

Academic Appeal Procedures

Guide for Students

1. Introduction

The purpose of this guide is to help explain the University's academic appeals procedures. Further information can be found in the Appeals Regulations, which are available in the [University's 2023 Maramataka | Calendar](#). Should there be any conflict between them, Appeals Regulations prevail over the information in this guide.

Advice on the academic appeal procedures is available from the University's Grievance and Academic Process Advisor. Support in engaging with the academic appeal process is available from the USCA student advocacy team and the University Student Care team.

Please read this guide carefully before applying to appeal an academic decision. The academic appeals process is summarised in the diagram in Appendix A (page 5) and discussed in detail below.

2. What is an Academic Appeal?

An academic appeal is a process which allows a student to appeal a decision made under University Regulations that causes the student an academic disadvantage. The types of decision that can be the subject of an academic appeal include decisions on admission, reconsiderations of grades, special considerations, academic progress and some decisions relating to doctoral degrees. Academic appeals are heard by the University's Academic Appeals Committee.

3. How do I apply for an Academic Appeal?

(a) Before making an application for leave to appeal

Before requesting an academic appeal, you (the student seeking the appeal) may first request the original decision maker to review their decision. You can contact the decision maker directly. This may not always be appropriate or possible, depending on who made the original decision.

Where the original decision maker was not the Dean (whether an Executive Dean or the Dean of Postgraduate Studies), you must request that the Dean review the decision before you can appeal the decision. You should contact the relevant Dean directly and state that you are requesting a review of the decision. You should explain in as much detail as you can the reason that you are requesting a review. The Dean may appoint another person to carry out the review. You should make this request as soon as you can after the original decision was made, and an unreasonable delay may mean that the Dean can refuse the request to review. Such a refusal can itself be the subject of an appeal to the Academic Appeals Committee.

This process is different for special consideration applications, which must be referred to the Chair of the Special Consideration Panel (instead of the Dean). Any request for such a referral should be emailed to the University's Grievance and Academic Processes Advisor.

(b) Submitting an application for leave to appeal

If following a review by the Dean or Chair of the Special Consideration Panel, the original decision stands, you may apply for leave to bring an academic appeal. All appeal applications must be submitted in writing to the University's Grievance and Academic Processes Advisor. You must submit your application within ten working days of being notified of the decision of the Dean or Chair of the Special Consideration Panel. Notification occurs when a communication of the outcome reaches your email address. A late application will be accepted only in exceptional circumstances.

In order to be granted leave to appeal, you must show that: (1) there may have been a breach of process in relation to the decision; (2) you have new evidence or information that was not available to you at the time of the decision; or (3) the decision was manifestly unjust. You do not need to show these in relation to appeals on academic progress.

A decision is manifestly unjust where it is clearly and obviously unjust, such as when its effect is out of all proportion to the reasons for which the decision was made.

Your application must set out:

- details of the original decision and the review/s of the decision;
- the academic disadvantage that the decision has caused you;
- the reason for the appeal;
- how the situation satisfies at least one of these three requirements; and
- any written evidence that supports your position.

It is important to present written evidence in support of your leave to appeal application. It is your responsibility to obtain and present any supporting evidence. The Academic Appeals Committee may not permit you to present documentary evidence at a hearing that you have not provided earlier.

If presenting medical evidence, it should be submitted from a qualified medical practitioner. If you are resident overseas any medical evidence, you present must be translated into English and you must also submit a certified translation. The University may undertake checks to ensure that all evidence submitted is genuine.

Where leave to appeal is required, the Academic Appeals Committee will meet and consider your application. You do not attend this meeting. If the Committee declines to grant leave, then there is no further appeal available within the University.

4. How will the appeal be decided?

The Academic Appeals Committee is a panel made up of senior University staff members and a student representative.

If leave to appeal is not required or if the Committee grants leave, then the Committee will schedule a hearing. You will be advised when and where this hearing will take place. You should attend the hearing and may be represented by an advocate or your choice, who will have speaking rights. You may also be accompanied by a support person, who will not have speaking rights. You may not have as an advocate or support person any University staff member or any person who is also involved in the appeal, without the prior written approval of the Committee Chair. Any contact with the Committee prior to the hearing should be through the Secretary to the Committee.

You may call witnesses, provided that you have informed the Committee at least five working days prior to the hearing, including giving the names of any witness to appear.

At the hearing, you will be invited to present your reasons for the appeal to the Committee. The person whose decision is being appealed will be invited to respond or provide information. Other staff members may also be asked to attend to provide information. The Committee may ask questions at any time. It is normally undesirable for you or your advocate to read aloud material which has already been provided to the Committee ahead of the academic appeal hearing. You should assume that the Committee is familiar with that material.

If the Committee wishes to receive more information, the hearing may be adjourned. You may be asked to provide additional information to the Committee before the hearing can resume.

If you do not attend the hearing in person, the hearing may proceed in your absence. The Committee will consider the written material you have provided.

After considering the evidence and the submissions, the Committee will deliberate and make a decision about your case.

(a) Possible outcomes

You will usually receive formal notification of the outcome of your appeal within 20 working days of the hearing. The notification will explain the reasons for the Committee's decision. If the case is complex, it may take longer for an appeal decision to be notified. In this instance you will be kept informed of the progress.

The decisions that can be made in respect of an appeal are that:

- the Committee confirms the decision being appealed in all respects (i.e. the previous decision stands);
- the Committee changes the decision being appealed in some way; or
- the Committee may overturn the decision being appealed.

5. Is there any further appeal?

If you are not satisfied with the outcome of the decision from the Academic Appeals Committee, then you can seek leave to appeal to the University Appeals Committee. In order for leave to be granted you must show that there may have been a breach of process in relation to the first appeal or that there is new evidence or information that was not available to you at the time of the first appeal. If leave to appeal is granted by the University Appeals Committee then the appeal will be heard by the University Appeals Committee. The hearing will operate in a similar way to that of the Academic Appeals Committee.

The University Appeals Committee is a panel made up of two members of the University Council, a senior University staff member and a student representative.

You must submit your appeal within ten working days of being notified of the decision of the Academic Appeals Committee. Notification occurs when a communication of the outcome reaches your email address. A late application will be accepted only in exceptional circumstances.

The decision of the University Appeals Committee is final and there are no further rights of appeal within the University.

6. Are there any further rights of review outside the University?

If you believe that the University's appeal process has been conducted incorrectly or that the outcome is unreasonable in relation to the evidence, then you may have the right to raise the matter for external and independent review.

(a) The Pastoral Code

The Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021 ("the Code") provides a pathway for learners to raise concerns about a university's compliance with the Code. In the first instance you should raise any concerns about potential breaches of the Code through the University's complaints process. If your complaint is not effectively addressed, you may be able to escalate the matter to the New Zealand Qualification Authority. Information about the Code can be found [here](#). Information about how international students can complain can be found [here](#).

(b) Dispute resolution schemes

Students can make to a complaint about a financial or contractual dispute to the dispute resolution scheme set up under the Code. International students can contact iStudent Complaints, which is an independent service which has experience in helping people resolve disputes. Students can use the service for free. Further information about the services provided by iStudent Complaints can be found [here](#).

(c) Other

Resolution of disputes may also be available from other bodies or agencies, including [the Disputes Tribunal](#), [the Human Rights Commission](#) or [the Ombudsman](#).

Appendix A

APPEALS PROCESS FOR ACADEMIC APPEALS

