

# Procedure – Academic Appeals

## PURPOSE

This procedure describes the process for students lodging an academic appeal against decisions made that affect their marks, grades and other activities within their programme.

## PRINCIPLES

This procedure is governed by Principles of Kaupapa Māori and the following principles:

1. **Transparency** – students have a right to full information concerning their rights and responsibilities and the avenues available to them to raise an academic appeal. Toi Ohomai will provide information to students on the avenues available to them to have their academic appeals addressed.
2. **Advocacy** – at all steps in any academic appeal process students are encouraged to discuss matters with Toi Ohomai staff, support people or independent advocates.
3. **Natural justice** – Toi Ohomai will uphold the principles of fair, ethical and honest natural justice, ensuring that any academic appeal is fully investigated, including giving all parties involved the right to be heard and the right to respond prior to a decision being reached. Natural justice ensures that individuals should not be penalized by decisions affecting their rights or legitimate expectations unless they have been given prior notice of the case and a fair opportunity to answer it. The mere fact that a decision affects rights or interests is sufficient to subject the decision to the procedures required by natural justice.

## PROCEDURES

### 1. Information

- 1.1 Students will be advised of the institution's Academic Appeals process and [Tellus@toiohomai.ac.nz](mailto:Tellus@toiohomai.ac.nz) contact email, and the contact details for the Ombudsman and NZQA through information on the Toi Ohomai website, in the Student Guide and using other appropriate forms of communication to ensure student awareness.
- 1.2 Academic Appeals are outlined in the Regulatory Framework – Academic Regulations Clauses 5.6 and 5.10.

### 2. Academic Appeals at Faculty level

- 2.1 Students who have special health conditions, should be encouraged to have support people present during the appeal process.
- 2.2 A student wishing to request the reconsideration of an assessment decision should discuss this with their tutor to resolve the best approach to resolve the appeal.

- 2.3 If the appeal is unable to be resolved at this stage, or the student is not satisfied with the outcome, the student may raise the matter with the Programme Manager who will work with them to find a resolution.
- 2.4 If the appeal is unable to be resolved at this stage, or the student is not satisfied with the outcome, the student may raise the matter with the Faculty Leader/Group Manager who will work with them to find a resolution.
- 2.5 If agreement is reached at this point, the appeal is considered resolved and the process will be completed.
- 2.6 All appeals received in the Faculty must be documented and the record accessible to the Faculty Leader, Executive Dean: Teaching and Learning, and Executive Dean- Academic Development, Innovation and Research.

### **3.0 Formal appeals**

- 3.1 Failing a satisfactory resolution at Faculty level, the student (or support person(s)) should make a formal appeal in writing to the Executive Dean: Teaching and Learning.
- 3.2 The Executive Dean: Teaching and Learning will consider the Faculty report of the appeal matter and appoint an appropriate person to investigate the grounds for appeal using the Investigation Procedure.
- 3.4 The investigator will interview affected parties and gather relevant evidence. In some instances, a neutral person can be useful to attend the interviews both to listen and to record the interview notes.
- 3.5 The investigator will prepare a summary report of findings which will be presented to the Executive Dean: Teaching and Learning.
- 3.6 The Executive Dean: Teaching and Learning will review the evidence and determine whether there is a case to be heard. Where a case is found they will within ten (10) working days convene an Academic Appeals Panel as set out in the Academic Committees Terms of Reference. Where a case is not found, the Executive Dean will notify the student within five (5) working days that the appeal will not be heard.

### **4.0 Academic Appeals Panel**

- 4.1 All evidence to date will be provided to the student, teaching staff and the Academic Appeals Panel in advance of the meeting.
- 4.2 The Academic Appeals Panel will review the evidence, hear presentations from the affected parties (both students and staff) and then make a decision on the evidence available.
- 4.3 Following their decision, the Panel will determine the action they deem appropriate and notify all parties within two (2) working days of the meeting.

### **5 Appeal of decision**

- 5.1 A student who is unhappy with the outcome of the academic appeal process may appeal the findings by writing to the Chief Executive (CE) requesting an appeal of the decision, within 10 working days of their receipt of the notification of the outcome.

- 5.2 The CE will investigate the process used in arriving at the resolution to ensure that it has been fair and consistent with natural justice principles and that the outcome is appropriate. They will notify the appellant of their decision in relation to this investigation within 10 working days of receiving the appeal. Possible outcomes include upholding the decision, initiating a further investigation or approving an alternative action.
- 5.3 Students who are not satisfied with the CE’s decision may appeal it to the Tertiary Ombudsman or to NZQA.

**6 Documentation and Records**

- 6.1 Faculty Leaders will maintain a record of all Faculty based academic appeals and their resolution. This record will be open to review by the Executive Dean: Teaching and Learning and the Executive Dean – Academic Development, Innovation and Research.
- 6.2 The Academic Board Secretary will keep a register of all formal appeals and their resolution. They will follow up whenever necessary and bring the register to the notice of the Executive Dean: Teaching and Learning, who will ensure that an analysis of academic appeals is made to identify potential improvement to procedures and systems and that all academic appeals are addressed within an appropriate period of time.
- 6.3 A summary of the topic and outcome of each student discipline panel is reported to Academic Board and noted to Council in the Academic Board summary
- 6.4. Documentation held relating to academic appeals comprises:
  - Student academic appeal
  - Written reports of all meetings and discussions
  - Formal communications of the resolution with the person appealing.
  - Summary report to Academic Board
- 7.5 Access to the academic appeals files will be limited to the Academic Board Secretary, Executive and the Tertiary Ombudsman.

**LINKS TO POLICY AND FORMS**

<p><u>Relevant Policy</u></p> <p>Academic Regulations Sections 7.0 and 8.0</p> <p>Student Code of Conduct</p> <p>Academic Committee Terms of Reference</p>
<p><u>Related forms</u></p> <ul style="list-style-type: none"> <li>• Registration of Complaint</li> </ul> <p><u>Process flows</u></p> <ul style="list-style-type: none"> <li>• <u>Concerns and complaints – Faculty based</u></li> <li>• <u>Formal complaints - Academic</u></li> </ul>

<ul style="list-style-type: none"><li>• <u>Student discipline</u></li></ul> Procedures <ul style="list-style-type: none"><li>• Complaints investigation</li><li>• Student discipline</li><li>• Academic Appeals</li></ul>
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## DOCUMENT CONTROL

Responsibility:	Executive Dean: Teaching and Learning
First point of contact:	<a href="#">Quality Operations Coordinator</a>
Approved:	LQSC19/011