

Ākonga Appeals Policy

Approval details

Category	Academic	Date created	May 2022
Approved by		Date of last review	
Responsibility		Date of next review	
First point of contact		Version	1
Key Evaluation Question			

1. Purpose

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

2. Audience and scope

- 2.1. This policy applies to any appealable decision, action or omission process made by Te Pūkenga.
- 2.2. Appealable decisions may include:
- The outcome of an ākonga complaint relating to their course or programme
 - The outcome of an ākonga complaint relating to a non-academic matter
 - The outcome of a Postgraduate Research or Scholarship decision
 - The outcome of an ākonga breach of discipline decision

3. Principles

- 3.1. The appeals policy follows the principles of natural justice.
- 3.2. Ākonga are entitled to culturally appropriate responses that consider traditional processes for raising and resolving issues.
- 3.3. Appeals are resolved in a timely and consistent manner.
- 3.4. Ākonga are treated with respect, fairly and without bias.
- 3.5. All parties are entitled to an advocate and support at all steps in the appeals process.
- 3.6. Every person affected by this policy has the right to a copy of this policy and procedures and any other information as needed to clarify any point or process.
- 3.7. All parties directly affected by the appeal are kept regularly informed of the progress of the appeal, given an opportunity to respond to the findings and entitled to the decision in writing.

4. Responsibilities

Role	Responsibilities
Appeals Panel	Be available to determine grounds of appeal are sufficient to proceed Receive and read all documentation related to the appeal Make any subsequent improvements/quality recommendations to appropriate departments
Appellant (ākonga)	Attend hearing (if required)

	<p>Participate in good faith</p> <p>Provide any further information required by the Appeals Panel.</p>
Chairperson of Appeals Panel	<p>Establish time, date, venue, and format of Appeals Panel hearing</p> <p>Determine appropriate members of Appeals Panel</p> <p>Chair the panel</p> <p>Communicate outcome of appeal to all parties within a specified timeframe.</p>
Appeals Officer/ Administrator	<p>Receive the Notice of Appeal</p> <p>Log the appeal on the Appeals Register</p> <p>Forward the Notice of Appeal to the delegated Appeals Panel member to determine if grounds of appeal are sufficient to proceed to a hearing</p> <p>Notify all parties of date, time, and venue of hearing</p> <p>Manage documentation and reporting</p>
Support Person/Advocate	<p>Work with appellant to ensure culturally appropriate format for hearing</p> <p>Read all documentation prior to the hearing</p> <p>Offer guidance to appellant throughout all stages of the appeal</p>
Appeals Co-ordinator	<p>Collate all documentation for the Panel hearing, including the original decision document on which the appeal is based.</p> <p>Provide additional documentation required by the Panel</p> <p>Attend the hearing</p>

5. Procedures

5.1. Timeframe

- a. To ensure timely and effective resolution, an appeal must be lodged within seven working days of ākongā 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.

5.2. Grounds for an appeal

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

Subject Matter	Grounds for Appeal
<p>Appeal against an academic complaint decision</p> <p>Appeal against a non-academic complaint decision.</p> <p>Appeal against a Postgraduate Research and Scholarships Committee decision.</p>	<p>Establish one of the following grounds to appeal:</p> <ol style="list-style-type: none"> 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 ākongā seeks to appeal.
<p>Appeal against an ākongā breach of discipline decision</p>	<ol style="list-style-type: none"> 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

Subject Matter	Grounds for Appeal
	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.

5.3. Support

- a. In making an appeal, the ākongā:
 - i. Should seek support from the Ākongā Support teams for all steps in the process.
 - ii. Must complete a Notice of Appeal form (refer Appendix 1 of this policy).

5.4. Receipt of Appeal

- a. When the Notice of Appeal is received, the Appeal will be registered on the Ākongā Appeal 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 within three working days including advice on the next steps in the process.
 - ii. This formal acknowledgement of receipt of the Notice of Appeal is sent to the appellant and any support person/s 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 are notified of the decision and reasons within ten working days.

5.5. Convening Appeal Panel

- a. An Appeals Panel consists of Te Pūkenga kaimahi with knowledge and experience of appeals processes and membership will be determined by the nature of the decision being appealed and the cultural needs of the appellant.
- b. The membership of each Appeals Panel must also consider any Professional or Regulatory Body representation requirements.
- c. The Appeals Panel decides who amongst them will Chair the Appeal hearing.

5.6. The Appeal Hearing

- a. The Appeal hearing is conducted following the process set out in Appendix 2.

5.7. The Appeal Decision

- a. The Chair of the Appeals Panel informs the appellant and their support person/s in writing, within five working days from the Panel hearing of the Appeals Panel's decision. The decision document will also inform the appellant of any further recourse to Appeal.

5.8. Documentation, records, and reporting

- a. Each month, the delegated committee receives a summary of appeals and the outcomes.

- b. Institutional improvements or corrective actions identified as part of the appeal’s hearing or process will be added to the Continuous Quality Improvement plan as part of the Self-Assessment programme.
- c. Documentation relating to the appeal is to be stored/filed.
- d. Documentation relating to the appeal includes:
 - i. The Notice of appeal lodged by the ākonga with all accompanying evidence.
 - ii. Written reports of all meetings, attendees, discussion, and decisions.
 - iii. Formal written communication of the decision to the appellant.
 - iv. Summary of report and action plan (if institutional issues emerge) to the Ohu Whakahaere Quality.

6. References

<p>Internal</p> <p>Te Kawa Maiooro regulatory framework Assessment regulations Concerns and Complaints Policy Business Division/Sites/Campus Code of Conduct or Learner Statute and Breach of Discipline procedures</p>
<p>External</p> <p>Human Rights Act 1993 Privacy Act 2020 Bill of Rights Act 1990 The Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021</p>

7. Definitions

Term	Means
Appeal	A written request by a ākonga or ākonga to change any appealable decision made by Te Pūkenga kaimahi or committee.
Advocate	<p>The person who assists the ākonga by being present and guiding them through the process. The role will normally include observing that the process is followed, and/or advising the appellant regarding process and option.</p> <p>An Advocate will be an Ākonga Advocate, Ākonga Advisor, or their nominee; or any person nominated by the student.</p>
Natural justice	<p>The three main requirements of natural justice that must be met in every case are: adequate notice, no bias and fair hearing.</p> <p>A process conducted without bias that includes three key rules to enable this:</p> <p>a) In an investigation, the subject of the complaint must be advised of the allegations in as much detail as possible, given time to prepare and present their side of the story including evidence and must be given the opportunity to reply to the allegations.</p>

Term	Means
	<p>b) Investigators and decision makers must be impartial and act without bias in procedures connected with the making of a decision. Decisions must be based on a balanced and considered assessment of the information and evidence.</p> <p>c) Decisions must be based on logical proof or evidence. Investigator or decision makers should be able to clearly point to the evidence on which the decision is based. Evidence presented by one party must be disclosed to the other party, who may then subject it to scrutiny.</p>

8. Records Management

Record	Minimum retention period	Disposal action	GDA Reference #
<i>To be completed prior to approval</i>			

9. Amendment history

Version	Effective date	Created/reviewed by	Reason for review/comment
1	May/2022	Working Group	First published

Appendix 1: Notice of Appeal

[online form]

Name	
Programme of Study or Qualification	
Te Pūkenga Campus/Site/Location of Study	
Ākonga ID number	
Email address	
Phone	
Address	
Preferred Contact Method (email, phone, mobile, other)	
Identify the support person/s assisting you in making this appeal (Name and contact details)	
Identify any other person/s assisting you (Name and contact details)	
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)	
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 appellant 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 a Māori or other representative at the hearing. The appellant 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 appellant of the next steps in the process.