

ACADEMIC MISCONDUCT APPEAL PROCESS

(From 26 September 2022)

GUIDE FOR STUDENTS Your Questions Answered

Please note that Stages 1 and 2 of the Academic Misconduct processes are administered by your School/Collaborative Partner and this guidance should only be followed if you are dissatisfied with the decision of the Academic Misconduct Stage 1 Meeting ('Stage 1 Meeting') or Academic Misconduct Stage 2 Hearing ('Stage 2 Hearing').

This document is a walk-through process to assist you in understanding the University's Academic Misconduct Regulations (Taught Provision and Advanced Independent Work on Professional Doctorate courses) ('The Regulations'). **You are strongly encouraged to read this guide, together with the Regulations, prior to completing your Academic Misconduct Application Form.**

A copy of the Regulations can be found at www.tees.ac.uk/studentregulations, and further information on submitting your Application Form to the Office of Student Complaints, Appeals and Regulations (OSCAR) can be found in this guide.

1. What is the Academic Misconduct Appeal Process?

If you are dissatisfied with the decision of the Stage 1 Meeting or Stage 2 Hearing you may submit an appeal to request an Appeal of this decision and/or penalty imposed.

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

2. Where can I get advice?

OSCAR can assist you with the process:

E: oscar@tees.ac.uk

W: www.tees.ac.uk/oscar

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 Collaborative Partner, please contact your own Students' Union or equivalent.

E: 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:

E: studentlife@tees.ac.uk

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

3.1 Has the decision of the Stage 1 Meeting or Stage 2 Hearing been published?

You will **not** be able to submit an Appeal until either the Stage 1 Meeting or Stage 2 Hearing has published its decision. You should receive their decision in writing.

If you have not received the decision of the Stage 1 Meeting or Stage 2 Hearing, please contact, in the first instance, the relevant Secretary.

3.2 Am I within the timescales to submit an Appeal?

Your Appeal must be submitted to OSCAR within **7 days** of the date of the decision letter.

3.3 What if I am outside the 7 day deadline?

If you submit an Appeal outside these timescales, you must enclose with your Application a separate written statement explaining why it has been submitted late. The University will then consider your written statement and determine whether to accept your case for consideration.

3.4 What information must I include?

You **must** identify the grounds and reasons for your Appeal.

If the relevant information is not provided, OSCAR may return your Appeal or ask you to provide the necessary information, and this should be returned within **5 days**. If the required information is not received, your Appeal may be dismissed.

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. Where the submission of supporting documentary evidence is not possible, at the time of submission of your Appeal, due to circumstances outside of your control, your Appeal should be submitted prior to the deadline date with a clear statement that the evidence will follow, normally within **10 days**. If no subsequent supporting evidence is received, OSCAR will process your Appeal based on the available documentation.

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 OSCAR with sight of the original documents in order 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 Appeal?

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

- That the decision reached by the Stage 1 Meeting or the Stage 2 Hearing as to whether Academic Misconduct has occurred was wholly inconsistent and/or unsupported by evidence.

and/or

- That there was a material and/or procedural irregularity by the Stage 1 Meeting or the Stage 2 Hearing, which has prejudiced the student's case.

and/or

- Additional evidence has come to light since the decision of the Stage 1 Meeting or the Stage 2 Hearing, which could not have been expected to have been produced at the time of the consideration of the case.

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

An Appeal will not be considered under any other grounds.

3.6 What are NOT acceptable grounds for an Appeal?

An Appeal will only be considered on the ground(s) set out in paragraph 3.5 above.

3.7 Why could my Appeal be rejected?

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

- The Stage 1 Meeting/Stage 2 Hearing has not yet published its decision;
- Your Appeal was not submitted within the timescales stated in the Regulations and was deemed out of time;
- Your Appeal was incomplete;
- It was felt that your Appeal was unsubstantiated under the grounds set out in paragraph 3.5 above.

4. What if I am unsure whether my case can be considered under the Appeal Process?

You should contact an Adviser from your Students' Union or OSCAR, 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. Due to current working practices, your completed application form should be submitted to OSCAR 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: Academic Misconduct 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 Appeal.

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

Section 6: Grounds for Appeal

It is essential that you identify the ground(s) on which you wish to apply, answer all related questions, 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 oscar@tees.ac.uk, you are verifying that the information contained therein, together with any accompanying documentation is true. You are also thereby agreeing to OSCAR processing your personal data for the purposes of logging, coordinating, progressing and facilitating resolution of the matter(s). OSCAR will only process your personal data (which may include requesting or sharing personal data with staff and or Panels within Schools/Departments/ Collaborative Partners) for these express purposes. OSCAR 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 in order 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 OSCAR.

Please check before submitting your Application that:

- you have read and understood the Academic Misconduct Regulations (Taught Provision and Advanced Independent Work on Professional Doctorate courses)
- you have completed all relevant fields on the 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 OSCAR).
- you have clearly identified the ground(s) under which you are applying.
- you have clearly labelled any accompanying sheets.
- you have included all relevant documentary evidence to support your Appeal.
- you have kept a copy of your Application Form 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 be able to discuss your case with a third party, you will need to confirm this in your Appeal.

7. How do I submit my completed Appeal?

Email it to: oscar@tees.ac.uk

8. How long will it take to process my Appeal?

The length of time depends on the complexity of your case. However, OSCAR 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 OSCAR.

If your Appeal has been submitted within the timescales and is felt to be fully completed OSCAR will liaise with the Chair of the Stage 1 Meeting/Stage 2 Hearing for the initial consideration of your Appeal. If the relevant Chair believes that there appears to be a case for decision of the Stage 1 Meeting/Stage 2 Hearing to be reviewed, he/she may, take Chair's Action, and will inform you, in writing, of the revised decision

Where it appears to the relevant Chair that there is no reason for the decision to be reviewed, the Chair must provide a written report (Chair's Report) to OSCAR containing all relevant information relating to your case.

OSCAR will then forward the case to the Academic Misconduct Appeal Committee who will determine whether:

- i) Dismiss the Appeal, in which event you will be issued with a 'Completion of Procedures' letter.
- ii) To request an Academic Misconduct Appeals Committee be convened to consider the case.

10. What happens at an Academic Misconduct Appeals Committee Hearing?

You will be invited to attend the Hearing and provided with a copy of the papers prior to the meeting (including your Application Form, Chair's Report and any other relevant documentation).

You may bring one friend with you who may not act as a representative or attend in any legal capacity unless permitted to do so by the person conducting the proceedings. Please note it will be your responsibility to liaise directly with your friend regarding your case and make necessary arrangements for attendance. If you are intending to bring a friend with you to the Hearing you should notify OSCAR.

If you have given OSCAR permission to liaise with an Adviser in the Students' Union they will be notified of the date and time of the Hearing.

The Panel shall consist of three members who have had no prior involvement with you, or previous participation in the case under consideration.

- A Chair, who will be a Vice-Chancellor's nominee;
- One Elected Officer from the Students' Union
- One senior representative of a School/ Collaborative Partner.

The Panel will have a Clerk, who will attend in an advisory capacity, and a Secretary.

The Chair of the Stage 1 Meeting or Stage 2 Hearing (and a friend) will also be invited to attend.

During the Hearing:

- Those present must introduce themselves;
- You and/or friend will be asked to present your Appeal;
- The relevant Chair may ask for clarification on the representations made by you and/or friend.
- The Appeal Committee may ask questions of the you and/or friend;
- The relevant Chair will be asked to respond to the Appeal;
- You and/or friend may ask for clarification on the representations made by the relevant Chair;
- The Appeal Committee may ask questions of the relevant Chair;
- The relevant Chair will be asked to sum up their case;
- You and/or friend will be asked to sum up their response;
- The Chair of the Appeal Committee will ask you and relevant Chair and any associated friends to leave the meeting.

11. What happens following an Appeal Panel Hearing?

After consideration of the available evidence relating to your case, the Panel may:

- Dismiss the Appeal.
- Uphold the Appeal, and impose an alternative penalty as defined in appendix 2 of the Regulations.
- Uphold the Appeal, and rule that no penalty should be imposed

You will be informed of the Panel's decision, in writing.

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 concluding internal proceedings 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.

ACADEMIC MISCONDUCT APPEAL PROCESS FLOWCHART

