

APPEALS AGAINST FUNDING ALLOCATION DECISIONS

The following process will be used in considering appeals against decisions not to fund applications to the Marsden Fund.

The Royal Society of New Zealand has declared an interest in producing defensible allocation decisions through rigorous, transparent procedures. Therefore the appeals process is designed to ensure that all relevant information is brought to bear, and be transparent to the appellant and other parties.

Basis for appeal

The Royal Society recognises only appeals based on failure of due process in the consideration of an application. This specifically precludes appeals based on:

- challenges to the requirements and criteria set down by the Royal Society Act, the Government's Statement of Science Priorities, any relevant Ministerial Instruction or Terms of Reference, or any published operating policy or guideline from the Royal Society to applicants, committees, referees or panels;
- judgments about quality of the application relative to other applications considered at the same time or under the same set of decision-making rules;
- judgments about the selection of referees or advisory committee members, or the advice they provide in good faith.

Thus appeals must be based on evidence that all relevant and available information has not been taken into account in the decision, and on whether due process has occurred. The appellant should demonstrate that the failure to enact due process or utilise all information was material to the decision not to allocate funds.

The Royal Society will be concerned in dealing with an appeal to protect the interests and reputations of other parties, including referees, advisory committee members and competing providers.

Appeals Process

1. Appeals must be addressed in writing to the Chief Executive Officer, The Royal Society of New Zealand, who is required to notify the Marsden Fund Council and the Council of the Royal Society of each appeal. A statement of intention to appeal must be received within 30 days of sending notification to the applicant of a decision not to allocate funding.
2. The basis of the appeal must be clearly stated, with supporting arguments or documentation, within a further 15 days.
3. The appellant will agree to waive the Royal Society's obligations under the Privacy Act and, if necessary, existing confidentiality constraints, in order that the appeal can proceed effectively.
4. Royal Society staff will prepare an initial assessment, which will include a full review of all steps followed in dealing with the application (with reference to the procedures manual that exists for the scheme), including points at which comparative judgments were made.
5. The Chief Executive Officer will consider the assessment and, if appropriate, discuss it with the appellant.
6. If the appeal is withdrawn, the Marsden Fund Council and the Royal Society Council will be notified. No further steps will be required.
7. If the appeal is not withdrawn, the written material and the Royal Society's assessment will be referred to a review panel, which will include a member of the Royal Society Council (as the Chairperson), the Chief Executive Officer and one independent person. This review panel may call on any other party for advice or information.
8. The review panel will report its findings to the Council of the Royal Society, which will decide whether to accept or reject the appeal. This acceptance or rejection will be notified to the Marsden Fund Council.
9. The decision will be conveyed to the appellant, with all relevant information, within 90 days of receipt of the supporting material from the appellant.
10. Unsuccessful appellants may seek a review of the review panel's decision through further appeal to an independent arbitrator, agreed to by both parties or failing agreement, nominated

by the President for the time being of the Arbitrators' Institute of New Zealand. The arbitrator shall be a member of that Institute, based in Wellington, and will act in accordance with the provisions of the New Zealand Arbitration Act 1908 and amendments.

11. The Royal Society and the appellant must agree in advance that the arbitrator's decision will be binding on both parties, and that any costs incurred by either party in all steps of the appeals process will be borne solely by that party and the costs of the arbitrator will be shared equally by the parties.
12. If an appeal is upheld by the review panel or the arbitrator, the application will be subject to a new assessment, in which due process will be observed and all information made available. If the assessment concludes that the application is of sufficient quality, it will be funded from available funds, or where none is available, it will have first call when further funding becomes available.