

Academic Appeal Process		FSA Policy	TBC
Approval	Senior Management Team	Date of approval	9 August 2021
Policy Owner	Te Kaihāpai	Effective Date:	9 August 2021
		Review Date:	January 2023

1. PURPOSE

This policy outlines the standard appeal process for students who wish to appeal against an assessment process, and/or decisions involving assessment results, academic progression, impaired performance or aegrotat processes.

2. DEFINITIONS

Te Kaihāpai

In this policy the term conveys the meaning of an advocate and supporter and refers to the Academic Director (or delegate) exercising the Chief Executive's delegated authority to resolve academic appeals, complaints, and student disciplinary matters not resolved at a lower level.

External Advisor

A person with legal expertise and or knowledge and qualification to hear academic appeals.

Lecturer

Academic teaching staff including tutors.

3. POLICY

1. Oversight of the Academic Appeal process is managed, recorded and reported by the Te Kaihāpai.
2. A student may appeal against:
 - a. Assessment results
 - b. An assessment process
 - c. Decisions restricting academic progression
 - d. Decisions regarding impaired performance or aegrotat processes.
3. All academic appeals will be dealt with in accordance with the principles of natural justice with no discrimination on the grounds of gender, gender identity, race, ethnicity, sexual orientation, marital status, age, disability, religious or ethical beliefs, or political opinions .

4. A student may not appeal under this policy against a restriction to academic progression that has been applied as part of a disciplinary process.

4. PROCEDURES

1. The Academic Manager and lecturer will be actively engaged in resolving student concerns at this level including advising the student of the appeal processes and referring them to the programme handbook and/or student handbook where this is provided.
2. An intention to raise an appeal against a decision/result is to be documented at each stage to ensure student concerns are dealt with in a timely manner.
3. FSA reserves the right not to act where the student does not provide sufficient information in writing, or the appeal is raised more than 90 calendar days after the decision/result was provided to the student.
4. The student has five (5) working days from when they received the decision or result, to raise their intention to appeal the decision/result with the lecturer. The lecturer must record the date and time and respond to the student within five (5) working days. Where there is no resolution, the student can appeal in writing to the Academic Manager within three (3) days of the lecturer's decision, setting out the reasons for their appeal. The lecturer will also submit a written account of their decision.
5. The Academic Manager will consider the grounds for appeal within five (5) days of receiving the student's written submission and may direct the lecturer to review the decision or result and provide the lecturer with clear guidelines. The student will be advised of the outcome and where they remain dissatisfied, can appeal to the Te Kaihāpai in writing setting out the reasons for their appeal, within three (3) days of receiving the Academic Managers decision. The notice is to be sent to the Academic Manager and the Te Kaihāpai.

Appeal to the Te Kaihāpai

6. Where the student is dissatisfied with the decision, the Academic Manager will refer the matter to the Te Kaihāpai along with all documentation of the decision within 3 days of receiving the student's notice to appeal.
7. The Te Kaihāpai will within seven (7) working day invite the student to discuss the appeal as part of the investigation and may also consult with others if required, before making a decision. The student will be advised of the decision in writing.

Reconsideration

8. Where the student remains dissatisfied sh/e may, within seven (7) days request a review of the Te Kaihāpai's decision in writing clearly setting out the reasons for their disagreement. If necessary, the Te Kaihāpai may ask the student for additional information or another meeting to discuss the reconsideration. Further information may also be sought from others to support the review. After considering the students request and any new information, the Te Kaihāpai may:

- a. Decide to dismiss the request on the grounds that the request is trivial, vexatious, not made in good faith, or no new information has come to hand to change the decision; or
- b. Decide to seek a second opinion from an External Advisor with sufficient legal experience to advise on academic appeals, or is otherwise qualified; or
- c. Appoint an External Advisor with sufficient legal experience to hear academic appeals, or is otherwise qualified.

Appeal to an External Advisor

9. Where the appeal is referred to an External Advisor, the Te Kaihapai is responsible for managing the process of engaging an External Advisor and will, within seven (7) working days of receiving the appeal, refer it, and all associated materials, to the External Advisor and advise the student of the appointment and appeal. The student will receive copies of the same material.
10. The External Advisor will:
 - a. Determine whether further information is required from the student or FSA representatives.
 - b. Decide on the appropriate procedure to deal with the appeal, including whether to hold a hearing
 - c. Deal with the appeal in accordance with the principles of natural justice.
11. Where the External Advisor decides to call a hearing, the student and the FSA representative(s) have the right to attend, make submissions and be supported by a support person.
12. Within three (3) working days of receiving the External Advisor's decision, the Te Kaihapai will advise the student in writing of the decision.
13. If the student remains dissatisfied with the External Advisor's decision and wishes to appeal, they may take legal action or make a complaint to, the Commerce Commission, the Privacy Commission, New Zealand Qualifications Authority (NZQA) or under section 13(1) of the Ombudsman Act 1975, if the learner has exhausted all attempts to resolve the appeal internally, the Ombudsman has the ability to investigate .
14. An international student who is dissatisfied with the External Advisor' s decision can contact NZQA via their website [https:// www.nzqa.govt.nz/about -us/ make-a-complaint / make-a- complaint -about-a-provider/](https://www.nzqa.govt.nz/about-us/make-a-complaint/make-a-complaint-about-a-provider/) or email risk@nzqa.govt.nz

Reporting to the FSA Board

15. The Te Kaihāpai will keep a record of all appeal notifications and the outcomes of appeal referred to them in the Complaints, Appeals, Discipline, Notification Register ('the Complaints Register') and shall prepare in February and July of each year, a

summary report of the appeals from the previous 6 months. Copies are to be sent to the Chief Executive and the FSA Board.

16. The Te Kaihāpai will also report to FSA’s insurance company in the calendar year of receipt of any student appeals referred to the Te Kaihāpai for resolution.

17. Preventative actions and opportunities for improvement identified because of appeals and their resolution will be implemented and monitored by the Te Kaihāpai for effectiveness and any immediate risk reported to the Chief Executive and the FSA.

3. PROCESSES

Responsibilities	Action	Comments
Student and Lecturer	<ul style="list-style-type: none"> May raise an intention to appeal a decision or result within 5 days of receipt. The lecturer is record the date and time of when this was received and discuss the students concerns. If the student is dissatisfied with the lecturers decision, they may appeal in writing to the Academic Manager. 	
Academic Manager	<ul style="list-style-type: none"> Will respond to the student in 5 working days and may require the lecturer to review the decision and provide clear guidelines in writing and the reasons. Where the student remains dissatisfied they may appeal to the Te Kaihāpai within 3 days of receiving the decision. Is to provide all the written documentation of the appeal decision to the Te Kaihāpai, within 3 days of receiving notice from the student seeking an appeal to the Te Kaihāpai. 	
Te Kaihāpai	<ul style="list-style-type: none"> Has 7 days to decide on the appeal and inform the student in writing. Where student seeks a reconsideration, the Te Kaihāpai will decide what action to take. 	
The Kaihāpai External Advisor	<ul style="list-style-type: none"> Where the decision is to appoint an External Advisor, the Te Kaihāpai will manage the appointment process and inform the student of the process to be followed. The External Advisor may decide to hear the appeal on the papers or hold a meeting with the student and FSA representatives. 	

Te Kaihāpai	<ul style="list-style-type: none"> Will advise the student of the External Advisor within 3 days of the decision. 	
	<ul style="list-style-type: none"> Record appeals referred to the Te Kaihāpai in the Complaints Register including outcomes. 	
	<ul style="list-style-type: none"> Report any immediate risk to the Chief Executive and FSA Board 	
	<ul style="list-style-type: none"> Write a summary report in February and July about the appeals over the previous 6 months and actions take for improvement of processes and systems. 	

4. STATUTORY COMPLIANCE

- Commerce Act 1986
- Privacy Act 1993
- Ombudsmen Act 1975
- The Education (Pastoral Care for International Students) Code of Practice 2016
- External Evaluation and Review Rules 2013 and subsequent amendments

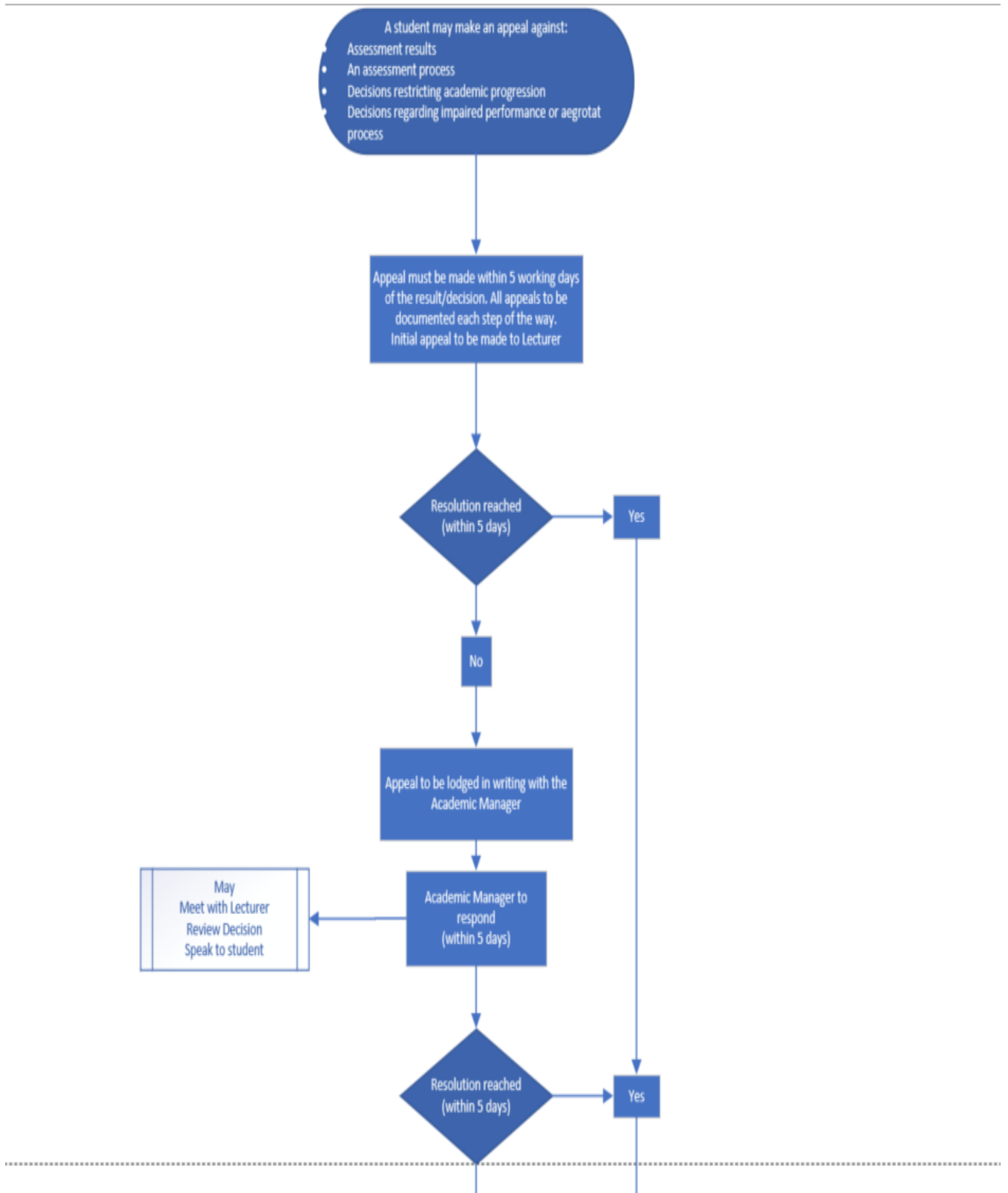
Other policies & documents

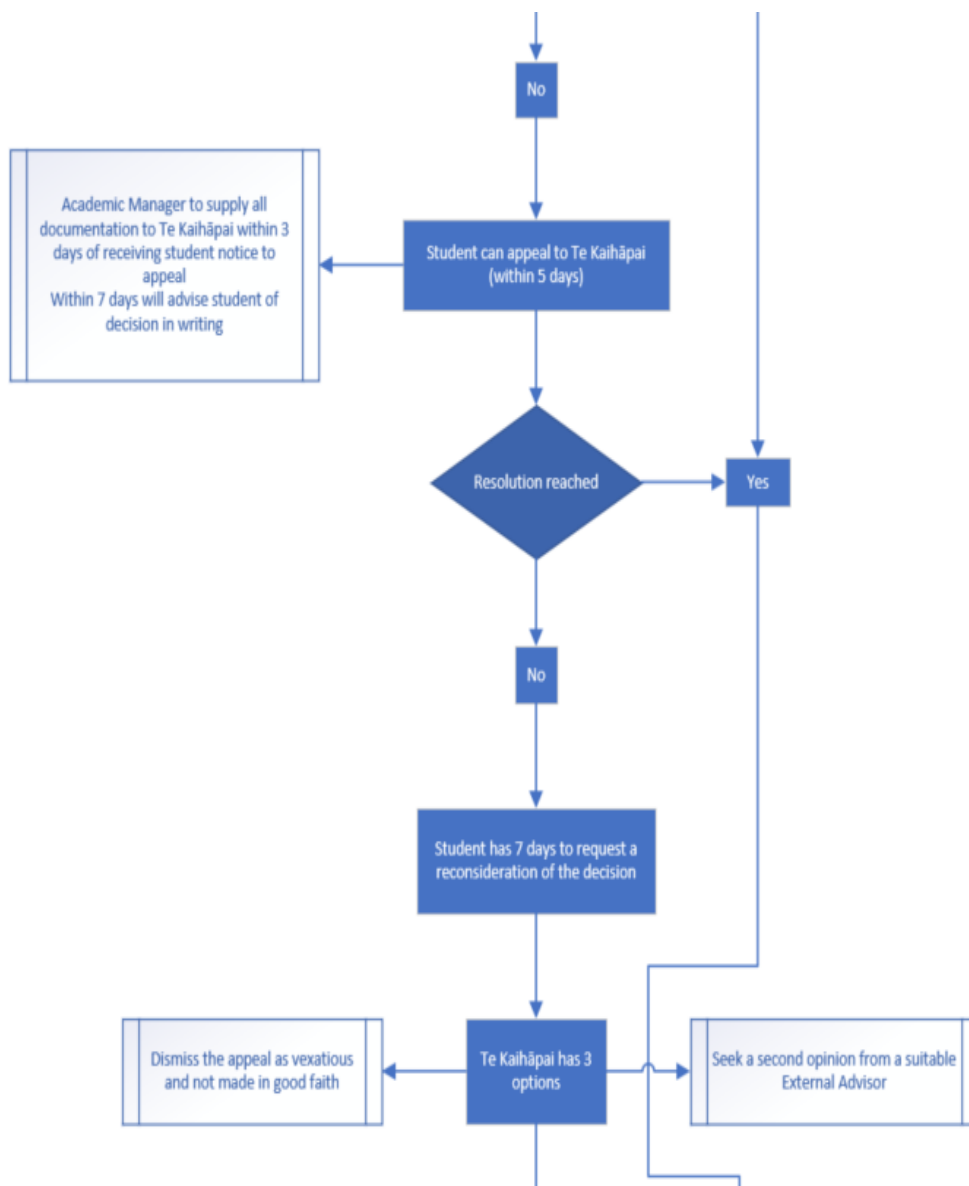
- Student Discipline Policy
- Resolution of Student Complaint

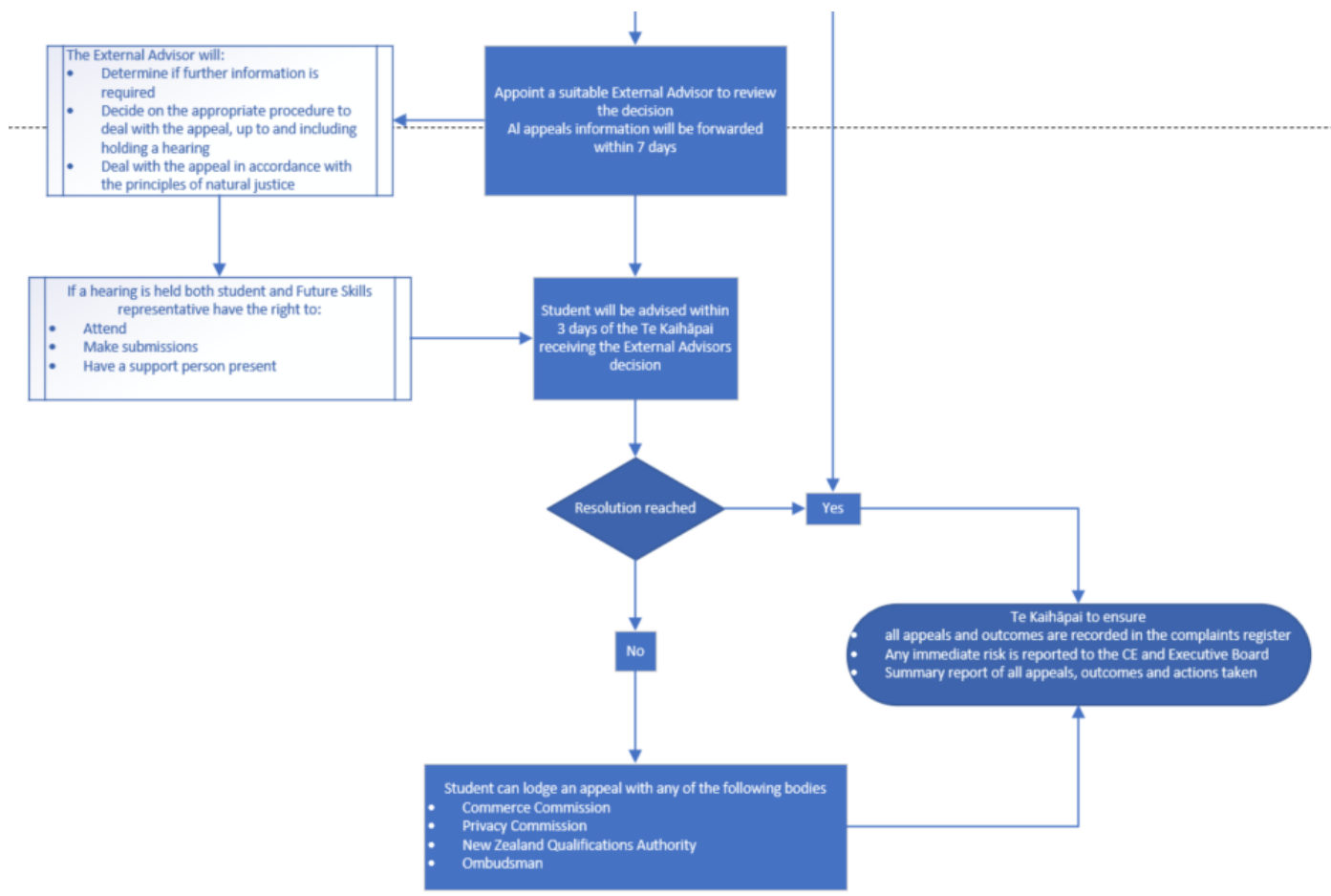
Version Control

Version	Effective Date	Created/Reviewed by	Reason for review/Comment
1	1 June 2021	Te Kaihapai	New Policy

5.PROCESS FLOW CHART







Approved

Sign:

Date: 9/09/2021

Name: Sam Alavi (Group Chief Executive)