

Student Disciplinary Regulations

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1.0 Introduction

- 1.1 These Regulations aim to make sure that instances of alleged student Misconduct are dealt with fairly and promptly at the appropriate level by those with the relevant authority. These Regulations apply to all cases of student discipline except academic or research misconduct cases, which are dealt with under separate regulations.
- 1.2 Under the University's Articles of Government, the Vice-Chancellor has overall responsibility for the maintenance of student discipline and, within rules and procedures established by the Board of Governors, for the Suspension, Expulsion or Restriction of students on disciplinary grounds. These Regulations set out the rules and procedures established by the Board of Governors.
- 1.3 A breach of discipline is, for the purpose of these Regulations, called 'Misconduct'. Upon enrolment, students accept the University's 'Student Terms and Conditions' for their year of entry. In doing so, students agree to conform to the University's Student Regulations, including these Regulations and the University's Student Code of Conduct ("the Code of Conduct"). Under these Regulations, 'Misconduct' refers to a breach of the Code of Conduct set out in **Annex A**. The University also reserves the right to treat as Misconduct, any activity not covered by the Code of Conduct or University Regulations specifically that is considered to adversely affect the safety, interests or reputation of the University, its students, employees or authorised representatives.
- 1.4 The General Principles set out at **Annex E** will apply to all stages of disciplinary action under these Regulations (where applicable).
- 1.5 These Regulations are informed by the University's statutory obligations including the Equality Act 2010, Human Rights Act 1998 and the Data Protection Act 2018. In addition, the following help to guide and support the University across equality, diversity and inclusion: Disability Confident Leader, Hart Gable/LGBT Advance, the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism. We draw on a range of guidance and evidence to ensure we continue to understand, appreciate and learn from the experiences of our diverse campus community and the context in which the University operates.

2.0 Scope

- 2.1 These Regulations apply to students who are registered or enrolled on University approved courses delivered online and at both the Middlesbrough and Darlington Campuses, and to the following non-exhaustive circumstances:
 - activities in which they engage in their capacity as students of the University; or
 - services or facilities they enjoy by virtue of being a student of the University (for example, halls of residence, sports facilities, etc.); or
 - their presence in the vicinity of, or their access to, any premises owned, leased or managed by the University; or

- any activity not covered above, which is considered to adversely affect the safety, interests or reputation of the University, its students, employees or authorised representatives.
- 2.2 The Regulations are intended to address Misconduct by students rather than to resolve disputes between individuals.
- 2.3 Any student undertaking a University affiliated course at a Collaborative Partner Institution is subject to the conduct and disciplinary regulations applicable to that institution. Any such student excluded from the Collaborative Partner Institution on grounds of discipline has the right to appeal to the University. An appeal should be submitted on a Student Disciplinary 'Appeal Form' available from the Office of Student Complaints, Appeals and Regulations (OSCAR), or the University's website (www.tees.ac.uk/studentregulations) and emailed to oscar@tees.ac.uk, within 10 days of the decision being notified to the student in writing and will be considered in accordance with paragraph 9 of these Regulations.
- 2.4 These Regulations are applicable to all students throughout their period of enrolment with the University, whatever their registration status, and includes (but is not limited to) students whose enrolment is interrupted, or is precautionary or formally suspended. If a student withdraws from, or leaves, the University part way through a disciplinary process, the University reserves the right to continue that process, or where a disciplinary issue is discovered after a student has left, to hear the process in full and reach a conclusion. The outcome would be taken into account if the student chose to return to the University for further study.
- 2.5 Where a student is referred for action under these Regulations and they are also an employee of the University, any allegation of Misconduct will be notified to the Director of Human Resources. The University reserves the right to take action under staff disciplinary processes as well as these Regulations. The student will be notified if this is the case and will be informed which process will operate and in what order (if necessary).
- 2.6 Graduation from certain courses offered by the University entitles a graduate to practice in a profession or to obtain professional status. In cases where professional fitness to practise issues arise, the University reserves the right to invoke relevant procedures under its Fitness to Practise Regulations instead of or, if appropriate as well as these Regulations. The student will be notified if this is the case and will be informed which process will operate and, if necessary, in what order. In such cases the disciplinary case file may be shared with other University Officers responsible for such procedures.
- 2.7 The University reserves the right not to grant an award or an intermediate award, provide certification of an award or allow a student to attend a graduation ceremony whilst a matter of alleged Misconduct is still in the process of being dealt with under these Regulations, or following the conclusion of an investigation under these Regulations where the allegations has been upheld. In some circumstances it may be appropriate for the University to withdraw a student's qualification if the Misconduct has given them an unfair advantage in their studies. Where this is the case, it is likely that the student will be dealt with under the relevant University's Academic Misconduct Regulations. However, the University reserves the right to apply such sanctions under these Regulations.

- 2.8 If at any time during the investigation of a complaint under the University's Student Complaints Policy and Procedure it appears that the complaint raises allegations of Misconduct that would be more appropriately dealt with under these Regulations, the matter may be transferred for consideration under these Regulations. In such cases, any decision to invoke these Regulations will not be taken until after consultation with the University Secretary (or nominee).
- 2.9 Should a student wish to complain about the way in which the University has handled an investigation or any matter arising under these Regulations, they are able to submit a complaint in accordance with the University's Student Complaint Policy and Procedure.
- 2.10 The Financial or similar consequences which may affect a student subject to an investigation or action under these Regulations will not be considered under the disciplinary process prescribed in these Regulations. Such consequence will be the sole responsibility of a student. Where a student has been precautionary or formally suspended, the University will be required to inform the relevant funding bodies (for example, Student Finance England, NHS Student Bursaries or equivalent) of a student's status, which may result in a suspension of funding for the period of absence from the course. However, where a student is restricted from University accommodation, the University may consider, in certain circumstances, whether payment of the student's accommodation fees will be suspended until the conclusion of proceedings.
- 2.11 A UKVI sponsored student's right to study in the UK may be at risk should they be subject to proceedings under these Regulations, and subsequently any outcome/penalty imposed.
- 2.12 Where more than one student is involved in the same incident of alleged Misconduct, the appointed Case Officer or the Chair of the Student Disciplinary Committee, will decide whether to hold meetings or hearings separately or jointly.
- 2.13 These Regulations do not cover misconduct within the jurisdiction of the Students' Union, which may be dealt with under the Students' Union's own disciplinary procedures.
- 2.14 A student's prior disciplinary record will not normally be relevant to the determination of whether Misconduct has occurred and may not be disclosed until a decision on Misconduct is reached. It will however, be relevant to decisions about any outcomes/penalties to be applied.
- 2.15 Student or staff wishing to make a complaint in relation to a student's Misconduct should submit this via email to OSCAR on a University Student Misconduct Complaint Form with any supporting evidence. The Form is available from OSCAR or the University's website (www.tees.ac.uk/studentregulations) and should be emailed to oscar@tees.ac.uk
- 2.16 The University Secretary (or nominee) may reconsider an allegation that has already been dealt with under these Regulations if new evidence becomes available, which for good reason could not have been obtained at the time of the original investigation. In determining whether to reopen an allegation the University Secretary (or nominee) will consider the length of time that has elapsed and the impact of that on available evidence, the severity of the allegations, and the impact on the student of going through a further

investigation, as well as considering whether not proceeding would impact on matters of fitness to practice or related obligations to professional or regulatory bodies.

3.0 Delegation of Authority

- 3.1. Authority to deal with alleged Misconduct is delegated by the Vice-Chancellor to the University's Pro-Vice Chancellors, Deans and Associate Deans of School, Directors and Deputy/ Assistant Directors of Service, and such other staff as may be required to deal with Misconduct, to be appointed as Case Officer or be appointed to serve on Student Disciplinary Committees or Appeal Panels. A recommendation to a Pro Vice-Chancellor is required for Exclusion, Restriction or Suspension from the University.
- 3.2 The University Secretary (or nominee) can be consulted on formal student disciplinary matters and has delegated responsibility for the management and operation of these Regulations and the provision of advice and guidance on disciplinary matters to staff and students.
- 3.3 References in these Regulations to members of staff include references to their nominees.

4.0 Misconduct and Criminal Proceedings

- 4.1 Where an allegation of Misconduct is also subject to a criminal investigation, the University may suspend the disciplinary process under these 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.
- 4.2 Whilst criminal investigations are underway students will be obliged to keep the University informed of any progress and/or change in status regarding their case. The University Secretary (or nominee) will regularly review the case to determine if any action is required during this review period.
- 4.3 Where the student is convicted of a criminal offence, the University may take action under these Regulations. In such cases, the conviction in a criminal court shall be taken as conclusive evidence that the alleged offence has occurred, and no further investigation shall be required by the University prior to taking any action under these Regulations. However, the penalty imposed by the criminal court will be taken into account when deciding the penalty under these Regulations.
- 4.4 Where a criminal conviction has been made the Case Officer should have reference to the Criminal Convictions Policy. Where a criminal conviction falls under the definition of Relevant Unspent Conviction under paragraph 3.3 of that policy, the Case Officer will need to apply the same criteria in determining in the first instance whether or not the student poses an unacceptable risk to the safety of other students and staff as stipulated in paragraph 6.5 of the Criminal Convictions Policy. For this purpose, the Case Officer should refer the case under the Formal Procedure of these Regulations to the Student Disciplinary Committee.

- 4.5 Where a criminal conviction does not fall within the definition of Relevant Unspent Convictions, the focus of the University in taking disciplinary action may include an assessment of the risk posed to University staff or students. It may also include an assessment of the material impact caused by reputational damage to the University, particularly when this impedes or interferes with its normal operations, or when it affects important relationships between the University and key individuals, agencies and stakeholders. If disciplinary action is taken, the penalty imposed by the Court shall be taken into account when determining what action the University takes.
- 4.6 In the case of a criminal conviction where criminal proceedings (including bail conditions, period of time spent on remand, period of time spent in custody following conviction) result in a student being absent from their studies for a period of less than 12 months, it will normally be the case that their studies will be interrupted in this time. In such circumstances, it will be the responsibility of the student to notify the University Secretary (or nominee) regarding the date of any release from custody. The University Secretary (or nominee) will then assess whether the nature of the offence committed poses an ongoing risk to the University, and whether there are any outstanding matters of concern that have not been addressed. In the case of either, the University may instigate disciplinary proceedings under these Regulations. Where a student is subsequently recalled to prison following their release, the University reserves the right to consider outright withdrawal of the student from their studies, depending upon the circumstances and total length of time the student is absent from the University.
- 4.7 In the case of criminal conviction where criminal proceedings (including bail conditions, period of time spent on remand, period of time served in custody following conviction) result in a student being absent from their study for a period in excess of 12 months, the student will be deemed withdrawn from the University. Where a student has been withdrawn, an Assessment Board will formally record a student as being discontinued, and reserves the right not to provide an intermediate award in recognition of any achieved credits. The student may then reapply for admission to the University, and as part of the standard admissions process will be required to declare criminal convictions to be considered prior to a decision regarding the offer of a place.
- 4.8 Where the student has been acquitted of a criminal offence, the University will take into account the decision of the Court. However, it may be the case that it is reasonable and within the University's interests to pursue outstanding matters of concern to the University that have not already been addressed or only partially addressed.
- 4.9 Where, following a police investigation, a decision has been taken not to proceed to a criminal trial, or the student has been acquitted of a criminal offence, 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.

5.0 Vice-Chancellor's discretion to dismiss a complaint

Where a complaint of Misconduct has been made, the Vice-Chancellor, may determine that the complaint should not be subject to further action under these Regulations; such a ruling shall not preclude informal action by way of a warning or otherwise if appropriate.

6.0 Vexatious cases

The University will not act on allegations of Misconduct which it considers to be vexatious (for example, to purely cause annoyance or a form of harassment). Additionally, if it is determined, at any stage, that a false allegation has been made by a student or member of staff with vexatious or mischievous intent, the University may initiate an appropriate disciplinary process against the person(s) making the allegation.

THE DISCIPLINARY PROCEDURE

7.0 Normally, where the University becomes aware of an allegation of Misconduct, it will be reported to the Dean of the School to which the student belongs by a member of staff or student of the University. However, alleged Misconduct incidents that arise within the provision of a University service (for example, within student accommodation, car parking or the Library) should be reported to the relevant Director for that service. Where an allegation is made involving one or more students from different Schools, advice should be sought from the University Secretary (or nominee) regarding which School should deal with the allegation. Where the School of the student against whom an allegation is made is not known (but the name of the student subject to the allegations is known), the report may be made to OSCAR in the first instance, who will then identify the appropriate School or Service. Where a reporting person has a direct and pressing concern for their safety or the safety of others, they should contact the Police as well as the University.

7.1 The Informal Disciplinary Procedure

7.2 The Informal Stage of the disciplinary process can be used to deal with some instances of Misconduct. It is likely that most instances of Misconduct will be of a minor nature and as such can be dealt with locally and informally by the member of staff most closely involved, simply and quickly by way of an oral warning and/or by advice and guidance to correct the behavior or conduct. This can include advice that any repetition or escalation of the behavior could lead to formal disciplinary proceedings under these Regulations. If the member of staff believes the situation warrants it, they may place a record of the incident on the student's file. If the student is on a professional course, consideration should also be given to whether any fitness to practise issues may have arisen from the incident.

7.3 The Formal Disciplinary Procedure referred to in paragraph 8 (below) should be invoked where informal action has failed to address the matter, where the allegation is of such a serious nature that informal action would not be appropriate and/or where the Misconduct calls for an investigation.

8. The Formal Disciplinary Procedure

8.1 Initiation of the Disciplinary Procedure and Investigation

8.1.1 The Disciplinary Procedure will be invoked pursuant to paragraph 11 below when the University becomes aware of an allegation of Misconduct.

- 8.1.2 Upon receipt of an allegation of Misconduct, the Dean/Director will normally appoint a Case Officer (who has had no prior involvement in the case) within 5 days of receipt of the allegation, and report the case to OSCAR.
- 8.1.3 For the purpose of these Regulations, Deans and/Associate Deans of Schools, Directors and Deputy/Assistant Directors of Services and designated nominees have the power to act as Case Officer.
- 8.1.4 The Case Officer will inform the relevant party(s) that an allegation of Misconduct has been received against them, explain the processes involved, and any precautionary measures which will be put in place. This may be undertaken at a preliminary meeting, which should be followed up in writing. The Case Officer will carry out an investigation normally within 30 days of their appointment. Where this timescale cannot be met for good reason, the relevant parties should be advised of the reason, and of the new timescale for completion.
- 8.1.5 The Case Officer will prepare a report on the case, the findings of which will be presented to the Dean/Director who may decide that:
- a) the matter is not sufficiently serious enough to justify formal disciplinary action; or
 - b) due to the serious nature of the alleged Misconduct, Suspension, Restriction or Expulsion should be considered, and the alleged Misconduct should be dealt with under the Formal Procedure under paragraph 8.3 of these Regulations; or
 - c) the matter may constitute a criminal offence and a decision is taken to report it to the police; or
 - d) the matter should be dealt with under another of the University's Policies or Procedures; or
 - e) the matter is appropriate for a summary finding outlined in paragraph 8.2 of the Regulations; or
 - f) there is insufficient evidence to proceed with a finding and the matter is deemed closed.
- 8.1.6 In investigating the matter, the Case Officer will usually collect factual evidence, and may convene a meeting, or series of meetings, to formally discuss the allegation with any persons involved. Any investigation into an allegation should normally include the offer of a meeting with the student who is the subject of the allegation and/or the student being able to make their case in writing or by alternative means and present any mitigating circumstances. The invitation to any meeting with a Case Officer should be in writing and should inform the student of the right to be accompanied to the meeting by a 'friend' as referred to in **Annex E** (paragraph 1 a)). Where possible this invitation should give 5 days' notice of the meeting.

- 8.1.7 When a student against whom an allegation has been made refuses to engage with any process under these Regulations, or attend a meeting, the case may be concluded in their absence and reasonable inference may be drawn from their non-engagement.
- 8.1.8 If, during the investigation of a case, the Case Officer deems it necessary to consider additional or alternative allegations of Misconduct these should first be discussed with the Dean/Director, after which the student should be informed and offered the opportunity to respond.

8.2 Summary Finding

- 8.2.1 Pursuant to paragraph 8.1.5 e), where the Dean/Director believes it is appropriate to make a summary finding they will normally write to the student within 5 days of presentation of the case by the Case Officer. This notification should clearly inform the student of any decision reached, the evidence that exists, why (if appropriate) the evidence supports a decision of Misconduct on the balance of probabilities, and a clear explanation of why any outcomes/penalties have been applied. The student should also be advised of their right to appeal in accordance with paragraph 9 below. A copy of the decision will be sent to OSCAR. Should the student decide instead to take their case to the Office of the Independent Adjudicator for Higher Education (OIA) at this stage they should request a 'Completion of Procedures' letter from the OSCAR within 28 days from the issue of the letter from the Dean/Director. Consideration should also be given to informing the person who reported the allegations of Misconduct that the process has reached an outcome in accordance with **Annex E**, paragraph 3 f).
- 8.2.2 In reaching a decision on whether the matter should be dealt with summarily, the Dean/Director shall consider the nature of the allegation and whether the outcomes/penalties available in the event of a decision that an act of Misconduct has occurred would in the Dean/Director's opinion be sufficient.
- 8.2.3 If a student admits to an allegation of Misconduct or wishes certain facts to be taken into account before any outcome/penalty is imposed, they should submit a written statement (with evidence where appropriate) together with their admission to the Case Officer. The Dean/Director will consider this in deciding the sanction. The University may look favourably on students making early admissions.
- 8.2.4 The outcomes/penalties available are set out at **Annex B** (a – o)). (Multiple outcomes/penalties can be combined where reasonable and appropriate. Consideration of appropriate outcomes/penalties may also take into account Misconduct, which is minor but persistent.
- 8.2.5 Further to the outcomes/penalties available to the Dean/Director in **Annex B**, where they determine that the case of Misconduct is one of serious Misconduct and/or punitive Suspension, Restriction or Expulsion may be a more appropriate penalty, they may, following advice from the University Secretary (or nominee), refer the case under the Formal Procedure to the Student Disciplinary Committee.

8.3 Formal Procedure

- 8.3.1 Pursuant to paragraph 8.2.5 above, where a determines that a case of Misconduct is one of serious Misconduct and/or punitive Suspension, Restriction or Expulsion may be a more appropriate penalty, they will, refer the case to OSCAR for a formal hearing by the Student Disciplinary Committee (“the Committee”).
- 8.3.2 The Committee will be made up of:
- (i) A Pro Vice-Chancellor;
 - (ii) A Dean or Associate Dean of School or Director or Deputy Director of Service with no prior involvement in the case (or their nominee);
 - (ii) A member of the Students’ Union Executive.
- 8.3.3 An Officer from OSCAR shall act as Clerk in an advisory capacity to the Committee, but shall not constitute a member of the Committee or take part in the decision-making. A secretary may also be present to make a record of the hearing.
- 8.3.4 Where alleged Misconduct is referred to the Committee, the student will be advised in writing of the nature of the alleged Misconduct, the date and venue of the hearing, the membership of the panel, and be provided with any evidence that will be put before the Committee. Written notification of the hearing and the relevant evidence will normally be provided at least 10 days in advance of the hearing. The student will also be informed of their right to be accompanied at the hearing by a ‘friend’ as defined in **Annex E** (paragraph 1 a)). Additionally, the student will be provided with a copy of these Regulations. Where the Committee deems there are special circumstances, which require a shorter period of notice of hearing be given, the reasons for this will be explained to the student. Any hearing will normally take place within 30 days of referral by the Dean/Director. The Chair of the Committee has the authority to amend the date of the hearing.
- 8.3.5 The student must provide, via OSCAR, any evidence which they wish to put before the Committee at least 7 days prior to the date of the hearing. The Dean/Director and/or the student may wish to invite witnesses to appear before the Committee. If this is the case the Dean/Director and/or student should notify OSCAR at least 7 days before the hearing. Normally, new written evidence will not be accepted on the day of the hearing and will only be done so at the discretion of the Chair.
- 8.3.6 The procedure for the Committee Hearing is set out in **Annex C**. This procedure may be varied by the Committee where appropriate to do so and the Committee has the right to impose reasonable time limits on any aspect of the hearing. In exceptional cases (for example, where the Committee is unable to reach a decision without further information), it may adjourn for up to 20 days and defer its decision. If members of the Committee do not agree unanimously, a majority verdict may be reached.

8.3.7 If the student fails to attend the hearing and the Committee is satisfied that proper notice of non-attendance was received, the Committee Hearing may proceed in the student's absence. Where a student submits valid reason for not being able to attend, the Committee would normally be rescheduled a maximum of one more time before proceeding.

8.3.8 Upon making its decision, the Committee may, after hearing the case:

- (i) impose any outcome/penalty as defined in **Annex B**.
- (ii) choose to dismiss the case altogether.

8.3.9 The student will be informed, in writing, of the outcome of the hearing normally within 10 days. The outcome letter should inform the student of the grounds for any conclusions/findings, and in the event that the allegation is upheld, details of any penalty imposed, and factors taken into account in deciding the penalty. Where the student is subject to a penalty they will be informed of their right to appeal to the Student Misconduct Appeals Committee ("the Appeal Committee"). Should the student decide instead to take their case to the OIA at this stage they should request a 'Completion of Procedures' letter from OSCAR within 28 days from the issue of the letter from the Appeal Committee.

8.3.10 The Committee's determination will be confirmed to other relevant members of the University and relevant associated organisations (for example, the Students' Union) in writing (but limited to only those people and/or departments who are required to know).

9.0 Appeals

9.1 A student may appeal any decision reached under this procedure except where the decision is to dismiss the case against them in full. Any outcome/penalty applied will remain in place during the consideration of the student's appeal.

9.2 An appeal must be submitted to OSCAR within 10 days of the date of the decision letter. An appeal must be submitted on a Student Disciplinary 'Appeal Form' available from OSCAR, or the University's website (www.tees.ac.uk/studentregulations). All sections of the Appeal Form must be completed as fully as possible including any supporting documentary evidence, following the guidance in the Student Disciplinary Application Pack.

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

9.4 Only in exceptional circumstances will a late appeal be considered. Late appeals will normally be rejected as 'out of time'. If a student submits a late appeal they must enclose with their appeal, a separate written explanation for the late submission. The

decision of whether to accept a late appeal will be at the discretion of the University Secretary (or nominee), and is not subject to further review and the student will be issued with a 'Completion of Procedures' letter.

- 9.5 An appeal against a penalty imposed by the Dean/Director, the Committee or Collaborative Partner may be made on one or more of the following grounds:
- (i) that the disciplinary process was not conducted in accordance with these 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 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/Director, the Student Disciplinary Committee or Collaborative Partner was 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.
- 9.6 Receipt of the appeal will normally be acknowledged by OSCAR within 3 days.
- 9.7 If OSCAR believes that the appeal does not meet the above criteria, it will advise the student in writing within 5 days and, if necessary, give the student a further 7 days to submit additional evidence/clarification. If it is believed by OSCAR that the student still does not meet the above criteria OSCAR will liaise with the University Secretary (or nominee) to consider whether the appeal is eligible for consideration or should be dismissed in accordance with paragraph 9.9.
- 9.8 On receipt of an appeal, OSCAR may, if appropriate, request from the relevant School/Department/Collaborative Partner a copy of any information/documentation used to determine the previously agreed outcome.
- 9.9 The University Secretary (or nominee) will review the appeal on the basis of such evidence that has been provided to determine whether the grounds permitted under paragraph 9.5 (above) have been satisfied. The University Secretary (or nominee) will then decide on the appropriate action of:
- (i) dismissing the appeal at this stage on the basis that the appeal is not based on any of the permitted grounds; or
 - (ii) direct the Dean/Director, Student Disciplinary Committee or Collaborative Partner to reconsider the earlier decision; or
 - (iii) refer the appeal to the Student Misconduct Appeals Committee ("the Appeal Committee").

- 9.10 The University Secretary (or nominee) may request further evidence from the student and/or School/Department/Collaborative Partner to assist them in reaching one of the above options.
- 9.11 The decision of the University Secretary (or nominee) will not be subject to further internal appeal.
- 9.12 The University Secretary (or nominee) will inform the student of their decision usually within 10 days of receiving the appeal. If the decision is to dismiss the appeal at this stage, a 'Completion of Procedures Letter' will be issued.
- 9.13 If the University Secretary (or nominee) determines that permitted grounds for an appeal are made, an Appeal Committee will be arranged, normally within 25 days of receiving the student's appeal. The Appeal Committee will be made up of:
- (i) A member of the University Executive Team (with no prior involvement in the case), acting as Chair;
 - (ii) A Dean or Director with no prior involvement in the case;
 - (iii) A member of the Students' Union Executive with no prior involvement in the case.
- 9.14 An Officer from OSCAR shall act as Clerk in an advisory capacity to the Appeal Committee but shall not constitute a member of the Appeal Committee or take part in the decision-making. A secretary will also be present to make a record of the hearing.
- 9.15 In the event of a hearing of the Appeal Committee ("Appeal Hearing") all relevant parties will be notified of the date not less than 15 days before the date of the hearing. The Appeal Committee will normally call the student and the Dean/Director (or nominee), Chair of the Committee or Collaborative Partner representative as witnesses (who may be accompanied by a colleague). Other witnesses may also be called by the Appeal Committee. The Chair of the Appeal Committee has the authority to amend the date of the Appeal Hearing, provided the notice period above is adhered to.
- 9.16 Copies of all documentation to be considered at the Appeal Hearing will be circulated to all parties not less than 7 days in advance of the Appeal Hearing, although later circulation may be allowed at the discretion of the Chair. Normally, new written evidence will not be accepted on the day of the Appeal Hearing, and will only be done so at the discretion of the Chair.
- 9.1 The procedure for the Appeal Hearing is set out at **Annex D**. This procedure may be varied by the Appeal Committee where appropriate to do so and the Appeal Committee has the right to impose reasonable time limits on any aspect of the Appeal Hearing. In exceptional cases (for example, where the Appeal Committee is unable to reach a decision without further information), it may adjourn the Appeal Hearing for up to 20 days and defer its decision. If members of the Appeal Committee do not agree unanimously, a majority verdict may be reached.
- 9.18 The student must be informed of their right to be accompanied at the hearing by a 'friend' as referred to in **Annex E** (paragraph 1 a)). The student must provide, via OSCAR, any

further evidence which they wish to put before the Appeal Committee at least 5 days prior to the date of the Appeal Hearing. The student may wish to invite witnesses to appear before the Appeal Committee. If this is the case, OSCAR should be notified at least 7 days before the Appeal Hearing.

- 9.19 If the student fails to attend the Appeal Hearing and the Appeal Committee is satisfied that proper notice of non-attendance was received, the Appeal Hearing may proceed in the student's absence. Where a student submits valid reason for not being able to attend, the Appeal Committee would normally be rescheduled a maximum of one more time before proceeding.
- 9.20 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 outcomes/penalties referred to in **Annex B**;
 - (iv) reduce, uphold or increase any penalty.
- 9.21 The Chair of the Appeal Committee will normally inform the student in writing of the decision made by the Appeal Committee normally within 10 days of the hearing. A 'Completion of Procedures Letter' will also be issued. The decision of the Appeal Committee is final.
- 9.22 The Appeal Committee's determination will be confirmed to other relevant members of the University and relevant associated organisations (for example, the Students' Union) in writing (but limited to only those people and/or departments who are required to know).

10.0 Suspension/Restriction

- 10.1 Upon receipt of an allegation of Misconduct and where the nature of the alleged Misconduct suggests there may be a risk to the safety of others, the property of the University, or members of the University community, or where there is the potential to prejudice any investigation, or where the student accused of the Misconduct may be at risk of harm, or where a student is the subject of a criminal investigation, the Dean/Director will undertake a risk assessment and submit this with all relevant information, via OSCAR, to a Pro Vice-Chancellor for consideration, which may result in action as follows:
- (i) A requirement that the student complies with specific conditions, for example agreeing not to contact another student or students; and/or
 - (ii) Precautionary Suspending or Restricting the student pending the outcome of the Disciplinary Process (Summary or Formal) or criminal investigation.

- 10.2 For the purposes of these Regulations, Suspension and Restriction are defined as follows:
- (i) Suspension involves a total prohibition on attendance at or access to the University and its buildings, and from any participation in University activities (which may be subject to qualification, such as permission to attend for the purpose of an examination).
 - (ii) Restriction involves the withdrawal of the right of access to specified land, accommodation and halls of residence buildings, activities, facilities or services of the University, or other named person(s) (for example, the Students' Union) the exact details of which will be specified in writing.
- 10.3 Precautionary Suspension or Restriction is a neutral act in the context of the eventual determination of whether an allegation of Misconduct is to be proven or not proven. To mitigate the impact of a suspension limited access to services and facilities, such as appointments with key staff may be considered and will be taken into account by the relevant Pro Vice-Chancellor when reaching a decision.
- 10.4 Where a student is restricted under 10.1(ii) from specific University accommodation or Halls of Residence, the University will aim to provide alternative accommodation where it is reasonably practicable to do so and subject to the outcome of any risk assessment.
- 10.5 The University reserves the right under these Regulations to inform the Students' Union of any Suspension and/or Restriction made under these Regulations. In such instances, any Suspension and/or Restriction under these Regulations may also result in the Chief Executive of the Students' Union, restricting the Students accessing to the Students' Union building and any of its facilities and also from participating in events and activities organised by the Students' Union (including sporting activities).
- 10.6 A student shall not be precautionary Suspended and/or Restricted unless they has been given the opportunity to make brief oral representations to the relevant Pro Vice-Chancellor, unless it is not possible, in which case they shall be entitled to make written representations. In cases of great urgency, the relevant Pro Vice-Chancellor is empowered to precautionary Suspend and/or Restrict a student with immediate effect, provided that the matter is reviewed within 14 days.
- 10.7 Where the relevant Pro Vice-Chancellor makes the decision to precautionary Suspend and/or Restrict a student they will receive written confirmation outlining the reasons for the decision and notice of the student's right of appeal. The Pro Vice-Chancellor will also inform, the Chief Executive of the Students' Union and other staff who may need to know for the purposes of policing the Suspension and/or Restriction.
- 10.8 The student may appeal the initial decision to precautionary Suspend and/or Restrict them by submitting a written request stating the reason for the appeal to the Vice-Chancellor, via OSCAR, within 5 days of the date of the notice of precautionary Suspension and/or Restriction.

- 10.9 The Vice-Chancellor will consider the appeal by way of a review of the relevant evidence and within 10 days of receipt may take action as follows:
- (i) uphold the original decision and confirm the terms of the precautionary Suspension and/or Restriction;
 - (ii) uphold the original decision but reduce or restrict the terms of the precautionary Suspension and/or Restriction;
 - (iii) overturn the original decision and remove the precautionary Suspension and/or Restriction.
- 10.10 Any precautionary Suspension and/or Restriction under paragraph 10 of these Regulations will, unless otherwise stated, be for an initial period of up to 4 weeks, which can be renewed following review by the Vice-Chancellor or a Pro Vice-Chancellor with the opportunity for the student to make further written representations. At renewal of a precautionary Suspension and/or Restriction the University will make it clear to the student when the next date for review will occur (for example, a further 4 weeks to allow the University to gather more evidence, or in serious cases involving criminal allegations, when a court case against the student is concluded). The student will also be informed of their right to submit new information at any point that is material to the continuation of the precautionary Suspension and/or Restriction. If a student believes that any precautionary Suspension and/or Restrictions are having an adverse impact on the completion of any upcoming assessments, they must inform the University immediately as in some circumstances arrangements can be made to vary restrictions so that assessments can be completed.
- 10.11 Students should be aware that following a period of precautionary Suspension, a return to their course of study might incur additional financial costs in relation to their tuition fees and/or accommodation.

11.0 Breaches of University Accommodation Tenancy Agreement

- 11.1. Students who reside in accommodation or Halls of residence owned by the University must sign a Tenancy Agreement, which details the terms on which the University agrees to let the accommodation. The Director of Campus Services (or nominee) is authorised to exercise summary disciplinary action and to impose penalties for breaches of the terms of the Tenancy Agreement and for student misconduct within University-owned accommodation. Upon receipt of a report of a breach of a Tenancy Agreement or misconduct within University-owned accommodation, following consideration of the allegations by the Director of Campus Services (or nominee), where a student is deemed to have breached the terms of the Tenancy Agreement or to have committed misconduct, the Director of Campus Services may impose one or more of the following reprimands:
- (i) A written reprimand;
 - (ii) A requirement to write a letter of apology to a specified person or persons;
 - (iii) A requirement to attend a specified course and to pay the reasonable cost as determined at the relevant time by the University;

- (iv) A caution, which means that no penalty is imposed, but if the student is found guilty of misconduct on a subsequent occasion in the following twelve months (or some other specified period), they will then be dealt with for both offences;
- (v) A fine not exceeding £250
- (vi) The requirement to pay a reasonable sum by way of compensation for identified and quantified loss;
- (vii) The requirement to give and comply with a written undertaking as to future behaviour;
- (viii) In the case of serious or persistent breaches of the Tenancy Agreement or serious or persistent misconduct within University-owned accommodation, referral to a Disciplinary Committee appointed under section 8.3 of these Regulations, which in addition to the penalties above may exclude, suspend or expel a student;
- (ix) In the case of a breach or misconduct which is also a criminal offence, referral to the police.

11.2 Where the breach or misconduct is also a breach of the terms of the Tenancy Agreement, the University may also take steps to evict the student from their accommodation.

11.3 Where a penalty is applied a copy of the outcome letter sent to the student will also be sent to OSCAR.

11.4 The student has the right to appeal any decision reached under paragraph 9.0 of the Regulations.

11.5 Failure to comply with a previously-imposed penalty (11.1 (i) – (ix) above) may result in further disciplinary action being taken under these Regulations. Outstanding payments may also be reported to the Finance Office for debt collection action to be initiated.

Annex A – University’s Student Code of Conduct

1.0 Purpose

All students of the University are required at all times to conduct themselves in an appropriate manner in their day to day activities, including in their dealings with other students, staff and external organisations. 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 procedures can be found on the University’s web page at www.tees.ac.uk/studentregulations.

The 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 the examples given are not exhaustive).

The University has formal disciplinary procedures that are followed in cases where students are found to have breached the Student Code of Conduct, the ‘Student Disciplinary Regulations’ (“the Disciplinary Regulations”). Any action taken under the Disciplinary Regulations can lead to expulsion, suspension, restrictions and formal reprimands depending on the severity of the breach. The University however reserves the right to deal with breaches of the Student Code of Conduct via any of its other student regulations (for example, Fitness to Practise, Fitness to Study, Academic Misconduct, etc.).

When considering what action to take against a student the University will consider the severity of the breach, the impact on other students and staff, and any previous incidents of misconduct. Accumulated breaches of the Student Code of Conduct may result in more severe sanctions being applied and a formal consideration of the implications for the course of study.

2.0 Scope

The Student Code of Conduct applies to all students of the University and to the following circumstances:

- activities in which they engage in their capacity as students of the University; or
- services or facilities they enjoy by virtue of being a student of the University (e.g. halls of residence, sports facilities, etc.); or
- their presence in the vicinity of, or their access to, any premises owned, leased or managed by Teesside University; or
- any activity not covered above, which is considered to adversely affect the safety, interests or reputation of the University, its students, employees or authorised representatives, as outlined in this Code.

(Any student undertaking a University affiliated course at a Collaborative Partner is subject to the conduct rules applicable to that institution.)

3.0 Misconduct Offences

The following examples of misconduct are not exhaustive and the University reserves the right to consider/investigate any complaints not specifically listed below. The University may decide to take action for misconduct offences whether they take place on University premises or elsewhere, including on social media. The term "Person" means any student, employee, visitor, subcontractor or other authorised representative of the University.

3.1 Behaviour towards others

- a) Students shall act with respect and reasonable consideration towards every Person;
- b) Students shall not behave in a disorderly, abusive, threatening, intimidating, indecent, slanderous, libelous or offensive manner or subject another student to domestic abuse or coercive control (whether by actions, speaking or in writing, including by electronic means);
- c) Students shall not behave in a physically violent manner (including, but not limited to, punching, kicking, slapping, pulling hair, biting, pushing, and shoving);
- d) Students shall not commit 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, harassing, and stalking sharing private sexual materials of another person without consent, inappropriately showing sexual organs to another person and making unwanted remarks of a sexual nature);
- e) Students shall not steal, misuse, deface or damage property belonging to any Person;
- (f) Students shall comply with any reasonable instructions, including producing appropriate identification, as requested by any Person in the execution of their duties;
- (g) Students shall not obstruct, disrupt or interfere with, the duties or activities of any Person or disrupt or interfere with any academic, administrative, sporting, social or other University Activities;
- (h) Students shall not knowingly publish, be published in or distribute a poster, notice, sign or any publication which may be considered offensive, intimidating, threatening, indecent or illegal, or which may be considered to make others fearful, anxious or apprehensive;
- (i) Students shall not offer or give money, gifts or other incentives to any Person with the intention of inducing that Person to perform their job improperly or to reward him/her for doing so;
- (j) Students shall not engage in conduct which unjustifiably infringes freedom of thought or expression whilst on University premises or engaged in University work, study or activity;
- (k) Students shall not harass, victimise or discriminate against any Person on grounds of (but not limited to) age, disability, race, ethnic or national origin, religion or beliefs, sex, sexual orientation, gender reassignment, pregnancy, maternity, marriage or civil partnership or socio-economic background.
- (l) Students shall not take photos or recordings of an academic activity without consent to do so.
- (m) Students shall not display behaviour that is deemed to be unwelcome, uninvited and can cause a detrimental effect to others.

3.2 Bringing the University into disrepute

Students shall not exhibit any behaviour or engage in any activity, whether within the University premises or elsewhere, which has the potential to damage or has damaged the good name of the University (without prejudice to the right to fair and justified comment and criticism).

3.3 Use of buildings, grounds & equipment

- (a) Students shall not litter on campus grounds;
- (b) Students shall not steal, deface, misuse, misappropriate or damage any property belonging to the University, associated organisations/partners, whether deliberately or recklessly;
- (c) Students shall not take part in any trespass against, or unauthorised occupation of, any part of the University premises (including any halls of residence). Occupation will be deemed to be unauthorised if continued after reasonable notice to desist has been given or if the student has occupied premises, or a part thereof, to which access by students is normally prohibited;
- (d) Students must comply with relevant regulations regarding the use of recording devices, mobile phones, personal music equipment, etc. when they are in any teaching/learning setting, examination or library premises;
- (e) Students shall not engage in any trade or business, or engage in the activities of any other form of employment, on University premises, other than employment by the University or Students' Union, without relevant permissions;
- (f) Students shall not misuse or make unauthorised use of University premises or items of property, including IT or laboratory facilities or safety equipment;
- (g) Students shall not breach the conditions of a tenancy/licence agreement in respect of University residential accommodation;
- (h) Students shall not use or misuse, produce, trade, store or transport drugs or other illegal substances or keep in University accommodations, any paraphernalia that could be used in relation to drug use or misuse;
- (i) Students shall not breach any specific rules adopted by a service, School, Department or building within the University (for example, Library Regulations, rules relating to use of the University Gym, etc).

3.4 Health and Safety

- (a) Students shall not behave in a way that may affect the health and safety of, cause or potentially cause injury or harm to a Person;
- (b) Students shall not behave in a way that may or does lead to the activating of a fire or smoke alarm or otherwise misuse fire safety equipment (including in Halls of Residence);
- (c) Students shall not smoke in any areas other than those designated as authorised smoking areas;

- (d) Outside the requirement of a course, students shall not keep, carry on their person, use or threaten to use any offensive weapons, acid or other irritants, imitation firearms, ammunition, fireworks, explosives or any highly combustible materials or any article deemed to be an offensive weapon even if properly licensed on University premises.

3.5 University administration, policies & regulations

- (a) Students shall comply with all relevant University rules, regulations and policies;
- (b) Students shall not be engaged in fraud, deceit, falsification of documents, deception or dishonestly in relation to the University or any Person.

3.6 Compliance with the Student Code of Conduct and Adjudication Procedure

- (a) Students shall not assist, encourage or incite any other student to behave in a way which may constitute a breach of the Student Code of Conduct;
- (b) Students may be held responsible for any breach of the Student Code of Conduct committed by any person whom they have invited to any part of the University (including Halls of Residence);
- (c) Students may be held responsible for any misconduct which amounts to a breach of the Student Code of Conduct which occurred prior to enrolment at the University and which was not previously known to the University, which raises questions about the fitness of the student to remain a member of the University community, poses a threat to any Person or the discipline and good order of the University, or raises questions about the student's fitness to be admitted to and to practice any particular profession to which the student's course or course of study leads to directly;
- (d) Students shall co-operate with the implementation of the Student Code of Conduct and any associated disciplinary action;
- (e) Students shall comply with the outcome of any disciplinary process as a result of a breach of the Student Code of Conduct;
- (f) Students shall not intimidate, victimise or treat any person who has raised a complaint against them in respect of a breach of the Student Code of Conduct, or any witnesses who are involved in that complaint;
- (g) Students shall not make false, frivolous, malicious or vexatious complaints about another person. Where they do they may themselves be deemed to have breached the Student Code of Conduct and will be subject to the procedures in investigating this breach.

3.7 Compliance with the Law

- (a) Students shall not engage in conduct which 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;
- (b) Students shall report to the University immediately any instances in which they have been involved which gave rise to them being arrested, under police investigation, charged or convicted of a criminal offence;

- (c) Students shall not deliberately do, or fail to do, anything which causes the University to be in breach of a statutory obligation;
- (d) Students shall declare upon enrolment any criminal convictions which they have received prior to their commencement at the University.
- (e) Students who are recalled to prison as a result of a breach of license.

3.8 Use of Social Media and online conduct

- (a) Students shall not set up social media sites, post new, or reply to existing posts, on any form of social media that contravenes the University's IT Acceptable Use Policy. Although not exhaustive, students shall not use social media, including whilst on placement or working in work based situations or elsewhere, in a manner that may be considered as:
 - i. Bullying or harassment
 - ii. Professional misconduct
 - iii. Bringing the University into disrepute
 - iv. Showing a lack of respect and/or reasonable consideration towards others.
- (b) Students shall have regard to any rules or regulations the University may implement from time to time regarding online conduct and internet use.
- (c) Students shall not take photographs or screenshots of any participants during any online lectures, tuition or sessions facilitated or hosted by the University.

3.9 Academic Misconduct

- (a) Students must attend and fully engage in all learning activities and adhere to all external body requirements (e.g. attendance requirements set by UKVI) in accordance with the University's Attendance Monitoring Policy and Procedure;
- (b) Students must conduct themselves appropriately in all course-related activities, including placements;
- (c) Students must comply with national regulatory framework/professional body/ external Health Trust, expectations, as required for the standards of professional conduct expected at the point in training that the concern is raised;
- (d) Students enrolled on courses governed by professional, statutory and regulatory bodies must comply with the requirements of the University's Fitness to Practise Policy and act in a manner which protects present and future patients, service users or clients at all times;
- (e) Students shall not participate in any assessment offences, including making use of unfair means in any University assessment or assisting another Person to make use of such unfair means;
- (f) Students shall not participate in any misconduct in the course of carrying out any research activities.

3.10 Misconduct in Halls of Residence

- (a) Students shall comply with the conditions relating to standards, behaviour and domestic arrangements required in Halls of Residence as outlined in their tenancy agreement;
- (b) Students shall comply with a direction of any Person, in the execution of their responsibilities in relation to the Conditions of Halls of Residence.

Annex B – Outcomes/Penalties

The outcomes/penalties outlined below can be imposed on a student when there is a finding of Misconduct. The outcomes/penalties below may be put in place which are appropriate to correct behaviour, or provide learning to a student to help understanding or prevent repetition, to provide restitution or restoration, or to manage risk to the University community. Multiple outcomes/penalties may be combined where reasonable and appropriate, and the decision may also consider misconduct which is minor but which is persistent, and previous disciplinary history. In choosing which penalty to apply, any mitigating circumstances for the student's conduct will be taken into account.

- a) Dismissal of the case;
- b) Requirement for a verbal or written apology, which reflects on the student's behaviour to be provided to an aggrieved party;
- c) Guidance and advice regarding future behavior;
- d) Informal warning (not held on student's file);
- e) Formal written warning, to be held on the student's file for a time limited period, which will be taken into account in any future disciplinary cases within that timescale;
- f) Formal permanent written warning to be held on the student's file for the duration of their study, and which will be taken into account in any future disciplinary cases;
- g) Requirement for student to sign a 'good behavior agreement';
- h) Order for restitution and/ or compensation for damage or loss;
- i) Order the withdrawal of any benefit, facility or privilege for such period as the considered appropriate, including notice to quit University Halls of Residence;
- j) Requirement for the student to attend a relevant support service;
- k) Reasonable requirement that the student should carry out an activity, which contributes to the University community, particularly where that activity relates to their offence;
- l) Reasonable restrictions on direct and indirect contact with named students or members of staff, by any means including, but not limited, to in person contact, email, telephone, text message, via third parties or on any social media platform;
- m) Report to any relevant professional or statutory body (which may in some instances be mandatory);
- n) Referral of case to other procedures, for example the Fitness to Practise Regulations;
- o) Production of an action plan for completion within a set period of time (normally a maximum of 3 months), where possible with the agreement of the student, setting out

actions to be taken to address any issues, by whom, a completion date for any actions, and how and when a review of the action plan will be undertaken.

- p) Confiscation of any property considered to be dangerous to others;
- r) Withdrawal of a student's qualification.

Only with the agreement of a Student Disciplinary Committee or Appeal Committee can the following penalties be applied:

- s) Formal suspension from the University, for a defined period (as defined in paragraph 10.2 (i)).
- t) Formal Restriction(s), for a defined period (as defined in paragraph 10.2 (ii)).
- u) Expulsion from the University, but with the possibility of a return should certain conditions be met.
- v) Permanent expulsion from the University with immediate effect.

Annex C – Procedure of Student Disciplinary Committee

- (i) Committee members will meet without the student or the Dean/Director (or nominee) or their friends present to consider matters of process.
- (ii) The student and 'friend' (where accompanied) and the Dean/Director (or nominee) (accompanied by a colleague if requested) will join the meeting and the Chair will invite those present to introduce themselves and will outline the procedure of the hearing.
- (iii) The Dean/Director (or nominee) outlines the offence against the student including calling any witnesses. Members of the Committee may ask questions of the Dean/Director (or nominee) and any witnesses. The student may ask questions of the Dean/Director (or nominee) and any witnesses.
- (iv) The student will be asked to present their case in response to the alleged offence and call any witnesses.
- (v) The Dean/Director (or nominee) may ask questions on any representations made by the student or their witnesses.
- (vi) The Committee may question the student and/or the Dean/Director (or nominee) and/or any witness for clarification purposes.
- (vii) Witnesses will be asked to withdraw after their presentation and any questioning by all parties has taken place.
- (viii) The Dean/Director (or nominee) will sum up their case.
- (ix) The student will sum up their response, which may include any submission in mitigation.
- (x) The student (and friend), along with the Dean/Director (or nominee) (and colleague), will be asked to withdraw.
- (xi) The Committee will consider the evidence in private and reach a decision.

Annex D – Procedure for a hearing of the Appeal Committee

- (i) The Appeal Committee members will meet without any parties present to consider matters of process.
- (ii) The Chair of the Appeal Committee will invite the student and 'friend' (where accompanied) and Dean/Director (or nominee), Chair of the Student Disciplinary Committee or Collaborative Partner representative (accompanied by a colleague if requested) to join the meeting and the Chair will invite those present to introduce themselves and will outline the procedure of the hearing.
- (iii) The Chair will invite the student to summarise the grounds for their appeal against the decision of the Dean/Director (or nominee), Student Disciplinary Committee or Collaborative Partner representative. The student may call any witnesses upon whom they rely. Members of the Appeal Committee may ask questions of the student and any witness for clarification purposes. The Dean/Director (or nominee), Chair of the Student Disciplinary Committee or Collaborative Partner representative may ask questions on any representations made by the student and/or witnesses via the Chair of the Appeal Committee.
- (iv) The Chair of the Appeal Committee will then invite the Dean/Director (or nominee), Chair of the Student Disciplinary Committee or Collaborative Partner representative to state the case for upholding the findings and decisions. The Dean/Director (or nominee), Chair of the Disciplinary Committee or Collaborative Partner representative may call any witnesses upon whom they rely. Members of the Appeal Committee may ask questions of the Dean/Director (or nominee), Chair of the Student Disciplinary Committee or Collaborative Partner representative and any witness for clarification purposes. The student may ask questions on any representations made by the Dean/Director (or nominee), Chair of the Student Disciplinary Committee or Collaborative Partner representative and/or witnesses via the Chair of the Appeal Committee.
- (v) The Dean/Director (or nominee), Chair of the Student Disciplinary Committee or Collaborative Partner representative will sum up their case.
- (vi) The student will sum up their appeal.
- (vii) Witnesses will be asked to withdraw after their presentation and any questioning by all parties has taken place.
- (viii) Having completed any questioning the Chair of the Appeal Committee will ask the parties to withdraw.
- (ix) The Appeal Committee will consider the evidence in private and reach a decision.

Annex E – General Principles

1. General

- a) Students subject to a disciplinary process under these Regulations shall have the right to be accompanied to any meeting or hearing by one ‘friend’, who may be a Teesside University student or member of staff of the University or Students’ Union. The friend may not act as a representative, or attend in any legal capacity unless permitted by the person conducting the proceedings. The role of the friend is to provide moral support during a meeting or hearing. The friend must not be a witness. The friend is able, at the discretion of the person convening the meeting or the Chair of any relevant committee, make representations and ask questions of witnesses via the Chair.
- b) The University will wherever possible seek to adhere to the time limits outlined in these Regulations; however, in cases where there are special circumstances which require deviation from specified time limits, students will be advised of the reasons for this by the relevant member of staff depending upon the stage the disciplinary process has reached. Reference to timescales in these Regulations relate to calendar days excluding the Christmas closure period of the University and statutory bank holidays.
- c) Students will be given the opportunity to attend any meetings/hearings in person. The University reserves the right, however, to proceed with any investigation, summary finding, disciplinary hearing in the absence of a student, subject to the student having been properly notified of the date and time of the meeting or hearing, or in cases where criminal proceedings or Suspension or Restriction do not allow the student to attend in person.
- d) The University reserves the right not to proceed with any investigation following an allegation of Misconduct if it is considered that there are insufficient grounds or evidence to do so.
- e) The standard of proof to be adopted during the application of these Regulations will be ‘on the balance of probability’. This means that the case against the student is ‘Upheld’ as University is satisfied that, on the evidence available, the student’s guilt is more likely than not. Any penalty imposed will take account of any mitigating or aggravating factors determined to be relevant.
- f) The burden of proof in an investigation is on the University. In other words, it is for the University to demonstrate that the student committed Misconduct.

2. Students under the age of 18

Where a student under the age of 18 years old is subject to disciplinary action under these Regulations a responsible adult (normally a parent or guardian) will be asked to attend any meetings held. Where a student under the age of 18 is given a written warning or expelled or suspended from the University, a parent or guardian will be informed in writing.

3. Data Protection and Confidentiality

- a) All processing of personal data is undertaken in accordance with the UK General Data Protection Regulation and the Data Protection Act 2018.
- b) Information relating to allegations will be treated as confidential and will only be used for the purposes outlined in these Regulations (for example, to inform the student of the allegations made and give them an opportunity to respond, to allow an investigation or hearings to be carried out properly, for the discharge of duties outlined in these Regulations, or as required by law).

The student who is subject of the allegation is also expected to respect the confidentiality throughout the disciplinary process. Where confidentiality is breached this may be deemed a further act of Misconduct under these Regulations.

- c) Subject to paragraph 3 b) (above) the University reserves the right to disclose the outcome of any action taken under these Regulations to the Student Loans Company, the Home Office UK Visa and Immigration Service, any applicable Professional Standards and Regulatory Body or the police. In the case of reporting Misconduct to the police, the University will take into consideration the views of any victim before doing so, but will not be bound by these views.

Relevant members of staff may be informed of the outcome in confidence. Senior members of staff may also receive a copy of the outcome in confidence, in order for the University to learn/act on issues identified from a disciplinary investigation.

- d) Where a student submits a complaint to the OIA, relevant information shall be disclosed to that office in order for the review to take place.
- e) Any witness statements made in connection with an investigation may be shared with the student accused of Misconduct, as will the identity of those making those statements. If, in an exceptional case, where there is clear risk of harm the University would vary this position, subject to agreement by the University Secretary (or nominee). Any intimidation towards witnesses or other interference with an investigation is considered to be a Misconduct offence in its own right.
- f) Where a student, member of staff or third party has been involved in a case as a victim of the alleged Misconduct, and it is deemed necessary for their security and/or wellbeing, (taking into account data protection law and confidentiality obligations) the University may provide relevant information on whether precautionary action has been taken which may impact on them, and additionally, following consideration of the case, whether Misconduct has found to have occurred. If a student, member of staff or third party is dissatisfied with the outcome of the disciplinary process they should submit their complaint, in writing, to oscar@tees.ac.uk for consideration under the relevant University complaints process.
- g) The University reserves the right to refer to disciplinary findings when requested to provide a reference, but would only do so in cases which resulted in expulsion, formal restriction or suspension, or exceptionally where failure to include mention in a reference would create a material risk in the context of the employment (for example, if it involved

working with children). In any such exceptional case, the consent of the University Secretary (or nominee) must be sought before any such reference is made.

- h) The University reserves the right to report any matters to the police if deemed necessary. The University will take into consideration the views of any victim before doing so, but will not be bound by these views. In such circumstances, the University will not normally proceed with disciplinary measures unless there are grounds for continuance of the procedure such as it being necessary for resolution on the part of the person or to ensure the safety and wellbeing of the University community. The University may also take disciplinary action over other related offences.

4. Students with Disabilities

- a) The University will make reasonable adjustments to this process if required for a student who has a disability.
- b) While diagnosed disabilities do not necessarily mitigate the imposition of outcomes/penalties on disciplinary grounds, there may be circumstances where the processes under these Regulations may need to be informed by an understanding of the impact of such difficulties upon a student's behaviour. Where there are such concerns, the Dean/Director, and/or the Case Officer should consult with Student and Library Services both at the initiation of disciplinary proceedings and before any final action is taken. This is to ensure that the student is properly supported throughout the process and that any disciplinary proceedings are informed by a clear understanding of the relevance of the student's health condition on the allegation of Misconduct concerned even if a diagnosis does not necessarily mitigate the imposition of outcomes/penalties, or to determine that an alternative process (for example, Fitness to Study Policy & Procedure) would be more appropriate.
- c) Interim action, such as precautionary Suspensions and Restrictions may be taken against students with health conditions but in such cases, the student should be directed to appropriate support from either within or outside of the University, as part of the process.
- d) Where a student is deemed to be in a state of mind or health, which is perceived to pose a threat to, or affect the welfare of staff and/or students of the University, or is disruptive of the learning and teaching process, the University reserves the right to postpone or refer the student under the Fitness to Study Policy & Procedure. In such cases, the University Secretary (or nominee) will make the decision as to if/when cases should be transferred. This does not prevent the University from making a decision to suspend/restrict or expel a student under these Regulations should the situation warrant it. Any such action will comply with the Human Rights Act 1998 and the Equality Act 2010.
- e) Where a student has declared a disability as part of this process, the University will endeavour to ensure that information is available to the student at all stages of the process in appropriate formats, and where needed, reasonable adjustments will be made.

5. External Review

At the conclusion of the University's internal processes under these Regulations, the student shall be issued with a 'Completion of Procedures' letter in the manner prescribed by the OIA. A student who is dissatisfied with the outcome of the procedure under these Regulations may submit a complaint to the OIA under the rules of its scheme within 12 months of the issue of the 'Completion of Procedure' letter. Information on the process may be obtained directly from the OIA at <http://www.oiahe.org.uk> .

6. Support

- a) Support for students subject to disciplinary proceedings under these Regulations (or for students who are involved as victims of Misconduct, or as witnesses) is available from Student & Library Services and the Students' Union (which is independent from the University). Students are encouraged to seek support at all stages of this process if required. Staff who require support should contact their Union representative or Human Resources.
- b) The University will take care over matters of conflict of interest where both the reporting person and student accused of Misconduct might be receiving support from the same University service.

7. Anonymous Allegations

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'.

8. Witnesses

- a) The student will normally be told the names of any witnesses whose evidence is relevant to their disciplinary case, unless the person responsible for considering the allegation exceptionally and reasonably believes that a witness's identity should remain confidential. There should be no normal expectation that the identity of witnesses will be kept confidential and witnesses should understand that evidence provided by them will, other than in exceptional circumstances, be provided to the student who is subject to disciplinary proceedings. Any intimidation towards or interference with witnesses is considered to be Misconduct offence in its own right.
- b) If a student's disciplinary case is to be considered at a hearing by either the Student Disciplinary Committee or the Appeal Committee, both parties may call witnesses, who have relevant evidence to provide which has a bearing on the material aspects of the case. The witnesses will only be invited to attend the portion of the hearing when their evidence is required for consideration, and are expected to leave at the conclusion of their evidence. It is the parties' responsibility to inform their witnesses of the date, time and venue of the hearing and provide them with copies of appropriate documentation.
- c) The Secretary of the Student Disciplinary Committee or Appeal Committee, on behalf of the Committee, may call for written witness statements in support of the allegation in advance of the hearing or call specialist expertise a relevant officer to attend a hearing. If

such statements are obtained, all parties will be entitled to see them in advance of the hearing and normally at least 5 days beforehand.

- d) Witness evidence presented at the hearing will normally be oral, given by witnesses appearing in person. The Student Disciplinary Committee or Appeal Committee may accept a witness' written statement in evidence where the student agrees that the witness need not attend, or where it is impracticable for the witness to attend, or where in the opinion of the Chair it is for some other reason in the interests of justice to do so.
- e) The presentation of any new witnesses, by either party, will only be accepted in exceptional circumstances with agreement of the Chair. This may result in an adjournment of proceedings to provide all parties with the opportunity to consider the matter.
- f) The Chair may call any appropriately qualified persons to give technical or expert evidence. The Chair may adjourn or postpone the hearing pending provision, and consideration by the parties, of the relevant expert report. In such cases, it is the responsibility of the Chair to ensure that the witness is provided with the appropriate documentation.
- g) A witness may be recalled to give further evidence only with permission of the Chair.

9. Communication

For the purpose of this process, written communication with a student and relevant staff can be in paper or electronic format for example, email. Students are expected to check regularly their University e-mail account. Written communications may also be sent to the current term-time address (during term-time) or home address (out of term-time) as recorded on the University's student record system. Students are responsible for ensuring that these contact details are kept up to date. Non-receipt of properly addressed and dispatched correspondence will not be accepted as valid grounds for delay or annulment of procedures or outcomes under these Regulations, nor will it be accepted as grounds for appeal.

10. Behaviour at Meetings/Hearing

All participants at meetings and hearings are expected to behave in an orderly and non-confrontational manner. If the appropriate Chair of the meeting or hearing believes it necessary, they may adjourn or halt proceedings if, in their opinion, progress of the meeting/hearing is being hampered by a participant's behaviour.

11. Meetings/Hearings

- a) Any meeting/hearing may be held at either the University's Middlesbrough or Darlington campuses or electronically via Skype or Microsoft Teams. Students and staff based in other locations may either attend the relevant campus or participate in meetings/hearings electronically. Those who wish to do so must inform the relevant Chair prior to the meeting/hearing.

- b) So far as is possible, the principles of equality and diversity will be taken into account when determining the makeup of a Committee and students are encouraged to make the University aware of any specific needs or requests in this respect. The Chair will have the final decision on the constitution of any Committee.
- c) The membership of a Committee shall remain constant throughout a hearing of any particular case, and the Chair shall be present throughout. However, should the Committee find it necessary to adjourn its proceedings, no more than one of its members may be absent when it is reconvened; when such a member is absent, that member may not subsequently rejoin the proceedings.

12. Collaborative Partners

Any student undertaking a University affiliated course at a Collaborative Partner is subject to the conduct and disciplinary regulations applicable to that institution. Any such student excluded on grounds of disciplinary has the right to request a review from the University. A request for a review should be sent to OSCAR within 10 days of the decision being notified to the student in writing using the University's Student Disciplinary Appeal Form available from OSCAR, or the University's website (www.tees.ac.uk/studentregulations).

13. Recording of Proceedings

A written record shall be kept of any meetings/hearings held under these Regulations and may be used as part of proceedings. The audio recording of a meeting/hearing held under this process is prohibited subject to such reasonable adjustments as may be agreed by the University where required under the Equality Act 2010.

14. Document Retention

Any documentation obtained, or produced, as part of this process will be kept in accordance with the University's Classification Scheme and Retention Schedule.

15. Monitoring and Evaluation

- a) At the conclusion of a disciplinary matter, the formal record of proceedings and any penalty imposed on the student will be retained in accordance with the University's Classification Scheme and Retention Schedule.
- b) Once a year, Schools/Departments should normally submit to OSCAR an annual report on the aggregated data about the use of this process. The report shall provide statistical data, identify any trends, or wider issues. OSCAR shall transcribe this into its annual report to the relevant University Committee/Boards, and make any observations and/or recommendations that may assist the University to further good practice in the management of this process.