

Policy on Mitigating Circumstances in Relation to Assessment

There are circumstances which, through no fault of the student, mean that the assessment (whether examinations or other types of assessment) has not accurately measured the student's ability or else could not be completed in a timely manner. Such circumstances are unfair to the student/s and are not an accurate representation of the expected level of performance. Examples include a student being ill on the day of an exam, a flood in a city preventing an exam taking place, or political upheaval disrupting the study and learning of a group of students. Such circumstances are described as 'mitigating circumstances'.

A University policy has been developed on *Mitigating Circumstances in relation to Assessment*. This policy applies to all Heriot-Watt students and all forms of assessment, and covers all modes and locations of study. Its purpose is to set out processes and responsibilities for dealing with mitigating circumstances in relation to assessment (including examinations) so that there is an open and transparent procedure, as well as to provide a framework to ensure that all students are treated equally irrespective of their mode of study, location or School.

Introduction

It is the responsibility of the Head of School to ensure that all students are provided with the opportunities to learn on their programme of study and to ensure that students are properly and fairly assessed. 'Properly' means that an open and transparent process is followed. 'Fairly' means that the final judgement of each student's attainment is accurate and was undertaken equitably and in a reasonable timescale.

The majority of mitigating circumstances which need to be considered typically affect only a single student. This business is routine within the University and can be delegated by the Head of School. More difficult cases arise when events are on a larger scale, e.g. when political upheaval disrupts the study and learning of a group of students so that they are not prepared for the scheduled exam. Factors to be considered include the number of students affected, the extent of the disruption, the delay until the next scheduled exam etc.. These management actions are less common and therefore there are fewer examples of past practice to draw on. For this reason, the following guidance is more concerned with points of principle, than in providing specific actions to be taken in each circumstance.

In all such circumstances it is the responsibility of the Head of School to ensure that appropriate action is taken.

Definition of terms

Mentor	An academic member of staff assigned to an individual student to provide the first point of contact for advice or assistance on academic and non-academic matters.
Mitigating Circumstances Committee	A committee of 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 and to advise the exam board on the action to be taken.
Exam Board	Heriot-Watt Assessment, Progression and Award Boards: a group of academic staff involved in setting and marking assessment activities and in deciding on the award of credit, progression and award.

1. Acceptable circumstances

1.1 Circumstances that would normally be recognised as grounds for consideration of mitigating circumstances might include:

- Significant illness or accident affecting the student
- Bereavement – death of a close relative or significant other
- Significant adverse personal or family circumstances
- Other significant exceptional factors that are outside the student's control (e.g. Jury Service, 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

1.2 Events or circumstances that would *not* normally be considered grounds for consideration of mitigating circumstances include:

- Holidays or other events that were planned or could reasonably have been expected
- 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
- Exam stress or panic attacks not supported by medical evidence

1.3 Approved absences

1.3.1 Although not usually approved as a matter of course, there are also situations in which students can apply for an approved absence such as religious and cultural observance (for further guidance refer to the University's Religious and Cultural Observance Statement: <http://www.hw.ac.uk/policy/students/religious-and-cultural-observance.pdf>), representing the University at a national event, or participating in some other significant/prestigious event.

1.3.2 In all cases students must, in advance of the event, contact their mentor. The decision to sanction an absence is at the discretion of the mentor, in consultation with the Programme Director, and may require approval by the Undergraduate or Postgraduate Studies Committee, depending on the length of absence. By approving an absence the School agrees to consider other mechanisms for making an assessment within a reasonable timescale.

2. Confidentiality of evidence

The confidential nature of information provided by students in support of an application for consideration of mitigating circumstances will be respected by Heriot-Watt University in compliance with data protection law. Confidential information will only be shared with the relevant individuals within the University on a 'need to know' basis, all of whom are required to keep applications securely to avoid unauthorised access or other breaches of information security. The application and any supporting evidence must be submitted in a sealed envelope marked 'Mitigating Circumstances, Private and Confidential'.

If a student wishes to restrict access to information, it should be submitted in a separate sealed envelope marked 'Confidential for the attention of the Chair of the Mitigating Circumstances Committee'. Such wishes will normally be respected unless to do so would be against the best interests of the University community or in the interests of safety or security of any person. It should

be noted that complaints against a member of staff or student should be addressed through the University's Complaints Policy¹.

Students should be made aware that the School cannot respond to a student's circumstances if they remain unaware of relevant information. Students should also be aware that information which is withheld from the Mitigating Circumstances Committee or Exam Board, will not normally be admissible during any subsequent appeal against the Committee or Board's original decision.

3 Mitigating circumstances affecting an individual student

When an individual student believes that mitigating circumstances, e.g. significant illness, have affected their performance in assessment, it is their responsibility to initiate action by informing the School. This business is routine within the University and can be delegated by the Head of School. In this policy, the committee with responsibility for such matters is termed the 'Mitigating Circumstances Committee'. The Head of School will appoint the Committee from School staff and will designate a Chair.² Further information on the role of this committee is outlined below.

- 3.1 In all cases independent documentary evidence, such as medical certificates, must be provided to verify mitigating circumstances. Mentors may also provide information about circumstances based on meetings and conversations with the student, but do not necessarily attend the Mitigating Circumstances Committee. Student Support and Accommodation may, in addition, provide further supporting evidence.
- 3.2 Where an individual student has been affected he/she should contact their mentor for advice in the first instance to provide information on their situation.
- 3.3 To apply to have their circumstances considered, the student should complete the official application form available at <http://www1.hw.ac.uk/committees/tb/tb-policies.htm> and submit it, with supporting evidence, e.g. a medical certificate, to the School Office in their home School (in which they are enrolled). The application form and supporting evidence must be submitted in a sealed envelope marked 'Mitigating Circumstances, Private and Confidential'. This will then be date-stamped and forwarded to the Mitigating Circumstances Committee for consideration.
- 3.4 The form and supporting evidence must be submitted as soon as possible (normally within five working days for on-campus students, unless the Head of School or nominee accepts a later submission; see 3.4.1) after the events under consideration occur and, if relating to examinations, within five working days of the end of the examination diet.
 - 3.4.1 With large numbers of students studying in different modes and locations across the world, there may be legitimate reasons for a delay in submission of an application, such as an inadequate postal service. The mitigating circumstances themselves may also delay submission. In all such occasions, however, submission should, wherever practicable, be made before the Exam Board. Applications submitted after the Exam Board will be considered by the Head of School, who will decide on the most suitable course of action. This may be to forward the case to an extraordinary meeting of the Mitigating Circumstances Committee.
 - 3.4.2 Students should, however, be notified that applications which are submitted after the Exam Board are likely to delay decisions which in turn may affect the student's ability to progress or to receive an award.
- 3.5 Evidence submitted throughout the academic year, i.e. not around the time of an examination diet, will be reviewed by the Head of School or nominee, who will arrange for the Mitigating Circumstances Committee to consider the case at the earliest opportunity.

¹The University's Student Complaints Policy and Procedures provides further guidance and is available at <http://www.hw.ac.uk/registry/resources/studentcomplaintpolicy.pdf>.

² It is recognised that different Schools may have different terminology or may not have a separate committee.

- 3.6 The student's claim and supporting evidence should be considered by the Mitigating Circumstances Committee within the School.. The Committee can seek advice from other relevant staff, e.g. mentors. Students do not attend the meeting.
- 3.7 The Committee will take into account the following factors when considering an application:
- Seriousness of circumstances;
 - Evidence presented;
 - Amount of work affected by the circumstances;
 - Any results achieved under the circumstances which are inconsistent with unaffected periods of study.
- 3.8 Supporting documents should not be sent to the Exam Board. However, the Chair of the Mitigating Circumstances Committee, or a designated representative from the Committee, should attend the Exam Board so that additional information may be provided as required.
- 3.9 The Committee should report to the Exam Board on the impact of mitigating circumstances and make a recommendation as to the action to be taken. The rationale behind any recommendations made by the Committee should be minuted to provide consistency over time and so that the Committee's representative on the Exam Board can refer to the rationale during the Board's decision-making process. Minutes will not be shared with the Board and any information provided verbally will be treated in strictest confidence by the Board.
- 3.10 With regard to mitigating circumstances, the Exam Board may take decisions related to credit, progression and award. It is expected that the Exam Board will normally accept the recommendations of the Mitigating Circumstances Committee, since the Committee has had access to full documentary evidence and has scrutinised the case in detail. If the Exam Board does not accept the recommendations (e.g. if there are issues regarding equitable treatment of students in the cohort), then it will record its reasons for so doing and will inform the Mitigating Circumstances Committee through the latter's representative at the Board.
- 3.11 Possible courses of action for the Exam Board
- 3.11.1 If examination/assessment was missed due to mitigating circumstances, the Board may recommend one of the following:
- Student is examined at next diet as 1st sitting;
 - New examination paper is set;
 - Different assessment task is considered (any new assessment task must be comparable to that missed, thereby ensuring equitable treatment of all students and the assurance of standards),
- 3.11.2 If mitigating circumstances affected performance in assessment/examination or delayed the submission of assessment, the Board may recommend one of the following:
- Remove any penalty normally applied for late submission;
 - Modify grades in one or more courses to reflect expected performance based on other assessment;
 - Modify grades in one or more courses to facilitate progression/award;
 - Retake assessment with an opportunity to improve the grade.
- 3.11.3 Any alternative assessment or examination activity should be provided as close to the original date as is practical.
- 3.12 After the Exam Board
The Learning and Teaching Administrators Forum has agreed that as a minimum the student should be informed by the School if their application has been unsuccessful. Correspondence will be by email to the student's Heriot-Watt email account as soon as possible after the meeting of the Exam Board. If mitigating circumstances have been accepted and a reassessment opportunity has been offered, the student will be asked to indicate whether they wish to let the original result stand or to take a reassessment.

3.13 Appeals

A candidate who is dissatisfied with the decision of the Examiners shall be entitled to appeal under the terms of Regulation 36: Student Appeals (see <http://www.hw.ac.uk/ordinances/regulations.pdf>). Students should be made aware that appeals shall not normally be considered if mitigating circumstances, e.g. significant illness, could have been brought to the attention of the Mitigating Circumstances Committee/Exam Board prior to a disputed decision being taken. The University's Guidelines on Student Academic Appeal Procedures provide further guidance: <http://www1.hw.ac.uk/registry/appeals.htm>.

4 Mitigating circumstances affecting groups of students

In other cases, such as adverse weather, political unrest, or industrial action, which could be common to a group of students, there is a requirement for active management by the Head of School, working together with the Senior Management Team. In such cases, the responsibility for initiating action lies with the Head of School, who does so within the stipulations of Regulation 31: Authority of Heads of Schools and Examiners in Exceptional Circumstances (<http://www.hw.ac.uk/ordinances/regulations.pdf>).

- 4.1 Heads of School proposing to take action under Regulation 31 should contact the Deputy Principal (Learning and Teaching) in the first instance.
- 4.2 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.
- 4.3 A decision will then be taken either to reschedule an examination/assessment or to take another form of action, as appropriate.
- 4.4 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 assessment should be prepared for the affected location.
- 4.5 If action is taken by the Head of School in accordance with Regulation 31 and Section 4 of this Policy, affected students are not required to submit an application form and supporting documentation for consideration of mitigating circumstances. However, such students should contact their mentor as soon as practicable to provide information on their situation.
- 4.6 Note: adverse circumstances related to completed examination scripts should not be dealt with through this policy. The University's policy on the Management of Examination Scripts (on and off campus) applies if a completed examination script goes missing or is damaged and becomes illegible (for further information refer to <http://www.hw.ac.uk/registry/resources/policy-managementscripts.pdf>).

Case Studies

Mitigating circumstances affecting an individual student

Student illness

A student is ill and is unable to attend for examinations. The student submits a completed application form for consideration of mitigating circumstances together with a medical certificate.

This is forwarded to the Mitigating Circumstances Committee for consideration during a pre-examination board meeting. The Committee evaluates the application and makes a recommendation to the Exam Board that the mitigating circumstances presented are sufficient, on the basis of the evidence provided, to support a resit opportunity as first sitting for the student. The student is able to sit the examinations missed at the next examination diet (as first attempt).

Assessment deadline missed

One week after an assessment deadline a student who has not submitted the assessment applies for consideration of mitigating circumstances. No documentary evidence is provided in support of the application and the student presents numerous reasons, e.g. computer and printer problems and illness. On further discussion with the mentor and other relevant staff members in an attempt to ascertain how the School can help the student, it becomes clear that the assessment had not been attempted and there is no evidence to support the student's claims.

As the application is submitted during the academic year, the Head of School (or his/her nominee) reviews it, rather than convening a special meeting of the Mitigating Circumstances Committee. He/She decides that the events presented are not acceptable grounds for consideration of mitigating circumstances.

Mitigating circumstances affecting groups of students

Political unrest

During the examination diet and once all teaching has been completed, there are violent protests in a country where Heriot-Watt has an Approved Learning Partner. Martial Law has been imposed. The Head of School convenes a meeting with the Senior Management Team to discuss the risk posed to students and the impact on the ability to deliver examinations. A decision is taken to reschedule examinations. School staff are required to set new examination papers or to consider other relevant assessments for the affected students. The examination proceeds as originally scheduled in other countries and on the home campus.

Flooding

After evaluating the situation, a Head of School and Senior Management Team suspend teaching due to severe flooding in the area. Teaching resumes once the situation has improved and alternative assessments are arranged. The impact of the disruption on students' performance is taken into account by the Exam Board following examinations.

Industrial Action by University staff

There is a threat of industrial action by University staff. Heads of Schools refer to Regulation 31 and convene meetings with their Senior Management Teams to assess the risk posed to their ability to deliver courses and to deliver and mark assessments should industrial action go ahead. A decision is taken to assess only material which has been taught and to reschedule any assessment affected by staff absence. Industrial action does not take place: courses and assessments are delivered and marked as per usual.

Student Support and Accommodation

Student Support and Accommodation continues to provide an invaluable advisory service to both staff and students on a wide range of matters. Schools should note that Student Support and Accommodation can also be contacted to provide supporting evidence in cases such as illness, bereavement and mental health.

References/Sources of further information

E-versions of this policy and the accompanying form are available at:

Policy

On page: <http://www1.hw.ac.uk/committees/ltb/ltb-policies.htm>

Direct link: <http://www1.hw.ac.uk/committees/ltb/resources/mc-policy.pdf>

Form

On page: <http://www1.hw.ac.uk/committees/ltb/ltb-policies.htm>

Direct link: <http://www1.hw.ac.uk/committees/ltb/resources/mc-application.doc>

Further information and advice is available from the following sources:

Religious and Cultural Observance Statement:

<http://www.hw.ac.uk/policy/students/religious-and-cultural-observance.pdf>

Severe/Adverse Weather Guidance for Students:

http://www.hw.ac.uk/registry/resources/severeweatherguidance_students.pdf

Severe/Adverse Weather Guidance for Staff:

Available from http://www.hw.ac.uk/hr/p_index.php

University Regulations: <http://www.hw.ac.uk/ordinances/regulations.pdf>

Regulation 1, General Regulation, section 6;

Regulation 9, Assessments and Examinations, sections 9 & 12;

Regulation 31, Authority of Heads of School and Examiners in Exceptional Circumstances;

Regulation 36, Student Appeals

Handbook on External Examining for Taught Courses:

<http://www.hw.ac.uk/quality/resources/externalexaminers-taughthandbook.pdf>

Programme Handbooks: refer to Schools for student Programme Handbooks.

Student Support and Accommodation:

<http://www.hw.ac.uk/welfare>; email: studentsupport@hw.ac.uk

Advice Hub, Heriot-Watt University Student Union:

Tel: 0044 (0)131 451 4535; email: advice.hub@hw.ac.uk

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