

MITIGATING CIRCUMSTANCES REVIEW PROCESS (Taught Provision)

GUIDE FOR STUDENTS YOUR QUESTIONS ANSWERED

Please note that all Mitigating Circumstances Applications are administered by the University's Student & Library Services/Partner Institutions and this process should only be followed if you are dissatisfied with the decision of a Mitigating Circumstances Board.

This document is a walk-through process to assist you in understanding the University's Mitigating Circumstances Review process (Review) of the **Extenuating Circumstances Regulations (Taught Provision) (the Regulations)**. **You are strongly encouraged to read this guide, together with the Regulations, prior to completing your Review Application Form.**

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

1. What is the Mitigating Circumstances Review Process?

If you are dissatisfied with the decision of the Mitigating Circumstances Board you may submit a request for a Review of this decision, but only under specific grounds.

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

2. Where can I get advice on submitting a Review?

The Student Casework Office can assist you with the process:

E: sco@tees.ac.uk

The **Students' Union** can provide you with free, independent advice and guidance on your individual circumstances.

E: suss@tees-su.org.uk

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.

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 a Review:

3.1 Has the decision of the Mitigating Circumstances Board been published?

You will **not** be able to submit a Review until the Mitigating Circumstances Board has published its decision. You should receive the decision of the Mitigating Circumstances Board in writing.

If you have not received the decision of the Mitigating Circumstances Board please contact, in the first instance, the Secretary of the Mitigating Circumstances Board.

3.2 Am I within the timescales to submit a Review?

Your Review must be submitted to the Student Casework Office within **10 days** of the publication of the decision of the Mitigating Circumstances Board.

3.3 What if I am outside the 7 day deadline?

A Review received after the 7 day deadline can only be considered under **very** exceptional circumstances.

If you submit a Review 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 Review.

If the relevant information is not provided, the Student Casework Office will return your Review to you asking you to provide the necessary information. If the required information is not received, your Review will be rejected.

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 Review and any supporting documentation. Documents submitted as part of your Review 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 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 a Review?

The ground(s) under which you can submit a Review are:

- that the decision not to grant Mitigating Circumstances was wholly inconsistent and/or unsupported by evidence;
and/or
- that there was a material procedural irregularity by the Mitigating Circumstances Board which prejudiced your case;
and/or
- that additional evidence has come to light since the decision of the Mitigating Circumstances Board, which could not reasonably have been expected to have been produced at the time of the consideration of the application.

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

A Review will not be considered under any other grounds.

3.6 What are NOT acceptable grounds for a Review?

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

3.7 Why could my Review be rejected?

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

- The Mitigating Circumstances Board has not yet published its decision;
- Your Review was not submitted within the timescales stated in the Regulations and was deemed out of time;
- Your Review was incomplete;
- It was felt that your Review 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 Review 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 Review?

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 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 Review being processed.

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

Section 1: Personal details

Section 2: Course information

Section 3: Mitigating Circumstances 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 Review.

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

Section 6: Grounds for Review

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 Review.

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 Student Casework Office 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 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 the Student Casework Office.

Please check before submitting your Review that:

- you have read and understood the Extenuating Circumstances Regulations (Taught Provision).
- you have completed all relevant fields on the Review 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 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 Review.
- you have kept a copy of your Review 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 Review.

7. How do I submit my completed Review?

Email: sco@tees.ac.uk

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

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

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

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

If your Review has been submitted within the timescales and is felt to be fully completed the Student Casework Office will circulate your Review to the Chair of the relevant Mitigating Circumstances Board, or nominee, for consideration.

If the Chair of the relevant Mitigating Circumstances Board believes that there appears to be a case for decision of the Mitigating Circumstances Board 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 Chair of the relevant Mitigating Circumstances Board that there is no reason for the decision of the relevant Mitigating Circumstances to be reviewed, the Chair must provide a written report (Chair's Report) to the Student Casework Office.

The Student Casework Office will then forward the case to the Chair of the Review Panel who will determine whether:

- i) The Review is incomplete, misconceived, or out of time, and should be dismissed, in which event you will be issued with a 'Completion of Procedures' letter.
- ii) To request a Review Panel be convened to consider the case.

10. What happens at a Review Panel Hearing?

You will be invited to attend a Review Panel 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 and this may be a representative from your Students' Union, and may not be a representative which attends in any legal capacity. 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 the Student Casework Office.

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

11. What happens following a Review Panel Hearing?

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

- Reject your application; **or**
- Uphold your application and impose an alternative outcome.

You will be informed of the Review 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.

MITIGATING CIRCUMSTANCES REVIEW PROCESS FLOWCHART

