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STUDENT ACADEMIC APPEALS PROCEDURE

Section	Problem Resolution		
Approval Date	02.02.2011	Approved by	Academic Committee
Next Review	30.03.2023	Responsibility	Executive Director: Programmes and Delivery
Last Reviewed	30.04.2021	Key Evaluation Question	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 Standards and Quality Committee on any academic matters, including:

- admission to programmes
- decisions made by the Recognition of Academic Credit (RAC) committee
- 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
- cancellation of enrolment and withdrawal from a programme
- application of the NMIT Academic Statute
- application of Programme Regulations
- recommendation to exclude, resulting from Unsatisfactory Academic Progress or Academic Misconduct

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

- [Formal Complaints Resolution Procedure](#)
- [Harassment \(Prevention and Management\)](#)
- [Student Problem Resolution at NMIT leaflet](#)
- [Student Misconduct Procedure](#)
- [What to do When \(there's a problem\)](#) [available for NMIT staff only]

DEFINITIONS

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

Academic Appeals Summary	A summary [Template available] (held centrally) in which all communications/events/decisions related to the appeal are recorded by the Appeals Coordinator.
Academic Standards and Quality Committee Appeal hearing	<p>An extraordinary Academic Standards and Quality Committee meeting convened specifically to address the student's academic appeal.</p> <p>Membership:</p> <ul style="list-style-type: none"> • Executive Director: Programmes and Delivery (ED: P & D) (Chair) • Member of the Academic Standards and Quality Committee responsible for the student's programme • Two academic staff members from another Curriculum Area; or One representative member from another Curriculum Area 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>Any person who has been involved in the original decision or who is not considered by the Chair to be impartial shall not be part of the hearing.</p> <p>The protocols for the hearing are the same as for Academic Standards and Quality Committee meetings</p>
Advocate	<p>A person who advises the appellant and may speak on their behalf. e.g. a suitably qualified member of SANITI.</p> <p>The student must complete the Authorisation to Advocate form.</p> <p>For a list of responsibilities of the Advocate, see p.4</p>
Appeal Coordinator	<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 Standards and Quality Committee Secretary.</p>
Appellant	The student bringing the appeal.
Assessor	The tutor who assesses the student's performance.

BSC	Business Support Coordinator
ED: P & D	Executive Director: Programmes and Delivery
SLA	Student Learning Advisor
Support Person	<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, in which case they need to complete the Authorisation to Advocate form.</p> <p>For a list of responsibilities of the Support Person, see p.4</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 a similar opportunity 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 right in writing at the time notice is given of any meeting. If the student chooses to bring an Advocate to meetings, they must complete and sign the [Authorisation to Advocate](#) form.

Students have the right to attend any classes they are enrolled in until they have received notification of the outcome of the appeal. However, where a student is on clinical placement or work 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 may still proceed.

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.

RESPONSIBILITIES - SUPPORT PERSON

- Listen to the appellant's concerns and explain the informal and formal resolution processes.
- Discuss options but allow them to make their own decisions.
- Discuss possible outcomes and consequences.
- Where English is the appellant's second language ensure they are given the option of an interpreter.
- A Support Person cannot speak on behalf of the appellant, unless the appellant chooses for the Support Person to move into the role of Advocate. In which case, the student and the Advocate must complete and sign the Authorisation to Advocate form, and submit to the Appeals Coordinator (secretary of the AS & Q committee).

During meetings, a Support Person might:

- Ask for clarification.
- Remind the appellant of questions to ask or points to make.
- Observe if the process is fair.
- Request breaks.
- Take notes and de-brief the appellant after the meeting.

RESPONSIBILITIES – ADVOCATE

An advocate speaks on behalf of the complainant or respondent and must have signed authority to speak for the person they represent. (see [Authorisation to Advocate form](#))

Examples of those who may be asked to be an advocate:

- A member of the student association (SANITI) or staff association/union;
- A chosen associate or professional person;
- A colleague, friend, member of family or whānau.

PROCEDURE

STEP	ACTION	RESPONSIBILITY	NOTES
1.0	<p>If the student wishes to appeal an academic decision they must write to the Chair of the AS & Q committee within 10 working days of receiving notification of the academic decision.</p> <p>They can request a Support Person or Advocate. e.g: from Learner Services or SANITI etc.</p> <p>The appeal letter needs to clearly state:</p> <ol style="list-style-type: none"> The basis or grounds of the appeal (e.g. the disputed assessment(s), procedure or other academic decision); and, The outcome sought 	Appellant (the Student making the appeal)	<p>e.g. A summative assessment may be appealed on the grounds that:</p> <ul style="list-style-type: none"> - the assessment process was unfair; - the student's personal circumstances relevant to the assessment were not adequately considered by the assessor
1.1	The Appeal Coordinator sets up an Summary Document [Template available] (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 Standards and Quality Committee
1.2	Appoints a Chair to the Academic Standards and Quality Committee Appeal hearing . The Chair must be a senior NMIT staff member.	ED: P & D	The ED: P & D may appoint themselves as Chair.
1.3	Letter [Template available] sent to the appellant (via email) advising: <ol style="list-style-type: none"> Acknowledgement of the appeal Rights of the appellant including the right to a Support Person or Advocate and the principles of natural justice which will be followed Authorisation to Advocate form The Academic Appeal process (copy of the policy enclosed/linked) Request for confirmation of availability to attend a hearing. 	Appeal Coordinator	

	f. Option for the student not to attend but the hearing will proceed		
1.4	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	
1.5	Academic Standards and Quality Committee (Appeal 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.
1.6	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"> • All members of Academic Standards and Quality Committee Hearing, • The appellant • A Support Person and/or • Advocate • Curriculum Area representative 	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.
1.7	Hearing is conducted , under "confidential business", in three parts : 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 Standards and Quality Hearing Committee; Appellant (if they choose to attend); Support Person; and/or Advocate	Decision is by majority vote where the Chair may exercise a casting vote where necessary. Appeal Coordinator records the meeting.
1.8	Chair communicates outcome verbally a.s.a.p. and in writing [Template available] no later than five working days following the decision to: Academic Standards and Quality Committee; Appellant; Executive Director: Programmes and Delivery; and any other affected parties.	Chair of the Academic Standards and Quality Appeals Hearing	
1.9	The Academic Appeals register is updated to reflect outcome.	Appeal Coordinator	

FURTHER APPEAL			
STEP	ACTION	RESPONSIBILITY	NOTES
2.0	If the student wishes to appeal the Academic Standards and Quality Committee's decision they should write to the Academic Committee (Appeals) Chair.	Appellant (the Student making the appeal)	Refer Academic Statute s6: Academic Committee, 6.04 (Appeals) . An appeal at this stage can be made solely on the basis of due process not being followed. The Appeal must be made within ten working days of receiving the decision made in Step 1.8. The letter should identify the specific issues the appellant has identified.
2.1	Consider appeals of decisions by the Academic Standards and Quality Committee (Appeal hearing) (solely on basis of the student objecting to the procedure, not the original decision)	Academic Committee (Appeals)	A person who has been involved in the appeal or who is not considered by the Chair to be impartial cannot be a member of the Appeals Committee.
2.2	The Academic Committee (Appeals) Chair will convey the outcome of the hearing to the Academic Standards and Quality Committee , the appellant and any other affected parties with a copy to the Executive Director: Programmes and Delivery within five working days of the decision being reached.	Chair of the Academic Committee (Appeals)	
2.3	If the appeal to the Academic Committee (Appeals) is upheld, the student is notified of the outcome, verbally and in writing.	Chair of the Academic Committee (Appeals)	The decision of the Academic Committee (Appeals) is final, and no further right of appeal or review shall be available to the appellant within the structures of NMIT.

STEP	APPEAL TO EXTERNAL BODIES	RESPONSIBILITY	NOTES
3.0	<p>If the decision of the Academic Committee (Appeals) is disputed, the appellant may appeal to an external group, for example:</p> <ul style="list-style-type: none"> • New Zealand Qualifications Authority (NZQA) • The Office of the Ombudsman • Civil court proceedings 		

REFERENCES

INTERNAL

[Authorisation to Advocate Form](#) [available on Intranet]

[Formal Complaints Resolution Procedure](#)

[NMIT Academic Statute s6](#)

Programme Regulations

[Student Problem Resolution at NMIT leaflet](#)

[Student Misconduct Procedure](#)

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

[Academic Appeals Summary \[Template\]](#)

[Academic Standards and Quality 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 and Training Act 2020

Privacy Act (1993)

Code of Practice for the Pastoral Care of International Students (Ministry of Education)

Human Rights Act (1993)

RECORDS

Academic Standards and Quality Committee Minutes and associated appeal papers

Academic Standards and Quality Committee Appeal Hearing Minutes and associated appeal papers

Academic Appeals Register