

Terms of Reference for Appeal Resolution Committee

1. OVERALL PURPOSE/OBJECTIVES

- 1.1. In February 2020, the Te Poari Mātauranga/Academic Board approved the Student Appeals Procedure.
- 1.2. The Student Appeals Procedure:
 - a) sets out the purpose and procedures for the conduct of appeals against Appealable Decisions (as defined in the Student Appeals Procedure); and
 - b) provides for the appointment of an Appeal Resolution Committee to hear and determine appeals validly made under the Student Appeals Procedure.
- 1.3. This document sets out the terms of reference for the Appeal Resolution Committee and should be read in conjunction with the Student Appeals Procedure.

2. COMPOSITION

- 2.1. The Appeal Resolution Committee will;
 - a) at all times consist of at least three senior academic members who will be appointed by Unitec's Academic Board in accordance with paragraph 2.2 below (**Nominated Members**); and
 - b) in the context of an appeal against the outcome of a Student Disciplinary Investigation or the outcome of a Student Complaints Resolution Decision, will include either Unitec's Director International Success (where the Appellant is an International Student) or Unitec's Director Student Success (where the Appellant is a Domestic Student) subject to there being no conflict of interest (refer paragraph 2.6 below). These members together with the Nominated Members are collectively referred to as **Committee Members**.
- 2.2. **Appointment:** The Academic Board will appoint the Nominated Members at its first meeting in each academic year. The appointment will be made from nominations within Unitec's senior academic staff.
- 2.3. **Term:** Each appointment will terminate when the requisite number of Nominated Members are appointed for the subsequent academic year.
- 2.4. **Reappointment:** A Nominated Member can be reappointed by the Academic Board in subsequent academic years.

- 2.5. **Co-opting:** Where the Nominated Members receive an appeal in accordance with paragraph 6.3 of the Student Appeals Procedure and determine that the subject matter requires further expertise, then the Nominated Members may co-opt up to two further non-voting members to sit on the Appeal Resolutions Committee during the Appeal Hearing. For example, the Nominated Members may co-opt a registered nurse with a current practicing certificate if the substance of the hearing relates to any regulatory aspect of the Bachelor of Nursing programme.
- 2.6. **Conflict of Interest:** The Chair of the Academic Board will determine whether any Committee Member should recuse him or herself from an Appeal Hearing where the appeal relates to an Appealable Decision (as defined in the Student Appeals Procedure) relating to their School or area of oversight. It is the responsibility of the Committee Member to raise the possibility of a conflict with the Chair of the Academic Board as soon as possible after they review the Notice of Appeal. The Chair of the Academic Board has full discretion to appoint an alternative senior academic member / Student support representative to sit on the Appeal Resolution Committee where a Committee Member is recused from a Hearing under this paragraph.
- 2.7. **Chief Executive:** The Chief Executive cannot be a member of the Appeal Resolution Committee as the decision of the Appeal Resolution Committee can be appealed in exceptional circumstances to the Chief Executive.

3. AUTHORITY

- 3.1. The Appeal Resolutions Committee shall act on behalf of the Board on the matter of student appeals.
- 3.2. Upon receiving the Notice of Appeal, the Committee Members will decide who amongst them will Chair the Hearing;
- 3.3. The Chair of the Appeal Resolution Committee will:
- a) complete the process set out in paragraph 7.1 and 7.2 of the Student Appeals Procedure in relation to convening the Hearing;
 - b) ensure the meeting rules in paragraph 7.3 are adhered to by all parties during the Hearing itself;
- 3.4. The Appeal Resolution Committee shall consider and determine appeals made by students against Appealable Decisions under the Student Appeals Procedure. Decisions of the Appeal Resolution Committee shall be made by majority decision among the voting Committee Members (or their substitute where an alternative is appointed under paragraph 2.6). Voting may be conducted in the manner considered by the Chair to be appropriate in the circumstances. The Chair will determine whether the decision is by majority vote and will have a casting vote when the votes on each side are equal.

- 3.5. The Chair of the Appeal Resolution Committee will inform all parties in writing of the Appeal Resolution Committee's decision within 5 working days of the Hearing.
- 3.6. The Committee shall report to the Academic Board in a timely manner on matters which it has considered and acted upon and will comply with the requirements of paragraph 8 of the Student Appeals Procedure.

4. REVIEW OF TERMS OF REFERENCE

- 4.1. These terms of reference may be reviewed at any time by the Academic Board.