



## Consideration of mitigating circumstances by examiners

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### Summary

If you have a problem before or during your exams, or in relation to your submitted work, that you think has seriously affected your performance, you can submit a 'mitigating circumstances notice' so that the examiners are made aware of the situation.<sup>1</sup>

You should only submit a notice when you have suffered a serious problem – either medical or personal. Examiners are limited in the way they can take such circumstances into account, as ultimately they have to assess your performance on the work that has been produced.

If your examination preparation, rather than the examinations themselves, was affected, it is only likely to be appropriate to submit a notice if the impact on you was very severe.

Independent evidence, such as a medical certificate or supporting letter from your college or department (for non-medical circumstances), should always be submitted along with your notice.

Examples of the kind of problem that might prompt you to submit a notice where there has been a significant impact on your performance are:

- acute illness
- bereavement
- other significant adverse personal circumstances (e.g. the impact of crime)

If you have a disability or long-term health condition, you should ensure that you apply for alternative examination arrangements if appropriate.<sup>2</sup> If you think that your performance has still been affected by your disability or condition, despite the alternative arrangements and other support in place, or you suffer another serious problem such as an acute illness just before or during the exams, you can also submit a mitigating circumstances notice.

Your notice will be treated confidentially and only accessed by those who need to do so in order for it to be processed and considered.

### What do I need to do?

Contact your college office about submitting a mitigating circumstances notice, as they will advise you on what information you need to provide and will submit the form on your behalf. Non-matriculated students can speak to their department, as can post-graduate taught students.

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<sup>1</sup> Part 13 of the *Examination Regulations* [www.admin.ox.ac.uk/examregs/information/contents/](http://www.admin.ox.ac.uk/examregs/information/contents/)

<sup>2</sup> [www.ox.ac.uk/students/academic/exams/arrangements](http://www.ox.ac.uk/students/academic/exams/arrangements)

You should contact your college office/department as soon you realise there is a problem, whether this is before, during, or after your exams.

Your college/department will be able to give you advice on the best course of action, but it is your decision on whether to submit a notice, and your responsibility to make sure that you submit the required information (and supporting documentation) to your college/department. The college/department will submit the notice and evidence to the Examinations and Assessments team, who will pass it to your examiners.

You, or anyone acting on your behalf, must not communicate directly with the examiners.

### **What should I put in my notice?**

Include as much detail as possible in your notice to explain how your performance in your exams was affected. Examiners are only able to consider the information and supporting evidence that you provide; they will not ask you for further evidence.

You will need to include your own statement, accompanied by at least one piece of evidence to support what you say to the examiners.

The evidence will need to be:

- *relevant* – relating to the time period of your exams or your period of preparation for exams and written submissions.
- *contemporary* – produced close in time to the period affected (make sure all evidence is dated).
- *independent* – coming from a source that is not yourself or your friends/family, that is, from a medical professional, professional services such as the University's Counselling Service or Disability Advisory Service, a statement from the police or a solicitor, or a statement from your department/college.
- *specific* – if possible, it should explicitly relate to the impact your circumstances have had on you and your performance

You do not need to provide *medical* evidence when you have been impacted by another person's illness or you have been bereaved – a supporting statement from your tutor etc. who is aware of your circumstances is sufficient – unless it has had a serious impact on your own health.

If your performance was affected by an acute illness, the certificate can be from the college nurse, but any longer-term condition will need a medical certificate from a doctor or other appropriate health professional.

Your statement should include a full explanation of how the problem affected your exams and which papers you believe have been affected.

If you had alternative examination arrangements but are also submitting a notice in relation to the same condition(s) or disability, you need to explain why the alternative arrangements or other adjustments did not fully compensate for the impact of your disability or health condition.

Your college can also include a statement. Your college will not comment on your academic performance, but might include information on what they have done to help you, or on any difficulties there have been in getting supporting evidence (e.g. difficulties in getting a doctor's appointment).

### **When do I need to submit my notice?**

You should make sure that your notice is submitted as soon as possible after you have sat the affected papers or submitted the work. Notices should not routinely be submitted before an examination or deadline as you will need to include your assessment of how you believe your circumstances have affected your actual performance in your notice.

Notices must be submitted by noon the day before the final meeting of the examiners which will decide the results, so that they have time to consider them – your college will be able to get information on when this is for your exam.

### **What if I submit my notice late?**

Notices received after noon the day before the final meeting of the examiners will not normally be considered, but in certain circumstances the Proctors can allow a late notice to be passed on.

Late notices can only be passed on by the Proctors if they are received within three months of the results being published, and if one of the following applies:

- your condition prevented you from submitting an earlier notice;
- your condition was not known or diagnosed until after the final meeting of examiners;
- there was a procedural error which prevented the notice being sent in time.

If you disagree with the Proctors' decision on whether to send a late notice to the examiners, you can appeal to the Chair of Education Committee (your college/department can advise on the process for this).

### **Consideration of your notice**

The examiners will consider your notice and supporting evidence very carefully. You will be able to view the outcome of their consideration via the results screen on Student Self Service when your year outcome has been released.

It is important to be aware that most mitigating circumstances notices do not result in any change to results. Examiners have limited options when they receive a notice, particularly if all exam papers are affected. This is because the examiners' primary job is to mark what they see; they cannot accurately or fairly award marks for a level of performance that they do not see. However, they can take certain actions where the evidence is very persuasive that a candidate has been severely affected.

Examples of actions which examiners might take include:

- If there is strong evidence that your performance on one particular paper has been affected and is clearly out of line with your performance in other papers, the examiners might decide to disregard the paper, and decide on your overall result based on all the other papers;
- If your performance is borderline between two classifications, the examiners will consider particularly carefully whether the evidence justifies you being placed in the higher classification.

Please note that these are only examples, and that all notices are considered on a case-by-case basis. Just because the examiners have not been able to make any change to your results, does not mean they haven't considered your notice carefully or that they don't consider your circumstances to have been serious.

If you have a concern about the way your mitigating circumstances notice has been considered you may wish to consider making a complaint or academic appeal.<sup>3</sup>

### **Getting advice**

Your college office (or department as appropriate) can advise you on submitting a mitigating circumstances notice, and there will be people available in your college to give both academic and welfare advice. It is however your decision on whether a notice should be submitted.

You should seek advice as soon as you realise there is a problem, even if the exams have not started yet. Your college will be able to advise on the options open to you, including the possibility of withdrawal from examinations and returning to take them at a later date.

If you would like to seek advice independent of your college or the University, matriculated students can contact Oxford SU Student Advice.<sup>4</sup>

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Education Policy Support

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<sup>3</sup> [www.ox.ac.uk/students/academic/complaints](http://www.ox.ac.uk/students/academic/complaints)

<sup>4</sup> [www.oxfordsu.org/wellbeing/student-advice/](http://www.oxfordsu.org/wellbeing/student-advice/)