

STUDENT ACADEMIC APPEALS

Section	Problem Resolution		
Approval Date	02.02.2011	Approved by	Academic Board
Next Review	13.02.2017	Responsibility	Director of Academic and Quality
Last Reviewed	13.02.2016	Key Evaluation Question	1

PURPOSE

NMIT undertakes to ensure academic appeals are fairly heard and academic standards are maintained. Commitments made in NMIT's *Student Charter* are recognised and applied.

SCOPE

Students may appeal decisions made by individuals or academic committees on any academic matters, including:

- admission to programmes
- exemptions granted at admission e.g. cross credit (CC), recognition of prior learning (RPL)
- applications for credit transfer, cross credit, RPL and special exemptions
- meeting the progression requirements within a programme
- results of summative assessments, grades or distinctions and award of qualifications
- applications for consideration of special assessment circumstances such as aegrotat
- alleged academic misconduct
- cancellation of enrolment and withdrawal from a programme
- application of the NMIT Academic Statute and specific Programme Regulations
- application of NMIT procedure: *Student Academic Support and Progression*

For resolving problems of a non-academic nature, refer to:

- *Complaints Procedure*
- *Student Misconduct Procedure*
- *Preventing Harassment*

RESPONSIBILITY

Managers for ensuring appeals to Academic Committees are fairly heard and follow these procedures.

Director of Academic and Quality for ensuring appeals to the Academic Board are fairly heard and follow these procedures.

Appeals Committee Chairperson for negotiating the roles of support, defining those roles before an appeal meeting and managing the roles during the meeting.

DEFINITIONS

Academic Committee	The standing committee of the NMIT Academic Board with delegated responsibility for ensuring academic standards are consistently met for designated programmes and courses, irrespective of delivery site.
Advocate	A person that speaks on behalf of the student.
Appellant	The student bringing the appeal.
Assessor	The tutor who assesses the student's performance.
Manager	The Curriculum Manager for a group of Programmes.
Summative Assessment	An assessment which measures a level of performance and is used in determining the final grade or pass criteria in a course.
Support Person	<p>Person or group able to provide support or advice to the student (e.g. NMIT Student Advisor; student or staff association/union member; friend or family member).</p> <p>A support person's role is to empower the student to speak for themselves with knowledgeable support. A support person cannot speak on behalf of the student.</p>

PRINCIPLES

All appeals must be conducted in accordance with the **principles of natural justice**

- The appellant will be given all relevant information relating to the appeal, a reasonably adequate opportunity to prepare and present evidence, and to respond to the arguments presented
- Those hearing an appeal understand the protocols and processes of appeal hearings.
- The appeal process is explained to the appellant.
- Members of an appeal hearing act in good faith and without bias.
- The decision maker must be impartial.
- Any person directly affected by the outcome of an appeal is not also involved in the final decision.

Hearings are conducted promptly and in confidence.

Any person affected by the outcome of an appeal has the right to be listened to and to be treated with respect.

Students have the right to have support person or advocate (including legal representation), of the student's choice present at any meeting. This right must be notified to the student in writing at the time notice is given of any meeting.

Individuals have the right to attend any classes they are enrolled in until a decision is finalised.

Sufficient notice of an impending decision or hearing must be given, as well as sufficient timing for the appellant to prepare and present their case.

Parties, if they so wish, have separate opportunities to present information in person to a hearing.

Those hearing an appeal have all relevant facts and the facts are verified.

As the appeal proceeds, all parties must be made aware of additional information concerning them and other information which may influence the outcome of the appeal. This is to ensure full disclosure and the principles of natural justice are adhered to.

Where disclosure of material may lead to harm to others, breach of confidence, invasion of privacy or injury to the public interest, the best interests of all parties is accommodated.

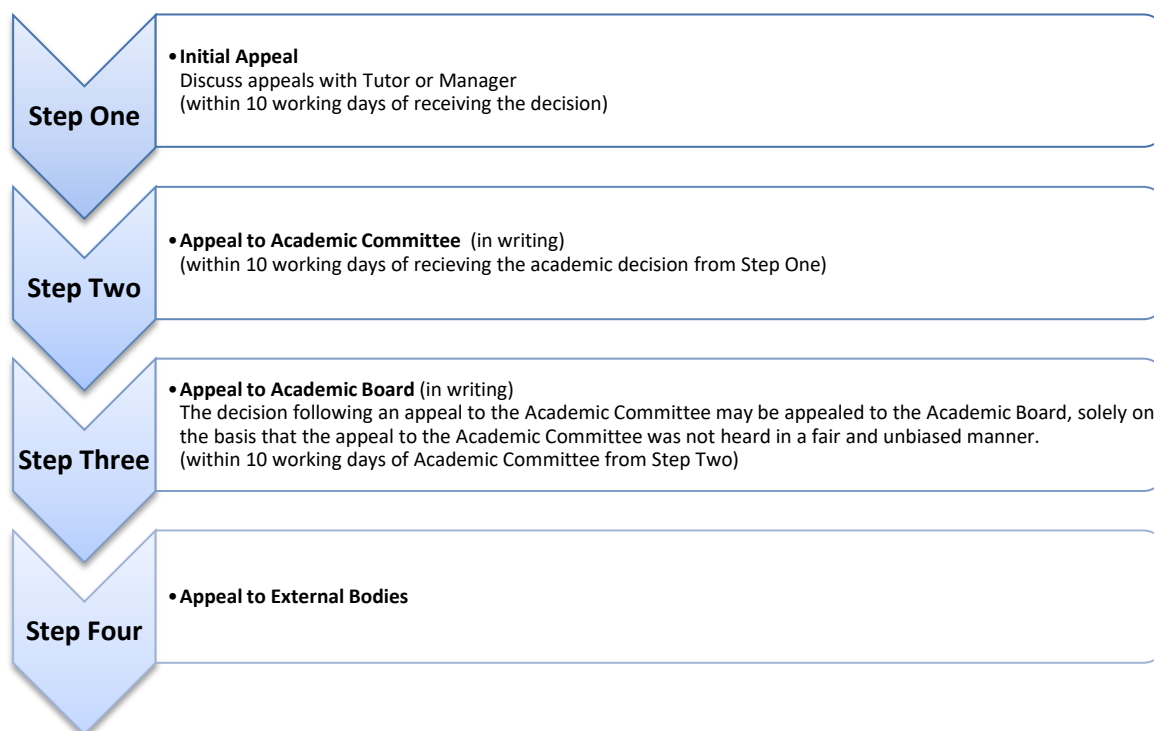
If the appellant fails to attend, the hearing proceeds.

The appeal process and the basis for the decision reached is documented and kept confidential.

The decision maker provides reasons for their decision.

The outcome of the appeal and the basis for the decision reached is advised to the appellant and other affected parties, promptly and within the closest possible timeframe.

PROCESS



STEP ONE – INITIAL APPEAL

The appellant should first speak to the person(s) involved in making the academic decision in question. This should be done within ten working days of receiving the decision that is subject to the appeal.

If a resolution cannot be reached follow Step Two.

STEP TWO – APPEAL TO THE ACADEMIC COMMITTEE

Should an appeal not be resolved directly with the person concerned (Step One) a further appeal may be made to the Academic Committee.

An appeal under Step Two must be made within ten working days of receiving the decision made in Step One.

Example: A summative assessment may be appealed on the grounds that:

- the assessment instrument was unfair
- the assessment process was unfair
- their personal circumstances relevant to the assessment were not adequately taken into account by the assessor

The appeal is to be lodged in writing to one of the following:

- The Manager
- or
- The Director

The appeal should clearly state:

1. the basis or grounds of the appeal (e.g. the disputed assessment(s), procedure or other academic decision)
2. the remedy sought

The Academic Committee responsible for the student's programme shall consider the appeal at a hearing with the Manager as chairperson, and include at least one other member of the Academic Committee and an academic staff member from another programme cluster (a minimum of three academic staff). The appellant has the right to present their case in person if they so wish and have a support person present.

Any person who has been involved in the appeal or who is not considered by the Chairperson to be impartial shall not be part of the appeal hearing.

The appeal should be heard within ten working days of the written appeal being received. The time, date and nature of the appeal hearing, will be advised by the Chairperson.

The appeal Chairperson will convey the outcome of the hearing to the Academic Committee in writing, to the appellant and any other affected parties with a copy to the Director of Academic and Quality within five working days of the decision being reached.

If the Appellant wishes to appeal the Academic Committee's decision, follow Step Three.

STEP THREE – APPEAL TO THE ACADEMIC BOARD

The decision following an appeal to the Academic Committee may be appealed to the Academic Board, solely on the basis that the appeal to the Academic Committee was not heard in a fair and unbiased manner.

An appeal under Step Three must be made within ten working days of receiving the decision made in Step Two.

Appeals to the Academic Board shall be in writing and addressed to the Director of Academic and Quality and will be considered by the Appeals Committee, which is a standing committee of the Academic Board. Refer [Academic Statute s6.04 Academic Board - Appeals Committee](#).

A person who has been involved in the appeal or who is not considered by the chairperson to be impartial cannot be a member of the Appeals Committee.

If an appeal to the Academic Board is upheld, the Appeals Committee may require the Academic Committee to review its decision within ten working days of the written decision of the Academic Board.

The Appeals Committee Chairperson will convey the outcome of the hearing to the Academic Committee, the appellant and any other affected parties with a copy to the Programme Area Leader within five working days of the decision being reached.

The decision of the Appeals Committee is final, and no further rights of appeal or review shall be available to the appellant within the structures of NMIT.

STEP FOUR – APPEAL TO EXTERNAL BODIES

If the decision of the Academic Board's Appeals Committee is disputed, the appellant may appeal to an external group, for example:

- New Zealand Qualifications Authority (NZQA)
- The Office of the Ombudsman
- Civil court proceedings

REFERENCES

INTERNAL

NMIT Academic Statute
Student Problem Resolution Framework
Formal Complaints Resolution Procedure
Student Misconduct Procedure
Student Academic Support and Progression
Programme Regulations

EXTERNAL

Education Act 1989
Education Amendment Act (EAA), 1990
Privacy Act (1993)
Code of Practice for the Pastoral Care of International Students (Ministry of Education)
Human Rights Act (1993)

RECORDS

Academic Committee Minutes and associated appeal papers
Appeals Committee Minutes and associated appeal papers
Academic Appeals Register