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## STUDENT ACADEMIC APPEALS

<b>Section</b>	Problem Resolution		
<b>Approval Date</b>	02.02.2011	<b>Approved by</b>	Academic Board
<b>Next Review</b>	27.08.2021	<b>Responsibility</b>	Executive Director – Learning Innovation and Delivery
<b>Last Reviewed</b>	27.08.2018	<b>Key Evaluation Question</b>	1-6

### 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 NMIT staff or academic committees on any academic matters, including:

- admission to programmes
- applications for credit transfer, cross credit, RPL
- meeting the progression requirements within a programme
- results of summative assessments, grades, the award of merits and 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
- application of Programme Regulations
- application of NMIT procedure: *Student Academic Support and Progression*

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

- *Formal Complaints Resolution Procedure*
- *Harassment (Prevention and Management)*
- *Performance Appraisal*
- *Problem Resolution Framework*
- *Student Problem Resolution at NMIT leaflet*
- *Student Misconduct Procedure*

## DEFINITIONS

A list of academic terminology and the glossary of Māori terms – Kupu - are located in section 2 of the NMIT Academic Statute.

The definitions of additional specialist terms relevant to this policy/the relevant programme or business support area are listed below:

<b>Academic Committee Appeal hearing</b>	<p>An extraordinary Academic Committee meeting convened specifically to address the student's academic appeal.</p> <p>Membership:</p> <ul style="list-style-type: none"> <li>• Head of Academic and Quality (or delegate) – Chair</li> <li>• Member of the Academic Committee responsible for the student's programme</li> <li>• Two academic staff members from another Programme cluster;</li> </ul> <p>or</p> <p>One academic staff member from another Programme cluster and a registered nurse with a current practicing certificate (for appeals convened to consider an appeal from a student on the Bachelor of Nursing)</p> <p>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 hearing.</p> <p>The protocols for the hearing are the same as for Academic Committees (see <a href="#">Academic Statute, s6 Academic Board</a>)</p>
<b>Advocate</b>	A person who advises the appellant and may speak on their behalf. e.g. a suitably qualified member of SANITI
<b>Appeal Coordinator</b>	<p>The person responsible for the administrative steps of the appeal. Including keeping records, coordinating meetings and sending communications necessary for the process.</p> <p>This role is undertaken by the relevant Academic Committee Secretary.</p>
<b>Appeals Register</b>	An e-register [ <a href="#">Template available</a> ] (held centrally) in which all communications/events/decisions related to the appeal are recorded by the Appeals Coordinator.
<b>Appellant</b>	The student bringing the appeal.
<b>Assessor</b>	The tutor who assesses the student's performance.

<b>Support Person</b>	<p>Person or group able to provide support or advice to the student (e.g. NMIT Student Advisor; student association (SANITI); 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 unless the student chooses for the support person to move into the role of advocate.</p>
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## 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 a support person or advocate (including legal representation) of their choice present at any meeting. The student must be notified of this in writing at the time notice is given of any meeting.

Individuals have the right to attend any classes they are enrolled in until the student has received notification of the outcome of the appeal. However, where a student is on clinical placement, temporary arrangements may need to be put in place.

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.

All reasoning that forms the basis for the decision is documented, and all documents relating to the appeal are 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.

## PROCEDURE

STEP	ACTION	RESPONSIBILITY	NOTES
1.0	Where a discussion between the student and the tutor about the initial decision does not resolve the issue, the student may appeal to the Academic Committee.	Student/Tutor	
1.1	<p>The appeal to the Academic Committee must be lodged in writing and addressed to the Head of Academic and Quality within 10 working days of the student receiving notification of the academic decision.</p> <p>The appeal letter needs to clearly state:</p> <ol style="list-style-type: none"> <li>The basis or grounds of the appeal (e.g. the disputed assessment(s), procedure or other academic decision); and,</li> <li>The remedy sought</li> </ol>	Student	<p>e.g. A summative assessment may be appealed on the grounds that:</p> <ul style="list-style-type: none"> <li>the assessment process was unfair;</li> <li>the student's personal circumstances relevant to the assessment were not adequately taken into account by the assessor</li> </ul>
1.2	The Appeal Coordinator sets up an e-register [ <a href="#">Template available</a> ] (held centrally) in which to record all communications/events/decisions related to the appeal.	The Appeal Coordinator	The Appeal Coordinator = The Secretary of the Academic Committee responsible for the student's programme
1.3	Appoints a Chair to the Academic Committee Appeal hearing. The Chair must be a senior NMIT staff member.	Head of Academic and Quality	The Head of Academic and Quality may appoint themselves as Chair.
1.4	<p>Letter [<a href="#">Template available</a>] sent to the appellant (via email) advising:</p> <ol style="list-style-type: none"> <li>Acknowledgement of the appeal</li> <li>Rights of the appellant including the right to a support person or advocate and the principles of natural justice which will be followed</li> <li>The Academic Appeal process (copy of the policy enclosed/linked)</li> <li>Request for confirmation of availability to attend a hearing.</li> </ol>	Appeal Coordinator	

	e. Option for the student not to attend but the hearing will proceed		
1.5	Receipt of Appeal Coordinator's letter is acknowledged and availability for attending hearing sent to Appeal Coordinator. N.B. this communication may occur via liaison with SANITI	Student (-> SANITI) -> Appeal Coordinator	
1.6	Academic Committee Hearing is scheduled (see note, at right) and key staff and student are notified. Agenda of the Hearing is sent to all.	Appeal Coordinator	The Hearing must be conducted within 10 working days of the appeal being lodged.
1.7	Confidential evidence is recorded, collated and copied, and the following people are provided with documentation packs in preparation for the hearing: <ul style="list-style-type: none"> <li>• All members of Academic Committee Hearing,</li> <li>• The appellant</li> <li>• The Support Person,</li> <li>• Any advocate,</li> <li>• Tutor/HoD presenting staff case</li> </ul>	Appeal Coordinator	The documents in the pack are stamped 'confidential' and must not to be copied, emailed or distributed in any way, knowingly or unknowingly
1.8	Hearing is conducted, under "confidential business", in <a href="#">three parts</a> : Both sides are heard; A deliberation takes place; A decision is made.  *Hearing must be conducted within 10 working days of the appeal being lodged.	Appeal Coordinator; Academic Committee; Appellant (if they choose to attend); Support Person; Advocate	Decision is by majority vote where the Chair may exercise a casting vote where necessary.  Appeal Coordinator records the meeting.
1.9	Chair communicates outcome verbally a.s.a.p. and in writing <a href="#">[Template available]</a> no later than five working days following the decision to: Academic Committee, Appellant, Executive Director – Learning Innovation and Delivery; and any other affected parties.	Academic Appeals Committee Chair	
2.0	The Academic Appeals register is updated to reflect outcome.	Appeal Coordinator	

STEP	If the Appellant wishes to appeal the Academic Appeal Committee's decision	RESPONSIBILITY	NOTES
3.0	If the student wishes to appeal the Academic Appeal Committee's decision they should write to the Academic Board Chair.	Student	Refer <a href="#">Academic Statute s6: Academic Board, 6.04 Appeals Committee</a> .  An Appeal can be made solely on the basis that the appeal to the Academic Committee was not heard in a fair and unbiased manner. Appeal must be made within ten working days of receiving the decision made in Step Two.
3.1	Consider appeals of decisions of academic committee hearings (solely on basis of student objecting to the procedure, not decision)	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.
3.2	The Academic Board Appeals Committee Chair will convey the outcome of the hearing to the Academic Committee, the appellant and any other affected parties with a copy to the Executive Director - Learning Innovation and Delivery within five working days of the decision being reached.	The Academic Board Appeals Committee Chair	
3.3	If the appeal to the Academic Board Appeals Committee is upheld, the Academic Committee may be required to review its decision within ten working days of the written decision from the Academic Board Appeals Committee.	The Academic Board Appeals Committee Chair	The decision of the Academic Board Appeals Committee is final, and no further rights of appeal or review shall be available to the appellant within the structures of NMIT.
STEP	APPEAL TO EXTERNAL BODIES	RESPONSIBILITY	NOTES
4.0	If the decision of the Academic Board Appeals Committee is		

	<p>disputed, the appellant may appeal to an external group, for example:</p> <ul style="list-style-type: none"> <li>• New Zealand Qualifications Authority (NZQA)</li> <li>• The Office of the Ombudsman <ul style="list-style-type: none"> <li>• Civil court proceedings</li> </ul> </li> </ul>		
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## REFERENCES

### INTERNAL

[Formal Complaints Resolution Procedure](#)  
[NMIT Academic Statute](#)  
[Student Academic Support and Progression](#)  
[Student Problem Resolution Framework](#)  
[Student Problem Resolution at NMIT leaflet](#)  
[Student Misconduct Procedure](#)  
Programme Regulations

Templates (available on QMS, Forms, Templates and Guidelines. Internal use only):

[Academic Appeals Register \[Template\]](#)  
[Academic Committee Hearing Process](#)  
[Appeal Acknowledgement letter \[Template\]](#)  
[Letter advising appeal hearing decision \[Template\]](#)  
[Letter advising student of appeal decision – re-submission/re-sit \[Template\]](#)

### 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  
Academic Committee Appeal Hearing Minutes and associated appeal papers  
Academic Appeals Register