulations 6. Management of Examination Scripts (on and off campus) 7. Supporting Student Carers Policy
Changes since previously published version	1. Self-certification: If a student has been unable to obtain evidence in support of their mitigating circumstances application and those circumstances had an impact on their studies of seven days or less, they may submit a self-certification form as an alternative. 2. Group work: If a group of students who were formed to deliver a summative assessment are severely impacted by mitigating circumstances affecting one of their group, each member of the group may also submit an MC application (see Exceptions section, below). 3. 'Accept' changed to 'Accept for Academic Decision'

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Scope	This policy applies to students studying on all Heriot-Watt University taught programmes of study across all forms of assessment (including examinations) and any taught elements of research degrees. The policy applies to: • Mitigating Circumstances Impacting Individuals • Mitigating Circumstances Affecting Groups of Students
Policy Statement	Sometimes students face circumstances that, through no fault of their own, mean that they have not been able to perform to their potential. The University defines these instances as <i>mitigating circumstances</i>. This policy outlines how students can request for mitigating circumstances to be considered and how those requests will be processed. The principle of this policy is that the University will always endeavour to act in the best interests of the student; will establish a consistent and connected process from application through to mitigation; and will ensure the ongoing quality and integrity of our degrees. Heriot-Watt University has a clear and transparent set of acceptable circumstances that will normally be recognised as grounds for consideration. This also encompasses circumstances that affect groups of students. See Appendix 1 for some examples, and a detailed list of decisions in the <i>Mitigating Circumstances Guide for Students</i> (see Related documents, above). If a student has more than two mitigating circumstances within a year, the University will review the MCs and decide whether appropriate action to support the student is required, such as support from wellbeing services, disability services, or IT support; or to discuss with the student whether a temporary suspension of studies might be appropriate.
Privacy and Data Protection	The confidential nature of information provided by students in mitigating circumstances application will be respected by Heriot-Watt University in compliance with General Data Protection Regulations (GDPR). Confidential information will only be shared with the relevant individuals within the University who have a legitimate requirement, all of whom are required to keep applications securely to avoid unauthorised access or other breaches of information security.
Mitigating Circumstances Impacting Individuals	Students should receive an initial assessment of their application within ten working days from the point of submission of the application <i>and</i> receipt of accompanying evidence or a self-certification form. The initial assessment may include a request for further supporting evidence. If the student is unable to provide evidence in support of their application and the period affected by their circumstances is no more than seven days, the student may include a self-certification form with their application. See <i>MC Self-certification Form</i> in <u>Related documents</u>, above. The stages in the processing of a student's mitigating circumstances application are as follows:

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	• Stage 1: Initial Review. This stage is carried out by professional services staff who review the application and any accompanying evidence and review the circumstances described against the list in the <i>MC Guide for Students</i>. At this stage the application may be rejected; or accepted as grounds for mitigation and passed on Stage 2. If the student's circumstances are not listed in the <i>MC Guide for Students</i>, the application may also be referred to the Mitigating Circumstance Board (Stage 2) • Stage 2: Academic Review. This stage is carried out by academic staff who review the circumstances of those students referred from Stage 1. These reviews are usually carried out within a Mitigating Circumstances Board. The Board identifies whether the circumstances described significantly impacted the student's academic performance or progression; and makes recommendations on whether any mitigation should be applied. The Board has the authority to make certain decisions at stage 2 – such as removal of late penalties. • Stage 3: Academic Decision (Final). This stage is carried out by Boards of Examiners. MC Board decisions and recommendations made in Stage 2 are reviewed and then final decisions on mitigations are made. <i>Note that the Academic Decision may be that although the student was affected by mitigating circumstances, the impact on their studies was not significant enough to warrant mitigation.</i> A Mitigating Circumstances Board comprises academic staff acting together to determine the impact of mitigating circumstances affecting one or more students, with the authority to agree on the extent of the impact; to implement some mitigations or to advise relevant Progression or Award Boards on any mitigation action to be taken. Recommendations will be discussed by Progression or Award Boards comprising academic staff who will make the final decisions on appropriate mitigations in terms of progression decisions or awards. The Mitigating Circumstances Board will determine the agreed course of action for any case that is not listed in the <i>Mitigating Circumstances Guide for Students</i> (see <u>Related documents</u>, above) and the guide should be updated accordingly for future similar cases.
Deadlines for individual MC applications	Students are advised to submit one application for all courses and assessments affected by their circumstances within a Semester. If their circumstances continue into the next Semester, then a new application should be completed. (See also: <u>Exceptions</u>, below) Students applying for mitigating circumstances should do so as soon as possible. However, the University will accept retrospective applications until the MC deadline date for submissions for the Semester. The MC deadline dates for the three semesters will be agreed prior to each academic year, published, and displayed on the University website (see: <u>Related documents</u>). These deadline dates may be different depending on year of study and whether undergraduate or postgraduate.

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	See also: Exceptions for Courses which last a whole academic year.
Approval Process for individual MC applications	The approval process for considering individual MC applications is as follows: Stage 1: Initial Review The Mitigating Circumstances Review Team (MC Review Team) are a set of professional services staff within the Global Registry and Academic Support directorate. MC Review Team: 1.1 Evidence check - Reviews the application and checks whether evidence or a self-certification form has been provided in support of the application. - If there is neither supporting evidence nor self-certification, the team will request that the student provide this. The student then has ten working days to provide the requested documentation else the application will expire and be marked as Closed. - If the student provides a self-certification form, the team checks that the MC period is for no more than seven days, else further evidence is requested. 1.2 Application Review - Within ten working days from receipt of a mitigating circumstances application and supporting documentation, a member of the MC review team will review the application against the list published in the <i>Mitigating Circumstances Guide for Students</i> (see Related documents, above) and determine the course of action: Accepted for Academic Decision (Stage 2.2), if the circumstances clearly match those listed as “Accept” in the guide. Not Accepted (Reject), if the circumstances clearly match those listed as “Reject” in the guide. Refer to the MC Board (Stage 2.1) if it is not clear whether the circumstances match those listed in the guide. - The MC Review Team may also ask the MC Chair (or their delegate) to review an application and carry out this initial review. 1.3 Communication - Students will be advised of the outcome of Stage 1 within ten working days from receipt of their application <i>and</i> supporting evidence; and within 24 hours of the initial review being completed. Stage 2: Academic Review The Mitigating Circumstances Board consists of senior academic staff within the School.

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	Mitigating Circumstances Board actions: 2.1 Referred Applications Review - Consider all MC applications referred to the Mitigating Circumstances Board at Stage 1 and determine the course of action: Accepted for Academic Decision, Not Accepted (Reject). - Provide a reason for those who are Not Accepted. 2.2 Academic Decision (Initial Recommendation) - Review all applications that have been Accepted at Stage 1 or Stage 2.1. - The Board identifies whether the circumstances described significantly impacted the student's academic performance or progression; and makes recommendations on whether any mitigation should be applied. - The Board has the authority to make certain decisions at stage 2 – such as removal of late penalties. 2.3 Communication - Students will be advised of the outcome of the Mitigating Circumstances Board by the deadline for publication of Assessment Results: See Related documents, above. Stage 3: Academic Decision (Final) Boards of Examiners are boards consisting of senior academics who make decisions on students' academic performance: - Course Assessment Boards review the results for a course across the whole cohort. - Progression and Award Boards make progression or award decisions. Course Assessment Boards: 3.1 Review Mitigating Circumstances Board outcomes - Review decisions and recommendations by the MC Board 3.2 Cohort MC Decisions - Make decisions on what actions to take when mitigating circumstances affect whole cohorts of students. Progression and Award Boards: 3.3 Final decisions on mitigations - Consider the recommendations from the Mitigating Circumstances Board. - Make final decisions on what mitigations, if any, to apply in terms of progression or award decisions for individual students. 3.4 Communication - Students will be advised of the outcome of the Boards of Examiners by the deadline for publication of Assessment Results: See Related documents, above. (See also: Exceptions, below)
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Mitigating Circumstances Affecting Groups of Students	[Note: this section is <i>not</i> concerned with group-working assignments – see <u>Exceptions</u>, below] Sometimes adverse circumstances affect whole groups of students. In these cases, those affected are considered as a group and mitigations applied to the group. Students should be instructed <i>not</i> to submit individual applications, in these cases. If they do, the MC Review Team will check to ensure that the academic unit is aware of the group circumstances, and then reject the individual application with an explanation and reassurance. Less-severe circumstances affecting groups of students: For example, disruption to an individual exam, or a license for a key piece of software expiring during assessment. • These will be considered at a Course Assessment Board and group mitigations applied accordingly. More-severe circumstances affecting groups of students: For example, adverse weather disrupting exams, significant issues with the online learning-and-teaching services provided by the University, political unrest, or industrial action. • The University may decide that there is a requirement for active management by the Executive Dean of the School, working together with the Senior Management Team. In such cases, the responsibility for initiating action lies with the Executive Dean, who does so within the stipulations of Regulation A10: Authorities in Exceptional Circumstances. See University Regulations in <u>Related documents</u>, above. Regulation A10 and Mitigating Circumstances: • Executive Dean proposing to take action under Regulation A10 should contact the Deputy Principal (Education and Student Life) in the first instance. • The Executive Dean and the Deputy Principal (Education and Student Life) make a recommendation to the Senate Committee for Interim Business and Effectiveness (SCIBE) for regulation A10 to be invoked. • The circumstances should be evaluated, taking into consideration factors such as the number of students affected, the extent of the disruption, the delay until the next scheduled exam etc. • A decision will then be taken either to reschedule examinations/assessments or to take another form of action, as appropriate. • Examinations or assessments which are cancelled on one site/campus, due for example to adverse weather, should not normally be cancelled on other sites which are unaffected by the mitigating circumstances. When an examination or assessment is cancelled in one location but continues elsewhere, a new paper or
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	assessment should be prepared for the affected location. - If action is taken by the Executive Dean in accordance with Regulation A10, affected students are not required to submit an application form and supporting documentation for consideration of mitigating circumstances. However, such students should contact their personal tutor as soon as practicable to provide information on their situation. Note: adverse circumstances related to examination scripts once received by the University should not be dealt with through this policy. The University's policy on the <i>Management of Examination Scripts (on and off campus)</i> applies if a completed examination script goes missing or is damaged and becomes illegible (for further information refer to: the policy document. See <u>Related documents</u>, above)
Exceptions	Post-deadline applications: - MC applications received after the deadline will not be accepted unless there are exceptional circumstances that prevented timely submission. Evidence to support these exceptional circumstances must be provided. A late submission may miss the relevant Boards of Examiners and so may need to be handled by Chair's Actions (see below) or may require that the student appeals the decision. In either case evidence to support the unavoidable nature of the late submission must be provided. Self-certification and periods of more than seven days: - If a student is unable to provide supporting evidence and the period their circumstances affected was more than the seven days allowable for self-certification, they should still complete a self-certification form (See <i>MC Self-certification form</i> in <u>Related documents</u>, above). The MC Review Team will review the reason given in the form. If the reviewer judges that the reason given is reasonable, the application will be referred to the MC Board, who will consider the application. Exceptional Circumstances requiring recommendations to be made outside of Mitigating Circumstances Boards: - In exceptional and extreme circumstances, the Chair of the Mitigating Circumstances Committee may consult with the Director of Learning and Teaching (or their nominee) to determine the mitigation for a student outside of a Mitigating Circumstances Committee. In such cases, Chair's Actions must be recorded and reported to the appropriate MC Board. This exception is only appropriate when the following apply: - It is clear that difficult circumstances have affected their wellbeing and ability to perform to their potential. - The relevant Mitigating Circumstances Committee has well-established practice with respect to how to mitigate the circumstances reported by the student. Academic Year (AY) long courses and MC applications: - Those studying AY courses have until the MC deadlines for the Semester in which their teaching ends to enter an MC application. If

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	they are studying a mixture of single Semester and AY courses that are affected by the same circumstances, they will need to submit two separate MC applications, one for the Semester and one for AY courses. Ideally, these should be submitted close together in time. Planned absences which impact studies and MC applications: - Students can apply through the MC procedure to request that planned absences which might impact their studies are treated as mitigating circumstances. These requests are not accepted as a matter of course; and, even if accepted, may still result in the student needing to sit an exam or submit coursework at a later date. Planned absences which will be considered include events of religious or cultural observance, representing the University at a national event, or weddings of close family members. More details can be found in the <i>Mitigating Circumstances Guide for Students</i> (see Related documents, above). Circumstances affecting groups of students: For example: strikes by academics, or severe exam-hall disruption. - See Mitigating Circumstances Affecting Groups of Students, above. Group-work impacted by circumstances affecting one of its number: - Students who are carrying out group work as part of a summative assessment may submit an application for mitigating circumstances if the performance of the group is severely impaired by mitigating circumstances affecting a member of the group. - These MC applications will always be referred to the MC Board for consideration. - The board will consider whether the impact on the group is sufficient to be considered as mitigating circumstances. They will consider the extent of the issues faced by the student directly affected, the size of the group, and the relative impact of the student's circumstances. - MC applications based on perceived underperformance of members of the group without evidence of mitigating circumstances, will be rejected. Graduate Apprenticeships: - Graduate Apprentices who have been through their employer's sickness absence procedures can submit evidence that they have done this with their MC application to the University.
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Appendix 1: Examples of Mitigating Circumstances

The following table outlines circumstances that would or would not normally be considered as mitigating circumstances. More detail can be found in the *Mitigating Circumstances Guide for Students* (see [Related documents](#), above), which lists the decisions made by the University on MC applications.

Examples of Acceptable Circumstances	Examples of Not Acceptable Circumstances
- Significant illness or accident affecting the student - Bereavement - death of a close relative or	Holidays or other events that were planned or could reasonably have been expected

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Examples of Acceptable Circumstances	Examples of Not Acceptable Circumstances
- significant other - Significant adverse personal or family circumstances (e.g., students with caring responsibilities) - Other significant exceptional factors that are outside the student's control (e.g., JuryService, although student assessments would normally be a reason for a student to be permitted to stand down), or for which there is evidence of stress caused - Circumstances affecting the University's ability to schedule, set or deliver courses and/or assessments, including marking of assessments, e.g., staff participation in industrial action, or problems affecting infrastructure or IT systems - Severe adverse weather, political unrest or natural disaster	- Assessments that are scheduled close together or on the same day, or that clash due to incorrect registration by the student - Misreading the timetable for examinations or otherwise misunderstanding the requirements for assessment - Inadequate planning or time management - Last-minute or careless travel arrangements - Consequences of paid employment for full-time students - Exam stress - Issues with personal IT equipment or home connectivity are often not accepted – please refer to the <i>Mitigating Circumstances Guide for Students</i> (see Related documents, above) for details

Appendix 2: Examples of Supporting Evidence:

Students are required to submit supporting evidence with their mitigating circumstances application. The evidence provided must clearly apply to the relevant time period covered by the MC application. Examples of what constitute acceptable supporting evidence include:

- A medical letter/certificate.
- A letter from a relevant qualified practitioner (e.g. Counsellor).
- Official documentation (e.g. Death Certificate) outlining the death of a relative or significant other
- Jury Service Letter.
- Evidence outlining severe adverse weather, political unrest or natural disaster.
- A doctor's letter confirming medical issues for a person for whom a student has a confirmed caring responsibility. See the *Supporting Student Carers Policy* (see [Related documents](#), above) for an exhaustive list of acceptable supporting evidence regarding caring responsibilities.
- Where it is not possible for a student to obtain evidence in support of their MC application, they may submit an *MC Self-certification Form* explaining why it has not been possible. See [Related documents](#), above.

For more details, see the *Mitigating Circumstances Guide for Students* (see [Related documents](#), above).

Appendix 3: Courses of Action by Stage following submission of an MC Application

Stage 1, Initial Review: Courses of Action

Decisions made by:

- MC Review Team, as standard
- MC Board Chair, by exception

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1. Accept MC for Academic Decision	The student's stated reason for applying for an MC and the evidence provided match with one of the examples which are listed as "Accept" in the <i>Mitigating Circumstances Guide for Students</i> (see Related documents, above) document. The application will move to the Academic Review stage. Note: If an assessment submitted by the student was not to be marked due to lateness, the relevant marker will be informed of the "Accepted" outcome at this stage.
2. Reject MC	MC applications are not accepted at Stage 1 for one or more of the following reasons: • The student's stated reasons for applying for an MC match with one of the examples which are listed as "Reject" in the <i>Mitigating Circumstances Guide for Students</i> (see Related documents, above) document. • The evidence submitted by the student does not adequately support their MC application and the period of time affected is greater than the seven days maximum for self-certification. • The student submitted their MC application after the deadline for the Semester had passed.
3. Refer to MC Board	Applications are referred to the MC Board (Stage 2) for one of the following reasons: • The Stage 1 reviewers are not able to match the circumstances described to "Accept" nor "Reject" examples in the <i>Mitigating Circumstances Guide for Students</i> (see Related documents, above). • The student has applied without evidence for a MC where the impact was more than seven days. • A student in a group engaged in a joint summative assessment was impacted by the circumstances affecting a member of group.
4. Closed	This is not a course of action taken by reviewers; but an automated action which occurs if the student was asked to provide further evidence in support of their application and did not upload that evidence within 10 days of the request.
Stage 2, Academic Review: Courses of Action Decisions made by: • Mitigating Circumstances Board, as standard • MC Board Chair, by exception	
1. Review and Accept a referred MC Application	The student's stated reason for applying for an MC and the evidence provided demonstrate that the student faced circumstances which, through no fault of their own, had or may have had a detrimental effect on their academic performance. Recommendations on mitigations will be made (3, below).

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	Any proposed additions or adjustments to the <i>Mitigating Circumstances Guide for Students</i> (see Related documents , above) will be recorded.
2. Review and Reject a referred MC Application	At Stage 2, MC applications are rejected for one or more of the following reasons: • The student's stated reason for applying for an MC and/or the evidence provided do not demonstrate that the student faced circumstances which had a detrimental effect on their academic performance. • The student's stated reason for applying for an MC and/or the evidence provided do not demonstrate that the student took adequate steps to avoid the circumstances which they faced. • If the student submits a self-certification form for circumstances which lasted more than seven days; and the board decides that the student's explanation for why they were unable to provide evidence to be inadequate. Any proposed additions or adjustments to the <i>Mitigating Circumstances Guide for Students</i> (see Related documents, above) will be recorded.
3. Make decisions and recommendations on mitigations to apply for an accepted MC Application	The extent of the impact of the circumstances faced by the student will be assessed and recommendations made on any mitigating action to be taken. Note: This may include no requirement for mitigation dependant on the extent of impact. • Course-specific or assessment-specific recommendations such as removal of late penalty or resit-at-first-attempt: these may be immediately applied; • Progression or award recommendations: these will be referred to the Progression or Award Board (Stage 3) for final decision.
Stage 3, Academic Decision (Final): Courses of Action Decisions made by: • Boards of Examiners (Course Assessment, Progression, and Award Boards) Note: to protect students' privacy, the nature of mitigating circumstances will not be shared with these boards.	
1. Course Assessment Board makes a decision on group mitigating circumstances	Course Assessment Boards will consider the impact of circumstances affecting whole groups of students and decide whether to apply any mitigations for the whole group.

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2. Progression or Award Board makes a decision on individual MC application.	After consideration of the overall student academic profile and the recommendations made at Stage 2, the Progression Board or Award Board will decide on appropriate mitigations, if any, with respect to the student's progression decision, or award.
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Appendix 4: Responsibilities

It is the responsibility of the Global Registry and Academic Support Directorate to:

- Deliver a solution which enables students to:
 - Complete a mitigating circumstances application and submit all relevant evidence.
 - Receive timely notifications of the status of their application.
- Form the MC Review Team to make the initial assessment of MC applications.
- Support review and decision-making on mitigating circumstances applications.
- Support, inform and manage academic progression matters relating to each student who has submitted mitigating circumstances application.

It is the responsibility of the School to:

- Adhere to the policy and timescales as outlined in this policy.
- Conduct Mitigating Circumstances Board meetings, which will normally be held after the final assessment date for the semester.

It is the responsibility of the Mitigating Circumstances Board to:

- Adhere to the policy and timescales as outlined in this policy.
- Review referred MC Applications.
- Consult with the Course Leaders of those courses in the student's programme that are taught by other Schools and are also impacted by the MC.
- Make decisions and recommendations on accepted MC applications.

It is the responsibility of Boards of Examiners to:

- Review the recommendations made by Mitigating Circumstances Boards; and make final decisions on mitigations with respect to their impact on progression decisions and awards.

Note that the responsibilities of each Board of Examiners are outlined in the *Regulation A7 Academic Decision-Making Boards*. See *University Regulations* in [Related documents](#), above.

It is the responsibility of the University Committee for Quality and Standards to:

- Monitor the effectiveness of the policy and process by reviewing annual reports and feedback from Schools and the Registry and Academic Support Directorate.

It is the responsibility of a designated sub-group of the University Committee for Learning and Teaching to:

- Review and approve case law examples and issues which have arisen and how these can be managed in a consistent manner across the University.

It is the responsibility of the Mitigating Circumstances Boards and the Global Registry and Academic Support directorate to:

- Propose changes to case law relating to Mitigating Circumstances.

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Appendix 5: Flowchart and Notification Timeline

