

COMPLAINTS TO REPORT STUDENT MISCONDUCT

Guide - Your Questions Answered

This document is a walk-through process to assist you in understanding what will happen in the event that you wish to make a complaint about the misconduct of a student of the University.

I have been affected by the misconduct of a student – what can I first do?

- **I am a student:**

If you would like support, or to discuss how a student's conduct has affected you, you may first wish to speak with a member of staff in Student and Library Services or the Students' Union.

For information, the University's Student and Library Services offer a wide range of services, including welfare advice, counselling and disability services. An adviser in Student and Library Services will listen to your concerns in confidence and discuss the options available to you, including informing the Police, and how to access further support if needed. They can be contacted by emailing studentlife@tees.ac.uk

The Students' Union Student Support offers free, independent advice and guidance. Their friendly and confidential service can support you, offer advice and if necessary help you to raise a complaint. They can be contacted by emailing suss@tees-su.org.uk

- **I am a member of staff:**

If you are a member of University staff, you may first wish to speak to your line manager, a member of staff on your School/Department Senior Management Team or a Union representative.

What can I complain about?

All students of the University are required to conduct themselves in an appropriate manner in their day-to-day activities, including in their dealings with other students and staff. Students are also required under the University's Terms and Conditions to comply with all relevant University policies and regulations. The University's Terms and Conditions and relevant student policies and regulations can be found on the University's web page at:

www.tees.ac.uk/studentregulations.

The University's Student Code of Conduct sets out the expectations the University has in respect of the behaviour of all of its students. It outlines examples of behaviours that the University may

deem to be misconduct (although this is not an exhaustive list). Examples of matters which you can complain about are included in the list below:

- If you are experiencing disorderly, threatening, abusive, intimidating, indecent, slanderous, libellous or offensive behaviour from a student(s) (whether by actions, speaking or in writing, including electronic means).
- If a student(s) has acted in a physical, violent manner towards you for example, punching, kicking, slapping, pulling hair, biting, pushing and shoving.
- If you have experienced any types of sexual misconduct (including but not limited to engaging or attempting to engage in kissing, touching inappropriately through clothes, sexual intercourse or a sexual act without consent, sharing private sexual materials of another person without consent, inappropriately showing sexual organs to another person and making unwanted remarks of a sexual nature).
- If your property has been misused, defaced or damaged.
- If you have experienced harassment, victimisation, discrimination on the grounds of age, disability, race, ethnic origin, religion or beliefs, sex, sexual orientation, gender reassignment, pregnancy, maternity, marriage or civil partnership, social economic backgrounds.
- Where you feel that a student conduct that constitutes a criminal offence within the premises of the University, at institutions where students are placed or visiting as part of their studies, or elsewhere. (However, it is suggested that in such instances you may wish to contact the Police in the first instance).

Where can I find a copy of the Student Code of Conduct?

A copy of the Student Code of Conduct can be found in the University's Student Disciplinary Regulations ('Regulations'). As stated above, the Regulations are available on the University's website at www.tees.ac.uk/studentregulations.

What are the Student Disciplinary Regulations?

The Regulations outline the disciplinary procedures that are followed in cases where it is believed a student may have breached the Student Code of Conduct. They are not intended to resolve disputes between individuals. Incidents which are not a potential breach of Student Code of Conduct will not be investigated under the Regulations.

How do I submit a Complaint?

In the first instance you may wish to try and resolve the matter informally with the student themselves or discuss this with a member of staff at the University. If the matter cannot be resolved, and you wish to formally submit a complaint about the conduct of a student, you should submit this on the University's Student Misconduct Compliant Form ('Complaint Form'). It is preferred that you type your Complaint Form, although the Student Casework Office (previously known as the Office of Student Complaints, Appeals and Regulations (OSCAR)) will accept a clear handwritten version, and a copy of the form is located at www.tees.ac.uk/studentregulations.

The Complaint 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 complaint being processed.

Before submitting your Complaint Form we recommend that you seek advice. Services which provide advice are outlined above. Additionally, it is important that you clearly understand how your complaint may be considered and you should read the process outlined in the Regulations. A copy of the Regulations, can be found on the University's website at www.tees.ac.uk/studentregulations.

The Complaint Form, and any supporting documentation, should be submitted to the the Student Casework Office by emailing it to sco@tees.ac.uk.

Can I make an anonymous Complaint?

Anonymous allegations will not normally be considered unless they are accompanied by clear and verifiable evidence which points to misconduct in which case the person in receipt of the information will be considered to have discovered evidence of misconduct.

Can I use mediation to resolve my Complaint?

Mediation **is** a tool for complaint resolution and involves all parties in the dispute coming together to talk openly and honestly about the issue and attempting to find a solution both sides agree to, with the help of a trained third-party mediator. You should contact the Student Casework Office if you are interested in attempting to resolve your complaint via mediation. At what stage is mediation an option? Would a request for mediation be made before submitting a complaint form or is mediation used to resolve the complaint once it has been made?

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 complaint 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 on your Complaint Form.

What will happen on receipt of my complaint?

On receipt of your complaint, it will be acknowledged, via email, by the Student Casework Office. The Student Casework Office will initially determine whether you have completed the form correctly, attached the relevant documentary evidence you have cited on your Complaint Form, and whether your complaint falls within the scope of the Regulations. It may be necessary at this stage for the Student Casework Office to contact you.

If your complaint is relevant for consideration, it will normally be reported to the Dean of the School of which the student belongs. However, if the alleged misconduct arises within the provision of a University Service, the Student Casework Office will forward your complaint to the Director of that service. Where an allegation is made involving one or more students from different Schools the University Secretary (or his/her nominee) will decide which appropriate School or Service will consider your complaint.

The relevant Dean/Director will make a determination on how to proceed with the case in accordance with the Regulations and may contact you to discuss the content of your Complaint Form. Where necessary, the relevant Dean/Director may appoint a Case Officer to investigate your complaint.

Will my Complaint remain confidential and will the other student(s) know I made a complaint against them?

Your complaint will be handled with discretion and access will only be provided to those who have a legitimate reason to access the information for the purposes of investigating your complaint. This means however, that in order to carry out an investigation, or if your case is considered at a hearing, any relevant information you provide may be shared with the student you are complaining about so that they can respond to the allegations raised. If we need to contact witnesses, they will only be provided with such information as they need to know in order to provide their evidence.

You, and the University, may also be required to disclose information in the event that the matter is subject to criminal investigation by the Police, or any connected legal proceedings, or with other relevant parties related to the case.

If you are worried about any repercussions of this you need to discuss this with the Student Casework Office or the appointed Case Officer, and we will look at whether any measure can be put in place to address your concerns.

I am afraid of seeing the other Student on campus or in accommodation – what will happen?

The University owes a duty of care towards its students and may take steps to reduce or remove any risks. Consequently, we would normally ask the parties to stay away from each other. However, in cases where there is a reasonable suspicion that the student(s) being investigated has committed a serious or significant disciplinary offence or has been accused of, charged with or is being investigated by the Police for a serious significant criminal offence, then the student who is the subject of your complaint may be precautionary restricted from some of the University premises, or precautionary suspended from their course of study.

If you are living in University accommodation, feel unsafe, and wish to discuss your accommodation options please contact the accommodation unit of Campus Services.

For peace of mind whilst on campus it is recommended that you download the 'SafeZone' app to your phone. This app is free for staff and students and connects you to the University's security team. Further information on the app can be found on the University's website at:

https://www.tees.ac.uk/sections/about/public_information/safezone.cfm

I have reported the matter to the Police and they are investigating it, will the University also investigate?

Where an allegation of misconduct is also subject to a criminal investigation, the University may suspend the disciplinary process under its Regulations until the criminal investigation, and any connected legal proceedings, have been concluded.

The fact that the Police or other legal authorities might be unable, unwilling or not yet able to proceed will not automatically preclude the University from instigating its own disciplinary action.

Where, following a police investigation, a decision has been taken not to proceed to a criminal trial, this does not preclude the University from conducting further investigations and/or instigating disciplinary proceedings in respect of outstanding matters of concern to the University that have not been addressed or only partially addressed.

As outlined above, if a student is being investigated by the Police, the University will consider whether any preventative measures need to be put in place. In circumstances where there is a criminal investigation, the University may be required to disclose information to the Police. Where this is the case, the University would consider whether the information should be released.

Will my account be sufficient evidence for the University to take action?

We understand that reporting certain incidents is often an extremely difficult thing to do. The investigation process is an evidence-based process and decisions are made on the balance of probabilities, which means we would be looking at whether the evidence supports that it is more likely than not that a breach has occurred. If the University determines that no further action can be taken it does not mean that the University is questioning whether or not you are telling the truth, it normally means that there is insufficient evidence which can be used in misconduct proceedings to support that there has been a breach of the University's Student Code of Conduct.

Can I talk about this complaint with other people?

It is strongly recommended that you do not discuss your case with other witnesses or the student about whom you are making the complaint, as doing so may jeopardise a fair investigation. If you want to speak to someone, you may want to talk to a member of staff cited above, where appropriate the appointed Case Officer, or the Student Casework Office. You may also speak to the person from whom you are seeking advice/support for example, a Students' Union Advisor.

Do I have to attend a meeting with a Case Officer?

The appointed Case Officer may invite you to a meeting to discuss your complaint, and they may need to ask you questions about the incident(s). The Case Officer may also ask if you have any further evidence to support your complaint for example, photographs or copies of messages. If you are invited to attend a meeting, you may be accompanied by a friend. Further information on the role of a friend is provided below.

Following your meeting with the Case Officer, they should write a statement made up of the information you orally provided. The Case Officer may need to meet with you more than once in order to clarify and confirm the contents of your statement. Once you confirm the contents of your statement you will be asked to approve its content.

Can I bring a friend to meetings/hearings?

Where a meeting/hearing has been arranged with you to discuss your complaint you may bring one friend. A friend for the purpose of this process may be a representative from, for example, the Students' Union or if a member of staff, your respective Union and cannot be a person who acts as a representative or attends in any legal capacity. Your friend can offer support and act as

a reassuring presence but cannot comment or answer questions. The friend should not also be a potential witness to the incident(s).

What are the possible outcomes of a Student Conduct investigation?

The University investigates concerns about a student's conduct in accordance with the Regulations. The University investigation is an evidence-based process and decisions are made on the balance of probabilities. If the alleged misconduct is found proven, there are a range of penalties and these are listed in Annex B of the Regulations.

Will I have to attend a hearing?

In some cases, it may be necessary for your complaint to be considered by the University's Student Disciplinary Committee ('Committee'). In such a case, you would be asked to attend the hearing to present your evidence. If you are invited to attend a Committee, you may be accompanied by a "friend" as discussed above.

At a hearing it is likely that you would see the student subject to the allegations. You may also be asked questions by the Case Presenter (normally the Case Officer), the student subject to the allegations, and/or by the Committee. Normally, the questions will be asked through the Chair. We appreciate that you may be concerned about being questioned, but the Chair will decide whether any particular question can be asked or whether it should be rephrased before you are requested to answer.

How long will it take to investigate my complaint?

The circumstances behind any complaint are unique, so the length of each investigation can vary. The length can depend on the complexity of the case, the number of students/witnesses involved, or whether the case needs to be considered by a Committee.

If the matter is referred to a Committee, as well as working to the availability of Committee panel members, there are procedural timeframes that have to be met to ensure a fair hearing, which will impact on the time it can take for the investigation process to be completed.

Will you tell me the outcome of any investigation?

We understand that you may want to know what action has been taken since you made your complaint as well as the outcome of any investigation. In order to comply with data protection legislation to all students we cannot usually inform you of any precautionary or disciplinary action that may have been taken against the student who you have complained about. We will provide you with as much information as is lawful and appropriate.

What happens to my data?

A record of your complaint will be kept by the Student Casework Office as well as the School/Department appointed to consider your complaint. Any information associated with the case will be retained in accordance with the University's Classification Scheme and Retention Schedule.