

# STUDENT DISCIPLINARY REGULATIONS APPEAL PROCESS (From 26 September 2022)

## GUIDE FOR STUDENTS Your Questions Answered

Please note that this process should only be followed if you wish to appeal the decision of the Case Officer 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). **You are strongly encouraged to read this guide, together with the Regulations, prior to completing your Appeal Application Form.**

A copy of the Regulations can be located at [www.tees.ac.uk/studentregulations](http://www.tees.ac.uk/studentregulations), and further information on submitting your Appeal to the Office of Student Complaints, Appeals and Regulations (OSCAR) 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 Case Officer 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?

**OSCAR** can assist you with the process:

E: [oscar@tees.ac.uk](mailto:oscar@tees.ac.uk)

W: [www.tees.ac.uk/oscar](http://www.tees.ac.uk/oscar)

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

E: [suss@tees-su.org.uk](mailto: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:

T: 01642 342277  
E: [studentlife@tees.ac.uk](mailto:studentlife@tees.ac.uk)

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

#### 3.1 Has the decision of the Case Officer or Student Disciplinary Committee been published?

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

If you have not yet received the decision of the Case Officer we suggest that you contact them in the first instance. In relation to the decision of the Student Disciplinary Committee, you should be informed of the outcome, normally within **5 days** of the Hearing. 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 Appeal must be submitted to OSCAR within **10 days** of the date of the formal decision of the Case Officer or Student Disciplinary Committee.

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

Appeals submitted after the 10 day deadline may not be considered.

#### 3.4 What information must I include?

You **must** identify the grounds 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 supplied 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 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 Student Disciplinary Regulations;
- (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;

- (iii) the penalty or penalties imposed was/were disproportionate to the offence.

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

**An Appeal will not normally be considered under any other grounds.**

### **3.6 Why could my Appeal be rejected?**

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

- The Case Officer 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 OSCAR, who will be able to assist you.

## **5. What should I do if I feel my case falls under the grounds for an Appeal?**

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](http://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: 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 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, complete 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 [oscar@tees.ac.uk](mailto: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 Appeal that:**

- you are submitting your Appeal within **10 days** of the publication of the Case Officer 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 OSCAR);

- 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.

## **7. 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 on your Application Form.

## **8. How do I submit my completed Appeal?**

Email: [oscar@tees.ac.uk](mailto:oscar@tees.ac.uk)

## **9. How long will it take to process my Appeal?**

The length of time depends on the complexity of your case. However, OSCAR will endeavour to process your Appeal as quickly as possible.

## **10. What should I expect following submission of my Appeal?**

You will receive written acknowledgement of your Appeal from OSCAR.

On its receipt, your Appeal will be reviewed by the University Secretary based on the evidence that has been provided to determine whether the grounds for Appeal have been satisfied. The University Secretary will then either:

- (i) dismiss the Appeal at this stage on the basis that the appeal is not based on any of the permitted grounds; or
- (ii) direct the Case Officer or Committee to reconsider the earlier decision; or
- (iii) refer the Appeal to the Misconduct Appeals Committee ("the Appeal Committee").

The University Secretary will inform you of their outcome, normally within 10 days of receiving the appeal, and their decision is not subject to further internal appeal. If the decision is to dismiss your Appeal, you will be issued with a 'Completion of Procedures Letter'.

If the University Secretary determines that permitted grounds for an appeal are met, an Appeal Committee will be arranged, normally within 25 days of receiving the appeal.

## **11. What is an Appeal Committee?**

The Appeal Committee will consider your Appeal and determine whether to uphold your Appeal under the grounds identified above.

## 12. What happens at an Appeal Committee?

You will be invited to attend the Appeal Committee, and provided with a copy of the papers to be considered by the Appeal Committee.

You may bring one friend with you who may not act as a representative or attend in any legal capacity unless permitted by the person conducting the proceedings, but this may be a representative from your Students' Union. The definition of a 'friend' can be located at Annex E of the Regulations. You are also able to present witnesses to the Appeal Committee. Please note it will be your responsibility to liaise directly with your friend about your case and make necessary arrangements for attendance. If you are intending to bring a friend or witnesses with you to the hearing you should notify OSCAR at least 5 days prior to the hearing.

You will also have the opportunity to submit further information which you wish the Appeal Committee to consider, and this should be provided to OSCAR at least **5 days** prior to the hearing.

If you have given OSCAR permission to liaise with an Adviser in the Students' Union, they will also be notified of the date of the hearing.

The Appeal Committee shall consist of three members who have had no prior involvement with you, or previous participation in the case under consideration, namely:

- A Pro Vice-Chancellor (acting as Chair);
- Dean or Associate Dean of a School or Director or Deputy Director of Service with no prior involvement in the case;
- A member of the Students' Union Executive.

An Officer from OSCAR shall act as Clerk in an advisory capacity but shall not constitute a member of the Committee or take part in the decision-making. A Secretary will also be present to make a record of the hearing.

Please note that the Case Officer or Chair of the Student Disciplinary Committee will also be permitted to attend the hearing.

The procedure for the hearing is explained at Annex D of the Regulations.

## 13. What options are available to the Appeal Committee?

The Appeal Committee may, after hearing the case:

- (i) uphold the original decision;
- (ii) dismiss the appeal;
- (iii) reverse the decision and substitute its own decision and/or penalty from one or more of the penalties referred to in Annex B of the Regulations as it thinks appropriate;

(iv) reduce, uphold or increase any penalty.

**14. What happens following an Appeal Committee?**

The Chair of the Appeal Committee will inform you in writing of the decision made by the Committee, normally within 10 days of the hearing. Please note that the decision of the Appeal Committee is final.

**15. 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).

**16. 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](http://www.oiahe.org.uk).

# STUDENT DISCIPLINARY APPEAL FLOWCHART

