

Appeals Regulations

1. Version

- (a) These Regulations came into force on 1 January 2023.

2. Authority

The Tumu Tuarua Akoranga | Deputy Vice-Chancellor Academic holds authority of these Regulations.

3. Scope

These Regulations apply to:

- (a) academic appeals, which are appeals of decisions made under the general and qualification Regulations of the University, except where different specific rules of appeal apply or where rights of appeal are limited or excluded; and
- (b) misconduct appeals, which are appeals of decisions made under the Behavioural Misconduct and Academic Misconduct Regulations.

4. Purpose

Students may appeal decisions in accordance with these Regulations and the Regulations under which the decisions were made.

5. Academic Appeals

- (a) A student may apply for leave to appeal a decision made under the general and qualification Regulations of the University to the Academic Appeals Committee where that decision causes the student an academic disadvantage, except where the Regulation under which the decision is made specifies otherwise.
- (b) Any such application must be made in accordance with these Regulations, including the requirements in Regulation 7.
- (c) Leave to appeal to the Academic Appeals Committee will only be granted where there may have been a breach of process in relation to the decision, where there is new evidence or information that was not available to the student at the time of the decision and/or where the decision was manifestly unjust. The application for leave to appeal must specify how this requirement is met.
- (d) The decision whether to grant an application for leave to appeal will be made by the Academic Appeals Committee. The decision not to grant an application for leave to appeal is final.
- (e) A student, before applying to appeal, may request that the original decision maker review their decision.
- (f) Where the original decision maker is not the Amo | Dean, a student, before applying to appeal, must request that the relevant Amo | Dean review the decision.
- (g) The Amo | Dean may decline to review the decision on the grounds that the request for review has involved an unreasonable delay. This decision can be appealed to the Academic Appeals Committee.
- (h) The Academic Appeals Committee may confirm, amend or overturn the decision, or refer the decision back to a previous decision maker to be reconsidered. The Academic Appeals Committee has the same powers as the original decision maker.
- (i) Except as set out in 5(d) above, a student against whom a decision has been made in any academic appeal may apply, under Regulation 8, for leave to appeal the decision to the University Appeals Committee.
- (j) The University Appeals Committee may confirm, amend or overturn the decision, or refer the decision back to a previous decision maker to be reconsidered. The University Appeals Committee has the same powers as the original decision maker.

6. Misconduct Appeals

- (a) A student against whom a decision has been made under the Behavioural Misconduct or Academic Misconduct Regulations may appeal that decision in accordance with these Regulations.
- (b) The following rights of first appeal apply to decisions made under the Behavioural Misconduct and Academic Misconduct Regulations:
 - i. except as set out in (ii) below, a student against whom a decision has been made under Regulations 5, 6, 7 or 9 of the Behavioural Misconduct Regulations or under Regulations 5, 6 or 8 of the Academic Misconduct Regulations may appeal to the Misconduct Committee;
 - ii. a student against whom a decision has been made by the Misconduct Committee under Regulation 9(b) of the Behavioural Misconduct Regulations or under Regulation 8(b) of the Academic Misconduct Regulations may appeal to the University Appeals Committee; and
 - iii. a student against whom a decision has been made under Regulation 8(b) of the Behavioural Misconduct Regulations or under Regulation 7(b) of the Academic Misconduct Regulations by the Misconduct Committee after referral from the Pou Uruhi | Proctor may appeal to the University Appeals Committee, and is not required to apply for leave to appeal under Regulation 8(b).
- (c) A student against whom a decision has been made in any appeal under Appeals Regulation 6(b) above may, if that first appeal was not to the University Appeals Committee, apply under Appeals Regulation 8 for leave to appeal the decision to the University Appeals Committee.
- (d) The Misconduct Committee and the University Appeals committee may confirm, amend or overturn the decision being appealed. The University Appeals Committee has the same powers as the Misconduct Committee.

7. Applications to Appeal

- (a) Any application to appeal under these Regulations must be received within ten working days of notification of the decision being appealed, except where expressed otherwise. Notification is deemed to occur when the message of notification reaches the student's electronic address.
- (b) A late application to appeal will be accepted only in exceptional circumstances. The decision as to whether to accept a late application will be made by the Committee to which the student is appealing.
- (c) The decision not to accept a late application cannot be appealed.

8. University Appeals Committee

- (a) The time limit for the application for leave to appeal is as set out in Regulation 7.
- (b) Leave to appeal to the University Appeals Committee will only be granted where there may have been a breach of process in relation to the first appeal and/or where there is new evidence or information that was not available to the student at the time of the first appeal. The application for leave to appeal must specify how this requirement is met.
- (c) The decision whether to grant an application for leave to appeal will be made by the University Appeals Committee. The decision not to grant an application for leave to appeal is final.
- (d) The decision of the University Appeals Committee is final. There are no further rights of appeal within the University.