

Temporary Changes to the Office of Student Complaints, Appeals & Regulations (OSCAR) Policies, Procedures and Regulations

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Temporary Changes to the Office of Student Complaints, Appeals & Regulations (OSCAR) Policies, Procedures and Regulations

1. Overview:

- 1.1. Teesside University is committed to creating a safe environment for all its staff, students and the wider University community.
- 1.2. The University endeavours to comply with the operation of its Policies, Procedures and Regulations ('Regulations') as they are set out. However, there may be exceptional situations where, in the opinion of the University, reasonable changes to the Regulations are required for example, to safeguard the welfare of staff and students, and to cope with changes in government guidance, law and regulation.
- 1.3. In such cases, the University reserves the right to make changes to the operation of its Regulations.

2. Scope:

- 2.1. This policy applies to all staff and students, in relation to the following sets of Regulations:
 - 2.2.1 Academic Appeal Regulations;
 - 2.2.2 Extenuating Circumstances Regulations (Taught Provision);
 - 2.2.3 Fitness to Practise;
 - 2.2.4 Fitness to Study Policy and Procedure;
 - 2.2.5 Regulations relating to Academic Misconduct (Taught Provision);
 - 2.2.6 Student Complaints Policy and Procedure, and External Complaints;
 - 2.2.7 Student Disciplinary Regulations.
- 2.2. Concerns relating to the operation of this policy must be considered in accordance with the Appeal/Review processes outlined in each set of Regulations detailed above.

3. Aim:

- 3.1 This document explains what temporary changes the University may make to its Regulations where circumstances are such that the University believes the Regulations cannot operate in their normal way.

4. Definitions:

- 4.1 The term 'staff' used in this policy covers both staff employed by Teesside University and staff employed at any of its Collaborative Partners who implement the Regulations cited at paragraph 2.
- 4.2 This policy applies to students who are registered or enrolled on a University approved course delivered at the University or its Collaborative Partners.

5. General Principles

5.1 Application of Regulations:

Where the University deems it appropriate that normal functionality of the Regulations is not possible, the Regulations shall operate in a modified format as set out in paragraph 6 below

5.2 Determining whether a modified format is required:

In determining whether a case requires consideration under this Policy, due regard shall be given to the following factors:

- The scale, complexity and severity of the issues raised;
- It is a requirement that the case must be held at a point in time, and that the case cannot be deferred to a future date;
- Deferring a case will affect the awarding of a classification to a student or their progression to the next stage of their study;
- There is clear evidence that deferring a case will have a detrimental effect on a student's mental health;
- Whether there is an obligation to proceed with the case (for example, due to professional body requirements);
- Whether there are appropriate staff available to undertake an investigation in the required timescales;
- Whether there are any barriers to the collection of evidence, or its accessibility;
- Whether there are staff available to administer the process;
- Whether there are appropriately qualified and/or level of staff available to attend hearings as a Chair or a Panel member.
- Whether external membership is required at a hearing, and whether there are any issues affecting their attendance.
- Whether any witnesses will be able to engage with proceedings, or attend a hearing.
- Whether a hearing is required to consider the case, or an alternative method for consideration of a case can be implemented.
- Whether it is possible for a hearing to be held remotely.

- Whether staff or a student are able to engage with a process. For example,
 - Have they already informed the University that they are self-isolating, or following social distancing guidance?
 - Do they have any other health issues which will affect their engagement with the process?
 - Do they have the facilities to engage with a process remotely?
 - Are they able to seek appropriate guidance and support, and can they be supported in the proceedings by a friend, such as an adviser from the Students' Union?

5.3 **Timescales:**

Where possible, timescales should be followed as specified in the respective Regulation. Students are also expected to meet the timescales when communicating with the University, unless there are exceptional circumstances, which will be taken in to account by the University. Where timescales cannot be met this should be brought to the attention of the respective party as soon as possible, explaining the reason(s) why.

5.4 **Student Support:**

Students and staff can still obtain advice on the Regulations from a number of sources. However, depending on the circumstances, Advisers in the Students' Union and OSCAR may only be able to provide support through remote means, and all queries should, in the first instance, be directed to their respective email addresses, namely suss@tees-su.org.uk or oscar@tees.ac.uk. Students based at Collaborative Partners should contact their own Students' Union or equivalent using their respective online contact details.

5.5 **Communication:**

Any communication to staff or students for the purposes of processing Regulations should only include reference to email addresses, unless a Department/Unit has provided a contact telephone number for communication purposes.

All written communication with staff and students for the purposes of processing Regulations will be via electronic format using the email address held on the University's record system. It is the responsibility of staff and students to regularly monitor their University email account for communications. Non receipt of dispatched correspondence via email will not be accepted as valid grounds for delay or annulment of processes or outcomes under the respective Regulations, nor will it be accepted as grounds for Appeal/Review.

5.6 **Meeting/Hearings:**

Where a meeting/hearing is to take place they should be conducted remotely via electronic means for example, through Microsoft Teams (Teams). Where Teams is used, each case should have its own Teams site. Participants should be informed not to download documents published on the site to a local device.

In all cases, a student must be given the option to inform the Chair that they are unable to engage with the process electronically or via telephone conferencing, and in such cases sympathetic consideration should be given, as to whether the meeting/hearing can be deferred or held via a paper based exercise.

In some Regulations, where they allow for the calling of witnesses, the Chair needs to consider prior to commencing the convening of a meeting/hearing as to how they would access proceedings, and whether the University, and the student, would be willing for a witness to have access to all documentary evidence if presented on Teams. Alternatively, if possible, specific documentation may need to be sent to these individuals via email, and consideration would still need to be given as to how they access the proceedings.

If a Chair believes a remote meeting/hearing is not possible, then consideration should be given to holding a paper-based exercise, via email. However, this must be with the consent of the student, and they must be given the option to submit a sufficient defence to any allegation, and sufficient time to submit this statement. Where it is not possible to safely use this route then the meeting/hearing should be deferred, and the implications in doing so must be explained to the student. Further, a paper-based exercise may not be possible where witnesses are required to attend a meeting/hearing unless prior agreement can be reached with the relevant parties and the content of any witness statement is not in dispute.

Where meetings/hearings are held remotely, or via a paper based exercise, a record of the proceedings should still be made.

5.7 **Membership of Panels:**

Regulations specifically specify Panel membership however, if an internal or external Panel member is unable to attend, the Chair can consider the following options:

1. Firstly, given the period of notice provided, the Panel member should be replaced with another suitably qualified Panel member.
2. For an external Panel member that cannot be replaced, for example in Fitness to Practise cases, consideration may be given to replace this

with another member of University staff from the same discipline as the student. However, the University must discuss this with the student and agreement reached of this deviation from the process. Any revisions to process should be clearly noted in the minutes, and documented in the outcome letter.

3. If a replacement Panel member is not possible, and it is still felt safe to proceed with the Panel, then in order to not frustrate the process a discussion should take place with the student to seek agreement of the revised arrangements. As above, any revisions to process should be clearly documented.
4. If it was deemed unsafe to proceed, or the student declines to proceed with the hearing due to it not being quorate or being deviated from the Regulations, then consideration needs to be taken whether the hearing should be deferred. In such circumstances, it will need to be explained to the student the implication of such a decision.

5.8 Use of Witnesses:

In some Regulations it allows for the calling of witnesses, by either party. The presence of a witness is to provide evidence that has a material bearing on a case. However, where a witness cannot be present at a hearing to talk to the content of their witness statement, then this may impact on the consideration of the case. The Chair should undertake a discussion with the student and, where a witness statement is not in dispute, or clarification on a particular matter can be sought before any meeting/hearing commences, then the witness would not need to attend. The Chair should ensure that this is clearly documented in any minutes.

6. Specific Regulatory Guidance:

Provided below is guidance on each set of Regulations identified at paragraph 2.1.

6.1 Fitness to Practise Regulations:

- Stage 1: This process is initiated when issues of minor misconduct are raised, but are felt to be not so serious as to raise a concern about fitness to practise and may be resolved by informal means. Although the Regulations discuss the appointment of a Stage 1 Meeting with the student to discuss these concerns, consideration should be taken as to whether there is a critical need to hold such meetings, and whether a discussion with the student (out with process) could be undertaken. If the expected outcome is that an action plan is required then a Stage 1 Meeting should be initiated.
- Stage 2: Where the case is felt to be of a serious nature then the Stage 2 process should always be invoked.

6.2 **Fitness to Study Policy and Procedure:**

The student's health and wellbeing is always paramount. It is recommended that concerns are first discussed with a relevant representative of Student & Library Services to determine whether an alternative approach to the initiation of the Regulations could be taken. If it is felt that the Regulations must be invoked, then the case should be dealt with in a timely manner following the procedure cited in the Regulations so that the student does not suffer any undue stress and anxiety, which could exacerbate matters of concern.

6.3 **Student Disciplinary Regulations:**

The Regulations allow for matters to be dealt with informally or formally, and it will depend on the seriousness of the issue as to which route is used. In accordance with the Regulations, the relevant Dean or Director should make a decision about how to proceed with an allegation.

The Summary Procedure of the Regulations allows for cases to be considered without the requirement of a Panel being convened. However, as the burden of proof is with the University, then the School/Department should consider whether any investigation could be frustrated by, for example, the availability of witnesses. Where this occurs, the student should be kept informed should the timescales in the Regulations deviate.

Where a hearing is required, then OSCAR will liaise with the Chair and the respective School/Department to determine how this would be undertaken.

6.4. **Academic Misconduct (normally Taught Provision):**

- **Stage 1:** Used for minor and/or first offence cases. To reduce the need for a meeting at Stage 1, the student should be informed of the allegation, and provided with all the evidence relating to the case. At this point, the student should be given the opportunity to confirm that Academic Misconduct had occurred. If they admit to the offence, then a penalty can be applied, and this could be communicated to the student.
- **Stage 2:** Used for major cases and/or second or more offences. If it is deemed essential that these take place, then the general guidance cited above should be followed.

6.5 **Extenuating Circumstances Regulations (Taught Provision):**

The University's general guidance on the Extenuating Circumstances process, and access to its application form is still available on the website at: https://www.tees.ac.uk/sections/stud/handbook/extenuating_circumstances.cfm

Short Extension Requests:

Students should still complete the required application form available from the above address and return this to their respective School via email. The email addresses of the Schools are also available at the above web address.

Long Extensions and Deferred Submission Requests:

Any requests for Long Extensions to Deferred submission should follow the normal process as cited in the Regulations.

Interruption of Studies:

Students wishing to interrupt their studies, should still be offered the opportunity to discuss their options with a University welfare or financial adviser. They can make an appointment through the University's online Enquiry portal by visiting <https://ems.tees.ac.uk/tas/public> and choose "book an appointment". Students are also able to seek independent support from advisers based in the Students' Union by emailing suss@tees-su.org.uk.

Students who wish to interrupt their studies should contact their respective School, via email, to request a 'Withdrawal/Interruption Form', and they will arrange for the necessary paperwork to be sent to you via email.

Mitigating Circumstances:

Students who experience any unforeseen circumstances that they feel will affect their ability to complete their assessments should follow the normal mitigating circumstances process as outlined in the Regulations. Completed Mitigating Circumstances applications should be emailed to SLSMitigatingCircumstances@tees.ac.uk.

It is expected, where possible, that evidence should be submitted with an application, however where this cannot be obtained, for example medical evidence, this should be stated on the application form.

6.6 Appeals and Complaints:

All Appeals/Complaints received by OSCAR will continue to be undertaken by a paper based exercise with Schools, Departments and Collaborative Partners. To free up emails, OSCAR will, where possible, deliver cases via Teams.

Where meetings/hearings are required to process a case, OSCAR will liaise with Chairs on whether a meeting/hearing is required or should be deferred to a future date, or whether a meeting/hearing can be held remotely.