



# Student Appeals Procedure

## 1. Purpose

The purpose of this procedure is to support a successful and fair outcome for appeals that fall within its scope.

## 2. Principles

The Procedure for the Conduct of Appeals will follow the principles of natural justice, namely:

- a) Notice of any Appeal shall be given to the party/parties as soon as reasonably practicable (subject to consistency with any "Time Limits" indicated below)
- b) Any persons directly adversely affected by an Appeal shall be adequately informed of the Complaint arising and be given an opportunity to respond
- c) The process for resolving the Appeal will be conducted fairly
- d) The avoidance of bias or conflict of interest

## 3. Scope

This procedure applies to any student who seeks to appeal a decision made on behalf of Unitec in the context of:

- a) An outcome of an Academic Complaint
- b) An outcome of a Student Disciplinary Investigation decision
- c) An outcome of a Student Complaints Resolution decision
- d) An outcome of a Postgraduate Research and Scholarships Committee decision

The above decisions are referred to in this procedure as an **"Appealable Decision"**

## 4. Grounds of Appeal

To make an appeal you must establish one of the following grounds of appeal:

Subject matter	Grounds
4.1 Appeal against an Academic Complaint decision	Student must establish one of the following grounds to appeal:  a) There is new relevant information which has a bearing on the matter and which was previously unavailable (and could not reasonably have been made available at the time the disputed decision was made)  OR  b) There was a procedural flaw <sup>1</sup> in the management of the process relating to the decision the student seeks to appeal
4.2 Appeal against a Student Complaints Resolution decision	
4.3 Appeal against a Postgraduate Research and Scholarships Committee decision	
4.4 Appeal against a Student Disciplinary Investigation decision	a) That the procedure used for investigating or resolving the Prohibited Conduct was unfair or biased  OR  b) That the decision of the Investigator could not reasonably be sustained on the evidence  OR  c) That significant new evidence which was not previously available has become available since the investigation which could have a material effect on the decision made or the penalty imposed;  OR  d) That the disciplinary action/s taken were out of proportion to the nature of the Prohibited Conduct and the full circumstances of the case.

## 5. Initiating an Appeal

5.1 A student must take three steps to initiate the Appeal process:

- a) seek support from Unitec Student Support/Advocacy Services from one of the following:

[studentsupport@unitec.ac.nz](mailto:studentsupport@unitec.ac.nz)

OR

<sup>1</sup> Procedural flaw: An error or some other issue such as the departure from a prescribed rule or regulation

[studentadvocate@unitec.ac.nz](mailto:studentadvocate@unitec.ac.nz)

OR

[internationalstudentsupport@unitec.ac.nz](mailto:internationalstudentsupport@unitec.ac.nz)

OR

Unitec Student Council

- b) complete a Notice of Appeal form located under 'Forms' on the Unitec website (**link**)
- c) email the completed form, along with any supporting evidence, including evidence of communication with Student Support/Advocacy, to [resolutions@unitec.ac.nz](mailto:resolutions@unitec.ac.nz) (which is monitored by an Appeals Administrator within Te Korowai Kahurangi) within 15 working days of the student being notified of the Appealable Decision. The Notice of Appeal will be deemed to have been received on the date and at the time that it is delivered to the resolutions email address as evidenced, if required by Unitec, in a confirmation of delivery report from the student's email address. The timeframe to lodge an appeal may be extended in exceptional circumstances. However, under no circumstances will an appeal be accepted 40 working days after the decision.

## 6. Appeal Process

- 6.1. Upon receipt of the Notice of Appeal, the Appeal will be registered by Te Korowai Kahurangi on the central Student Appeal Register.
- 6.2. Acknowledgement of receipt of the Notice of Appeal will be sent to the student and any support person(s) acknowledged on the Notice of Appeal, within 1 working day of receipt. Te Korowai Kahurangi will review the Notice of Appeal to determine whether, on the balance of probabilities, the student has satisfied one of the relevant grounds of appeal. If the Appeal does not meet either of the grounds for an Appeal, then the student will be notified that they are not entitled to appeal.
- 6.3. Where the grounds of appeal are satisfied, the Notice of Appeal and any supporting documents will be forwarded to the nominated members of the Appeal Resolution Committee within 2 working days of receipt. The Appeal Resolution Committee will consist of no less than 3 Unitec Senior Academic Staff. Any member who has acted as an investigator on the matter being appealed is not entitled to sit on the Committee during the Hearing.
- 6.4. The Chief Executive cannot be a member of the Appeal Resolution Committee.
- 6.5. Upon receiving the Notice of Appeal, the Appeal Resolution Committee will decide who amongst them will Chair the Hearing.

## 7. The Appeal Hearing

- 7.1. The Chair of the Appeal Resolutions Committee will:
  - a) establish a date and time for the Hearing which is convenient for all parties and, to the extent possible, within 15 working days of receipt of the Notice of Appeal;
  - b) inform the student of their right to: appear at the Hearing, be accompanied by whānau or a support person, appoint an advocate to speak on their behalf, request an interpreter and the right to request a Māori representative at the

Hearing;

- c) inform the Investigator of their rights, including the right to appear at the Hearing and to be accompanied by up to two representatives of the School
- d) provide the Appeal Resolution Committee with the Notice of Appeal and the Appealable Decision; and
- e) ensure all parties have the same documentation at the Appeal Resolution Committee Hearing. To ensure transparency, no additional information will be admissible unless all parties are given a reasonable opportunity to consider before the Hearing
- f) If the student is enrolled in the Bachelor of Nursing degree, a registered nurse with a current practicing certificate will be invited to participate in the Hearing

7.2 The Hearing is an open and consultative event attended by all parties to hear each other's explanations. If agreement is reached by the parties at any stage, the Hearing may be vacated.

7.3 The Hearing will follow meeting rules in so far as:

- a) all comments and questions are addressed or asked through the Chair
- b) the student and/or support person/advocate is invited to present their case, followed by an opportunity for members of the Appeal Resolution Committee to ask any relevant questions
- c) where relevant, the Investigator may be invited to explain and clarify the Appealable Decision and to speak to matters raised in the Appeal, followed by an opportunity for members of the Committee to ask any relevant questions
- d) when it is time for deliberation, all parties apart from the Committee, will be asked to leave the meeting
- e) the Committee will consider all of the evidence presented and make its decision
- f) the parties may be invited back into the room to be informed of the decision with no further recourse to discussion or questions

## **8. The Appeal Decision**

- a) Where an Appeal has been heard by the Appeal Resolution Committee, the Chair will inform all parties in writing of the Appeal Resolution Committee's decision within 5 working days of the Hearing
- b) A report on the outcome of the Hearing will be tabled at the next meeting of Te Poari Iho Quality Alignment Board
- c) The outcome of the Hearing will be recorded on the central Student Appeals Register by the Appeals Administrator

## **9. Appeal to the Chief Executive**

- a) The decision of the Appeal Resolution Committee can be appealed in exceptional circumstances to the Chief Executive.

- b) An appeal to the Chief Executive may only be made on the grounds that there was a procedural flaw in the lead up to and / or during the Hearing.
- c) Appeals to the Chief Executive are to be submitted via the chief executive appeal inbox within 10 working days of the Hearing decision. The appeal must set out the factual basis on which it is alleged that there was a procedural flaw made in preparation for or at the Hearing. If grounds are not particularized, the appeal will not be considered.
- d) The Chief Executive will consider whether there has been a procedural flaw in the Hearing and may, at his / her discretion: cancel the appeal decision and refer the matter back to the Appeal Resolution Committee for further assessment, uphold the decision or suggest an alternative resolution.
- e) The decision of the Chief Executive is final. Where the Chief Executive refers the matter back to the Appeals Resolution Committee, the subsequent decision of the Appeals Resolution Committee is final and cannot be appealed again to the Chief Executive.

## Responsibilities

Role	Responsibilities
Appeals Administrator	<ul style="list-style-type: none"> <li>Receive the Notice of Appeal, log the Appeal on the central Appeals tracker, forward the Notice of Appeal to the Appeal Resolution Committee, the Investigator and any other stakeholders and assist in facilitating the Appeal Hearing</li> <li>Ensure the student is kept informed of progress towards an outcome</li> <li>File all documents in file at H Drive location: 2. Academic Development/Te Korowai Kahurangi/ Student Appeals and Complaints</li> </ul>
Appeal Resolution Committee	<ul style="list-style-type: none"> <li>Be available to hear Appeals</li> <li>Read all documents relevant to the Hearing prior to attending</li> <li>Deliver an outcome for the Appeal within the specified time frame</li> <li>Make any subsequent quality/process improvement recommendations relevant to the School or Unitec</li> </ul>
Chair of the Appeal Hearing	<ul style="list-style-type: none"> <li>Establish the date and time of the Hearing and communicate to all parties</li> <li>Chair the Appeal Hearing</li> <li>Communicate the <u>outcome to all</u> parties</li> </ul>
Chief Executive	Consider whether or not there has been a procedural flaw in preparation for or at the Appeal Hearing Either: cancel the appeal decision and refer the matter back to the Appeal Resolution Committee for further assessment, uphold the decision or suggest an alternative resolution
Student	<ul style="list-style-type: none"> <li>Attend the Appeal Hearing and participate in good faith</li> <li>Provide any additional information requested by the Appeal Resolution Committee</li> </ul>
Support person	<ul style="list-style-type: none"> <li>Read all documents relevant to the Hearing prior to attending</li> <li>Offer guidance and support to the student before, during and after the Hearing</li> </ul>
Investigator	<ul style="list-style-type: none"> <li>Provide a copy of the email/letter outlining the outcome of the decision being appealed</li> <li>Attend the Appeal Hearing</li> <li>Provide any additional information requested by the Appeal Resolution Committee</li> </ul>

## Definitions

Term	Definition
Appeal Hearing	A formal meeting with the student, lecturer(s), student advocate, support persons and the Appeal Resolutions Committee, where evidence is presented in relation to a formal appeal
Appeal Resolution Committee	A committee appointed to hear and determine, in accordance with this procedure, any appeals by students, other than disciplinary matters. Membership of this committee is appointed by Unitec's Academic Board annually, from nominations from within Unitec's senior Academic staff
Chair	The person appointed from within the Academic Resolution Committee to chair the Appeal Hearing
Investigator	The senior academic who conducted the preliminary investigation, and presented an opinion on whether the appeal should proceed to a formal Appeal Hearing
Procedural Flaw	An error or some other issue such as the departure from a prescribed rule or regulation

Working Days	<p>For the purposes of this Procedure working days will mean:</p> <ul style="list-style-type: none"><li>• Monday to Friday (unless one of these days is a public holiday)</li></ul> <p>The exclusion of the days that fall during the Christmas closedown period for Unitec</p>
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## Reference Documents

- Student Academic Complaints Procedure
- Student Complaints Resolutions Procedure
- Student Disciplinary Statute

## Approval Details

<b>Version number</b>	<b>2.0</b>	<b>Issue date</b>	<b>5/02/20</b>
<b>Version History</b>	<b>Second edition</b>		
<b>Approval authority</b>	Academic Board	<b>Date of approval</b>	<b>2020/02/05</b>
<b>Procedure Sponsor (has authority to approve minor amendments)</b>	Executive Dean: Academic Development	<b>Procedure Owner</b>	Te Korowai Kahurangi
<b>Contact person</b>	Manager Te Korowai Kahurangi	<b>Date of next Review</b>	<b>February 2022</b>

## Appendix A Student Appeals Process Flowchart

Student submits a Notice of Appeal in writing along with evidence of meeting with Student Support prior to submitting this appeal to [resolutions@unitec.ac.nz](mailto:resolutions@unitec.ac.nz) within 15 working days of receiving an Appealable Decision



Appeals Administrator acknowledges receipt within 1 working day. Te Korowai Kahurangi will review the Notice of Appeal to determine whether the grounds of appeal have been met. The student will be notified if not. If grounds have been met, the Notice of Appeal will be forwarded to the members of the Appeal Resolution Committee, and any support person specified by the student



Appeal Resolution Committee receives Notice of Appeal, appoints a Chair who responds to all parties with a date and time for a Hearing, an outline of the hearing process and requests a copy of the Investigator's decision by email/letter, and any other information



A hearing is held within 15 days of receipt of the Notice of Appeal, where all parties can present their case, and an outcome is reached. The outcome is communicated to all parties by the Chair, in writing, within 5 working days of the hearing.