

GUIDE FOR STUDENTS YOUR QUESTIONS ANSWERED

Please note that this process should only be followed if you wish to appeal the decision of the relevant Dean or Director or the Student Disciplinary Committee.

This document is a walk-through process to assist you in understanding the Appeal process of the University's Student Disciplinary Regulations ('the Regulations') and Student Harassment, Sexual Misconduct and Violence Policy and Procedure ('Procedure'). **You are strongly encouraged to read this guide, together with the Regulations and Procedure, prior to completing your Appeal Application Form.**

A copy of the Regulations and Procedure can be located at www.tees.ac.uk/studentregulations, and further information on submitting your Application Form to the Student Casework Office can be found in this guide.

1. What is an Appeal?

When submitting an Appeal, you are requesting a review of the decision of the relevant Dean or Director or Student Disciplinary Committee on any outcome/penalty(s) imposed.

There is a flowchart at the back of this guide to assist you with this process.

2. Where can I get advice?

The **Student Casework Office** can assist you with the process.

Email: sco@tees.ac.uk

The **Students' Union** can provide you with free, independent advice and guidance on your individual circumstances. If you are enrolled on a course, which is validated by Teesside University and delivered by a Partner Institution, please contact your own Students' Union or equivalent.

Email: suss@tees-su.org.uk

For additional support you can contact the University's **Student and Library Services** who offer a wide range of services, including welfare advice, counselling and disability services.

Email: studentlife@tees.ac.uk

3. Important questions to ask yourself before submitting an Appeal:

3.1 Has the decision of the Dean or Director or Student Disciplinary Committee been published?

You will **not** be able to submit an Appeal until you receive the formal decision from either the relevant Dean or Director or Student Disciplinary Committee.

If you have not yet received the decision, we suggest that you contact the relevant Investigation Officer in the first instance.

In relation to the decision of the Student Disciplinary Committee, you should be informed of the outcome. If this is not the case, please contact the Secretary of the Student Disciplinary Committee in the first instance.

3.2 Am I within the timescales to make an Appeal?

Your Application Form must be received by the Student Casework Office within **10 days** of the date of the formal decision of the relevant Dean or Director or Student Disciplinary Committee.

3.3 What if I am outside the 10-day deadline?

You must enclose with your Application a separate written explanation for the late submission supported by evidence (if applicable).

The University Nominee will decide whether your Application can be accepted as a late submission for consideration.

3.4 What information must I include?

You **must** identify the ground(s) and reasons for your Appeal.

It is also important that you include any relevant documentation to support your case and list the documentation you are including under the relevant ground.

You are strongly advised to keep a copy of your Appeal and any supporting documentation. Documents submitted as part of your Appeal will not normally be returned. Where photocopies of documents are submitted, you may be required to provide the Student Casework Office with sight of the original documents to verify their authenticity. If evidence is provided in a language other than English, it is your responsibility to have it independently translated.

3.5 Do I fall within the grounds for an Appeal?

The ground(s) under which you can submit an Appeal are:

- (i) that the disciplinary process was not conducted in accordance with the Regulations (procedural error);
- (ii) that new evidence has become available which was not, and which could not reasonably have been made available at the time the case was considered;
- (i) the outcome/penalty or penalties imposed was/were disproportionate to the offence.
- (iv) that evidence is available to show that the outcome reached by the Dean or Director, the Student Disciplinary Committee was manifestly unreasonable. In this context, unreasonable shall be taken to mean perverse for example, that the outcome was not a possible conclusion which a similar hearing or process of consideration might have reached.

Your Appeal should include a clear statement explaining why you believe the ground(s) to be relevant to your case.

An Appeal will not be considered under any other grounds.

3.6 Why could my Appeal be rejected?

Examples include, but are not limited to, the following:

- The relevant Dean or Director or Student Disciplinary Committee have not yet published their decision;
- Your Appeal was not submitted in the timescales stated in the Regulations and is deemed out of time;
- It was felt that your Appeal was unsubstantiated under the grounds set out above.

4. What if I am unsure whether my case falls within the Appeal process?

You should contact an Adviser from your Students' Union, or the Student Casework Office, who will be able to assist you.

5. How do I complete the Application Form?

Before completing your Application Form, we recommend that you seek advice from an Adviser in your Students' Union. A copy of the Application Form can be located at www.tees.ac.uk/studentregulations. Your completed application form should be submitted to the Student Casework Office via email.

The Application Form is divided into sections, and it is important that you complete all relevant sections, as any omissions may result in a delay with your Appeal being processed.

The sections identified below **must** be completed:

Section 1: Personal details

Section 2: Course information

Section 3: Student Disciplinary information

Section 4: Your preferred outcome

Section 5: The involvement of an Adviser

As mentioned above, you are encouraged to seek advice from your Students' Union on completing your Application Form.

It is important that you understand that by ticking the box you are giving your consent for the SCO to discuss your case with your Adviser.

Section 6: Grounds for an Academic Appeal

It is essential that you identify the ground(s) on which you wish to apply, answer all related sections, and provide documentary evidence to support your Appeal.

Section 7: Privacy Notice and Declaration

It is important you understand that by signing the Application Form or emailing it to sco@tees.ac.uk, you are verifying that the information contained therein, together with any accompanying documentation is true. You are also thereby agreeing to the processing your personal data for the purposes of logging, coordinating, progressing and facilitating resolution of

the matter(s). The Student Casework Office will only process your personal data (which may include requesting or sharing personal data with staff and or Panels within Schools/Departments/ Partner Institutions) for these express purposes. The Student Casework Office will obtain your express consent to process any special category data which includes e.g. health records. Any personal data, including special category data, will only be processed to the extent necessary to properly administer your case, and appropriate safeguards are in place to ensure security of your personal data.

Third Party Data:

Please note that third party data will normally only be accepted with the written consent of the person concerned. If you plan to submit third party data without the consent of the individual, please ensure that it is anonymised (for example, names and any other personal data is redacted). Anonymising personal data may detract from the use or purpose of the information provided and consent is therefore preferable to ensure that the matter is properly considered. The University may refuse to accept documents, which include third party data without consent, and which have not been anonymised and you may be asked to resubmit such evidence once consent is obtained or anonymisation has taken place. Where non-anonymised third-party personal data has been accepted in error, the University reserves the right to redact the personal data. Processing of personal data in this way will be under the lawful basis of legitimate interest and in the public interest.

Disability or Specific Learning Disability:

Please ensure that you have identified on your Application Form whether you have a disability or specific learning difficulty and require any adjustments in order that the University can provide you with appropriate support to access this process. If you have difficulty submitting your Application Form via email, wish for it in a different format, or you wish to discuss your requirements please contact the Student Casework Office.

Please check before submitting your Application Form that:

- you are submitting your Appeal within **10 days** of the publication of the relevant Dean or Director or Student Disciplinary Committee's decision;
- you have completed all the relevant fields on this Application Form;
- you have identified whether you have any specific requirements relating to a disability or specific learning difficulty (should you wish to discuss your requirements please contact the Student Casework Office);
- you have included all relevant documentary evidence to support your Appeal;
- you have read and understood the Student Disciplinary Regulations;
- you have clearly labelled any accompanying sheets;
- where you have submitted Personal Data regarding a third party you have obtained written consent from that individual to share their Personal Data and

have provided this with your Application, or you have anonymised the Personal Data;

- you have taken a copy of your Appeal for your own records.

6. What if I would like somebody else to act on my behalf?

It is not permissible for the University to communicate with external third parties regarding your case without your written consent. This includes a representative from your Students' Union, legal representative, parent, guardian or spouse. Therefore, if you wish the University to discuss your case with a third party, you will need to confirm this on your Application Form.

7. How do I submit my completed Application Form?

Email it to: sco@tees.ac.uk

8. How long will it take to process my Application Form?

The length of time depends on the complexity of your case. However, the Student Casework Office will ensure that your Appeal is processed as quickly as possible.

9. What should I expect following submission of my Appeal?

You will receive written acknowledgement of your Appeal from the Student Casework Office.

Where a valid Appeal has been submitted, a desktop review will take place. Within 14 days of being notified that a desktop review is required, the Student Casework Office shall compile a summary report, to include all the evidence relied upon to reach the final determination. A copy of the report will be sent to the University's nominee.

The University's nominee will then consider the report, evidence, Appeal Application and written representations within 14 days of receipt and;

- (i) Dismiss the Appeal, and confirm the findings/penalties previously made/imposed; or
- (ii) Allow the Appeal, set aside the findings previously made and order a fresh hearing (of all or, part of the matter) by an alternative member of staff; or
- (iii) Allow the Appeal and vary or dismiss the penalty previously imposed.

Where a valid Appeal has been submitted against the decision of a Disciplinary

Committee, the Chair of the Appeal Committee or the Appeal Committee will review the Appeal.

10. What options are available to the Appeal Committee?

The Appeal Committee may, after hearing the case:

- (i) Reject the Appeal and confirm the original penalty;
- (ii) Uphold the Appeal and revoke the original decision and penalty;
- (iii) Partially uphold the Appeal and confirm the finding of guilt but amend the penalty to impose a lesser or greater penalty.

11. What happens following an Appeal Committee?

The Chair of the Appeal Committee will inform you in writing of the decision made by the Committee. Please note that the decision of the Appeal Committee is final.

12. How will I know when the process is complete?

At the conclusion of the University's internal process, you will normally be issued with a 'Completion of Procedures' letter in the manner prescribed by the Office of the Independent Adjudicator for Higher Education ('OIA').

13. What is the Office of the Independent Adjudicator ('OIA')?

The OIA operates an independent student complaints scheme. It will only consider cases that have completed the University's internal procedures.

More information on its rules can be found at www.oiahe.org.uk.