

Kaupapa-here | Ākonga Appeals Policy

Mō wai me te whānuitanga | Audience and scope

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.

Mokamoka whakaaetanga | Approval details

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Contact person	Deborah Young		

Ngā whakatikatika | Amendment history

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25.1	1 January 2025	Te Ohu Whakahaere Academic Quality Te Ohu Whakahaere Appeals Te Poari Akoranga	Review to transition appeals to Te Pūkenga Business Divisions

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Kaupapa-here | Ākonga Appeals Policy

1. Pūtake | Purpose

The purpose of this policy is to ensure that all 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.

2. Ngā Mātāpono | Principles

- 2.1. The appeals policy follows the principles of natural justice.
- 2.2. Ākonga are entitled to culturally appropriate approaches that consider traditional processes for raising and resolving issues.
- 2.3. Appeals are resolved in a timely and consistent manner.
- 2.4. Ākonga are treated with respect, fairly, and without bias.
- 2.5. All parties are entitled to an advocate and support at all steps in the appeals process.
- 2.6. 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.
- 2.7. 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.

3. Kaupapa Here | Policy Statements

3.1. 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.

3.2. 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 or academic integrity or review process 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 ākonga seeks to appeal.
<p>Appeal against an ākonga breach of discipline decision</p>	<ol style="list-style-type: none"> a. That the procedure used for investigating or resolving the unacceptable behaviour 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.

3.3. Advocacy and Support

- a) In making an appeal, the ākonga:
 - i. Should seek support from the business division Ākonga 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) and submit this (together with any relevant supporting materials) to the relevant business division in accordance with the Business Division's Appeal procedure.

3.4. Receipt of Appeal

- a) When the Notice of Appeal is received, the appeal will be registered on the Business Division's Ākonga Appeals Register and the grounds for appeal assessed in accordance with the Business Division's Appeal procedure.
- b) Where the grounds for appeal have been satisfied the Notice of Appeal is acknowledged by the Business Division's Appeals Panel Chair/secretary or delegate, within three working days including advice on the next steps in the process. 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 of the decision and reasons within ten working days.

3.5. Convening Appeal Panel

- a) Appeals relating to academic matters must be considered by the relevant business division academic authority, 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 relevant business division 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 Inquiry, unless the role of Chair is already mandated by the relevant business division's internal process.

3.6. The Appeal Inquiry

- a) The Appeal Inquiry is conducted following the process set out in the relevant business division's appeal procedure .

3.7. The Appeal Decision

- a) 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 Inquiry of the Appeals Panel's decision. The decision will also inform the appellant of their right to further appeal.

3.8. Right to Further Appeal

- a) Appellants have the right to further appeal the Business Division Appeal Panel's decision to the Business Division's Lead. This is the final appeal process within Te Pūkenga.
- b) Appellants apply in writing to the Business Division Lead within seven working days of receiving the Appeals Panel's decision. A copy of the Appeals Panel's decision and support evidence is attached. The appeal will be considered in accordance with the Business Division's Appeals procedure.

- c) The decision of Business Division Lead is final. There is no further internal appeal process available. The decision document informs the appellant of their right to refer the matter to an external organisation such as Study Complaints | Ngā Amuamu Tauira, the Disputes Tribunal of New Zealand, the Human Rights Commission, the Ombudsman, or NZQA.

3.9. Documentation, records, and reporting

- a) The appropriate delegated authority within the Business Division receives a summary of appeals and the outcomes twice a year.
- b) Institutional improvements or corrective actions identified as part of the appeal's Inquiry or process will be added to the business division's Continuous Quality Improvement plan and reported to the appropriate delegated authority within the Business Division (i.e. Head of Student Services, Head of Academic Quality).

4. Ngā Haepapa | Responsibilities

Role	Responsibilities
Appellant (Ākonga)	Attend Inquiry (if required) Participate in good faith Provide any further information required by the Appeals Panel
Advocate	Work with appellant to ensure culturally appropriate format for Inquiry. Read all documentation prior to the Inquiry. Offer guidance to appellant throughout all stages of the appeal
Chair of Appeals Panel	Establish date, time, venue, and format, including culturally appropriate approaches, of Appeals Panel Inquiry Determine appropriate members of Appeals Panel Chair the panel Communicate outcome of appeal to all parties within a specified timeframe
Appeals Panel	Be available to determine whether 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
Appeals Officer or delegated function within business division	Receive the Notice of Appeal Log the appeal on the Appeals Register Forward the Notice of Appeal to the delegated Appeals Panel member to determine whether grounds of appeal are sufficient to proceed to an Inquiry. Notify all parties of date, time, venue, and format of Inquiry. Receive Appeal of the Decision and liaise with and forward all documentation to the Ohu Whakahaere Appeals secretary Manage documentation and reporting
Appeals Co-ordinator or delegated function within business division	Collate all documentation for the Panel Inquiry, including the original decision document on which the appeal is based. Provide additional documentation required by the Panel Attend and minute the Inquiry

5. Ngā Tikanga | Definitions

Term	Definition
Ākonga	A domestic tertiary learner, international tertiary learner, or industry trainee or apprentice who: <ul style="list-style-type: none"> is currently enrolled with any business division, or has previously been enrolled with any business division, or is currently in the process of enrolling with any business division.
Appeal	A request to review a decision, made by the Business Division, that relates to or impacts on an ākonga
Appealable decision	A decision made in response to a review process or complaint or disciplinary matter
Appellant	Ākonga who has submitted an appeal of any appealable decision, action, or omission made by the Business Division.
Advocate	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 ākonga regarding process and option. An Advocate will be an Ākonga Advocate, Ākonga Advisor, or their nominee; or any person nominated by the student.
Business Division -	A business division of Te Pūkenga – New Zealand Institute of Skills and Technology, being a former polytechnic or industry training organisation.

Where a term is used in this policy and not specifically defined, that term shall have the meaning set out in Te Kawa Maiooro.

6. Ngā Hononga ki Tuhinga kē | Links to Other Documents

<p>Ngā Kaupapa-Here e Hāngai ana Related policies Business Division Code of Conduct, Learner Statute, and Breach of Discipline procedures Te Kawa Maiooro Te Pūkenga Ākonga Concerns and Complaints Policy Te Pae Māhutonga (Wellness Framework) The Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021</p>
<p>Ngā Tukanga me ngā Hātepe Processes, procedures Business division concerns, complaints, and appeals procedures</p>
<p>Ture whai take Relevant legislation New Zealand Bill of Rights Act 1990 Human Rights Act 1993 Privacy Act 2020</p>

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	
Describe the details of your Appeal	
Identify the grounds on which you are making this appeal (see section 3.2 of the Ākonga Appeals Policy)	
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)	