

Ākonga Appeals Policy

This national policy applies to:

- a) Any appealable decision, action, or omission process made by Te Pūkenga in relation to ākonga.
- b) Appealable decisions include:
 - i) The outcome of an academic complaint or academic integrity matter or review process
 - ii) The outcome of a non-academic complaint
 - iii) The outcome of a postgraduate research or scholarship decision
 - iv) The outcome of an ākonga breach of discipline decision

Purpose:

The purpose of this policy is to ensure that Te Pūkenga ākonga have access to an appeal process that is timely, conducted fairly, effectively, consistently and in a manner that is culturally appropriate to the ākonga following the principles of natural justice.

The link to the policy is: [Ākonga Appeals Policy](#)

The Procedures for implementing the policy are the local business procedures as outlined in the rest of this document.

Ākonga Appeals Procedures

1.1. Timeframe

- a) An appeal must be lodged within seven working days of appellant being advised of an appealable decision.
- b) In exceptional circumstances, and with the approval of the delegated authority, an appeal may be received later than seven working days.

1.2. Grounds for an appeal

To make an appeal one of the following grounds must be established:

Subject Matter	Grounds for Appeal for Appeal
Appeal against an academic complaint or academic integrity or review process decision	Establish one of the following grounds to appeal: a. There is new 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 flaw in the process relating to the decision the ākonga seeks to appeal.
Appeal against a non-academic complaint decision.	
Appeal against an ākonga/student breach of discipline 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 breach of discipline and the full circumstances of the case.

1.3. Advocacy and Support

- a) In making an appeal, the ākonga/student:
 - i. Should seek support from Ākonga/Student Support teams or independent advocates for all steps in the process.
 - ii. Must complete a Notice of Appeal form (refer Appendix 1 of this policy).

1.4. Receipt of Appeal

- a) When the Notice of Appeal is received, the appeal will be registered on the Ākonga/student Appeals Register and the grounds for appeal assessed by a delegated Appeals Panel member.
- b) Where the grounds for appeal have been satisfied
 - i. the Notice of Appeal is acknowledged by the **Appeals Officer** to the complainant within three working days of receipt of the appeal.

- ii. This formal acknowledgement of receipt of the Notice of Appeal is sent to the appellant and any support person/s and/or advocate noted in the Notice of Appeal and will include advice on the next steps in the process.
- c) Where the grounds for appeal have not been satisfied, the appellant and any support person/s and/or advocate are notified by the Appeals Officer of the decision and reasons within ten working days.

1.5. Convening Appeal Panel

- a) Appeals relating to academic matters may be considered by the relevant academic committee, e.g., a programme committee, or an Appeals Panel.
- b) Appeals relating to non-academic matters or breaches of discipline are considered by an Appeals Panel
- c) The Appeals Panel is established by the Appeals Officer and consists of kaimahi with knowledge and experience of appeals processes. Membership is determined by the nature of the decision being appealed and the cultural, disability, or other needs of the appellant.
- d) The membership of each Appeals Panel must also consider any Professional or Regulatory Body representation requirements.
- e) The Appeals Panel decides who amongst them will Chair the appeal hearing.

1.6. The Appeal Inquiry

The Appeal inquiry is conducted following the process set out in Appendix 2 of this policy.

1.7. The Appeal Decision

The Chair of the Appeals Panel informs the appellant and their support person/s and/or advocate in writing, within five working days from the Panel hearing of the Appeals Panel's decision. The decision will also inform the appellant of their right to further appeal.

1.8. Right to Further Appeal

Applicants may request reconsideration by emailing Appeals@northtec.ac.nz

1.9. Documentation, records and reporting

Internal

- a) The Appeals Officer will register all appeals on the business division Appeals Register (currently Protecht). Access to the Register will be restricted.
- b) The Appeals Officer compiles a report for the Academic Quality Assurance Committee and Academic Committee will receive a summary of concerns and complaints quarterly. The report will include an analysis of concerns and complaints, by programme area and theme.
- c) Reference to specific students in the monthly reports will use NorthTec student ID numbers only. Staff mentioned in the investigation reports will be referred to by their role titles.
- d) Agreed institutional improvements will be added to the Institutional Improvement Plan for action and reported to Te Ohu Whakahaere Quality.
- e) Documentation relating to the appeal is kept in accordance with relevant legislation and the business division Records Management Policy and General Disposal Authority.

Appendix 1: Notice of Appeal

[online form]

Name	
Ākonga ID number	
Email address	
Phone	
Address	
Preferred Contact Method (Email, phone, mobile, other)	
Programme of Study or Qualification	
Te Pūkenga Business Division	
Describe the details of your Appeal	
Identify the grounds on which you are making this appeal	
Please describe how you have already tried to resolve this appeal	
Please describe how you think your appeal can be resolved (outcome sought)	
Identify the support person/s and/or advocate assisting you in making this appeal (Name and contact details)	
Identify any other person/s assisting you (Name and contact details)	
Documentation (uploaded)	

Appendix 2: The Appeal Hearing

The nominated Chair for each Appeals Hearing will:

- Establish a date, time, venue, and format for the Hearing which is convenient for all parties and within seven working days of receipt of Notice of Appeal. Any timeframe over the seven working days to be notified to all parties.
- Inform the ākonga of their rights to appear at the Hearing, being supported by their chosen support person/s, use an advocate to speak on their behalf, request an interpreter, and to request Māori or other representation at the hearing. The ākonga may also choose not to appear as all documentation/evidence material has been provided.
- Ensure all parties have the same documentation at the Hearing. This includes the Notice of Appeal and accompanying documentation and the appealable decision under appeal.
- Additional material may be provided at the hearing if all parties are given a reasonable opportunity to consider the material and there is an agreement in the panel to allow additional material not previously available.
- The Hearing is an open and consultative event attended by all parties to hear each other's explanations.
- If agreement/consensus is reached by all parties at any stage in the Hearing, the Hearing may be vacated.
- Determine the order of the proceedings and time limits for each participant's speaking at the Hearing.
- Provide for all members of the Panel to ask relevant questions, including the background to and reasons for the Appealable decision.
- At the time of the deliberation, all parties not on the Hearing Panel, be asked to leave the meeting
- Ask all the Panel members to consider all evidence and make decision.
- Invite all other parties back into the Panel Hearing to be informed of the decision with no further recourse to discussion or questions.
- Advise the ākonga of the next steps in the process.

