

## 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>	Feb 2012	<b>Responsibility</b>	Director of Curriculum and Planning
<b>Key Evaluation Question</b>	1	<b>ITPNZ Quality Standard</b>	6

### PURPOSE

NMIT undertakes to ensure academic appeals are fairly heard and academic standards are maintained. Commitments made in the *NMIT 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, recognition of prior learning (RPL)
- applications for 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 Counselling and Exclusion*

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

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

### RESPONSIBILITY

Head of Schools for ensuring appeals to Academic Committees are fairly heard and follow these procedures.

Director of Curriculum and Planning 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

<b>Academic Committee</b>	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.
<b>Appellant</b>	The student bringing the appeal.
<b>Assessor</b>	The tutor who assessed the student's performance.
<b>Head of School</b>	The manager of a teaching unit ( <b>School</b> ) within NMIT.
<b>Summative Assessment</b>	An assessment which measures a level of performance and is used in determining the final grade or pass criteria in a course.
<b>Support</b>	Person or group able to provide support or advice to the appellant or assessor. More than one person may be chosen.  The appellant lodging the appeal has the right to advocacy and support from the Student's Association or Student Advisor.  The appellant and the assessor have the right to advocacy and/or support from a legal representative(s) they believe could help resolve the complaint.

## PRINCIPLES

All appeals must be conducted in accordance with the principles of natural justice and all processes must be seen to be fair and reasonable by both parties. The appellant shall be provided with all information relating to the appeal.

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.

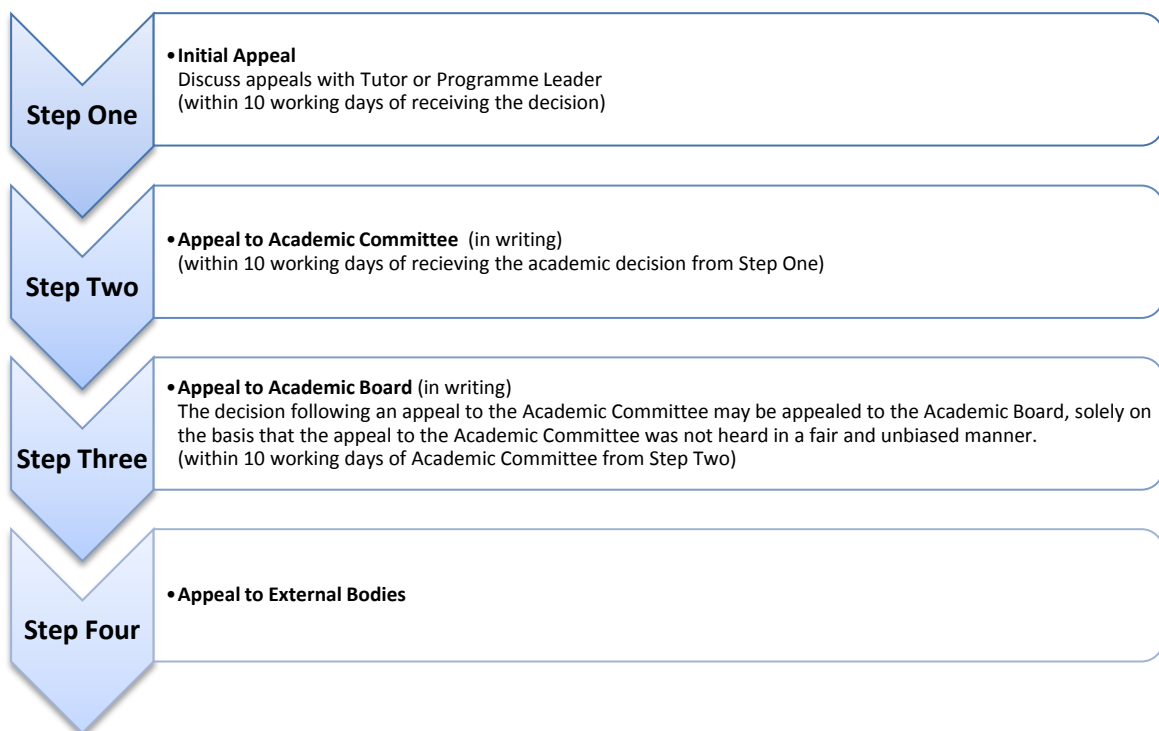
If the appellant fails to attend, the hearing proceeds.

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 Programme Leader
- or
- The Head of School (HOS)

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 HOS as chairperson, and include at least one other member of the Academic Committee and an academic staff member from another School (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.

A 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, as advised by the chairperson shall be maintained by the PA to the Director of Curriculum and Planning.

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 Curriculum and Planning 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 Curriculum and Planning and will be considered by the Appeals Committee, which is a standing committee of the Academic Board. Refer *Academic Statute*.

The appeals committee shall comprise three Academic Board members:

- The Chair of the Academic Board or Chief Executive nominee (chairperson)
- Two staff members, who may be Heads of School, Programme Leaders or members of the Curriculum & Quality Team, not from the School or team relating to the appeal.

A person who has been involved in the appeal or who is not considered by the chairperson to be impartial can not 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 Board, Academic Committee, the appellant and any other affected parties with a copy to the Head of School 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 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  
Complaints Procedure  
Student Misconduct Procedure  
Student Academic Counselling and Exclusion  
Programme Regulations

---

#### EXTERNAL

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