

Resolution of Research Problems: Postgraduate Research Students

1. Introduction

From time to time problems may occur when postgraduate students are undertaking research. The procedures outlined in this policy apply to:

- i. Postgraduate students undertaking research
- ii. Thesis or dissertation supervisors of postgraduate students
- iii. Other staff of the University involved in the postgraduate research in question, whether directly or indirectly, including staff who are involved in providing resources for the research.

The persons referred to in (i) to (iii) above will be referred to throughout this Policy collectively as the “parties” or individually as a “party”.

In order to advance knowledge, staff and students have the freedom to question and test received wisdom, put forward new ideas, and to state controversial or unpopular opinions. This can sometimes lead to differences which need to be addressed.

The procedures outlined in this Policy should be used where one or more of the parties find themselves in disagreement about:

- i. The satisfactory progress of the research;
- ii. Ways of establishing / maintaining an effective working relationship between the student and supervisor and/or other staff;
- iii. Access to resources or other support required to complete the research;
- iv. Assessment of seminars and written pieces of work relating to the research including drafts of theses or dissertations.

Where a disagreement arises about one or more of (i) to (iv) above and a party or parties decide to invoke the procedures under this policy, then there is a ‘dispute’ in terms of this Policy.

The Guidelines for the Conduct of Research, on the other hand, apply in circumstances of “misconduct in research” as defined by those Guidelines.

For any dispute involving doctoral candidates, the dispute procedure will be governed by the Statute or Regulations under which the candidate is currently registered on the date on which a written complaint is first logged by the Department or the Graduate Centre. This policy applies to candidates registered under the Statute for the Doctor of Philosophy (2003) on that date.

Before invoking these procedures, the party or parties should, wherever practicable, attempt to resolve the disagreement among themselves.

In the interests of encouraging full and frank disclosure, any information or documentation created under any of the terms of this policy must be kept confidential to the parties involved and the persons who are investigating and/or making decisions under the terms of this Policy and any other persons whom it is necessary to involve to ensure that the terms of this Policy are followed.

2. Informal Process

To maintain and nurture a healthy working relationship, parties are encouraged to resolve disputes informally.

There is no particular point of access to the informal disputes resolution procedure. The procedure begins as soon as a dispute arises in terms of section 1 above.

The party should first raise their concerns with the Head of Department and/or departmental Postgraduate Co-ordinator who should attempt to resolve the dispute informally.

If the dispute can not be satisfactorily resolved in an informal way within the Department, the Mediator's Office may also be approached to advise on the informal resolution of the issue. The party may also request the assistance of:

- i. Supervisor, or
- ii. Associate Dean (Postgraduate), or
- iii. Graduate Centre, or
- iv. Student Advocacy Network (AUSA)

The parties should meet as required to identify the problems and seek mutually acceptable ways of resolving the dispute consistent with the course or other relevant regulations and University statutes.

Disputes that cannot be resolved informally, or cases where an informal process is considered inappropriate by any party or by the Head of Department, must proceed directly to the Formal Process.

FORMAL PROCESS

3. Independent Investigation

In this and the following clauses, when the Head of Department is involved in the supervisory process or implicated in the dispute the role of the Head of Department will be taken over by the Associate Dean (Postgraduate) for the Faculty. This provision does not apply when the Head of Department initiates the formal dispute resolution process.

A party who considers that a dispute exists over one or more of the matters set out in section 1 may move to a formal process for the resolution of the dispute. In such cases the party should document the issues in dispute and submit the documentation to the Head of Department, with a copy to the Graduate Centre; assistance in this process may be sought from the Department, Postgraduate Co-ordinator or the Student Advocacy Network. The Head of Department shall forward a copy of the documentation to the other party or parties concerned.

The Graduate Centre will log the documentation and acknowledge its receipt to the Head of Department and the parties.

The Head of Department should appoint an independent investigator not involved in the supervisory process nor implicated in the dispute to investigate the dispute. In some cases, it may be appropriate for the Head of Department to appoint an independent investigator from some other Department or Faculty. The Head of Department will appoint an independent investigator who, in the opinion of the Head of Department, has the appropriate expertise and/or experience to carry out an authoritative evaluation of the issues in dispute.

Before accepting appointment as an independent investigator, the appointee must ensure that he or she has no conflict of interest in the matters to be investigated and is able to approach the investigation with an open mind, free from pre-determination and uninfluenced by irrelevant considerations.

The independent investigator should give the parties the opportunity to have support or representation if they wish, and an opportunity to make brief written or oral submissions to him or her. The independent investigator should also give the parties the opportunity to explain, mitigate or refute allegations or issues which apply to that party. The independent investigator may make such investigations as he or she considers appropriate before providing the Head of Department with a written report and copying that report to the parties themselves. The report should address the relevant matters / issues documented by the parties involved, and in particular:

- i. Identify the issues that led to the dispute
- ii. List relevant actions taken by the parties involved
- iii. Recommend future steps to be taken to settle the dispute.

The independent investigator shall provide the Graduate Centre with a copy of his or her report and also with a copy of any written submissions by the parties. The independent investigator will endeavour to complete his or her report within four weeks from the date of the Graduate Centre notification.

4. Head of Department

Following receipt of the written report by the independent investigator, the Head of Department shall, normally within two weeks of receiving the report;

- i. **DISMISS THE DISPUTE**
If the independent report concludes in his or her report that he or she is satisfied that the dispute has no reasonable ground, or is in bad faith or vexatious, the Head of Department shall dismiss the dispute. A record of the dismissal must be lodged with the Graduate Centre. If a party disagrees with the decision to dismiss the dispute, that party may appeal the decision pursuant to section 6 of this Policy; or

- ii. **AGREE WITH THE PARTIES ON A PROCEDURE TO RESOLVE THE DISPUTE**
Where a dispute is not dismissed, the Head of Department shall discuss with the parties and agree upon an appropriate procedure to settle the dispute. This may involve implementation of all, or some, of the recommendations in the independent report. The agreement should be in writing and signed by the parties. The Head of Department should lodge a record of the agreement with the Graduate Centre; or
- iii. **REFER THE RESULT OF THE INVESTIGATION TO A FACULTY DISPUTES COMMITTEE**
Where no agreement or settlement can be reached between the parties and the dispute has not been dismissed, then the dispute is referred to a Faculty Disputes Committee. The Head of Department should lodge a record of this referral with the Graduate Centre.

In each case the Head of Department must inform the parties to the dispute in writing of the decision.

5. Faculty Disputes Committee

When the Head of Department invokes 4(iii) above, he or she will ask the Chair of the Faculty Postgraduate Committee to establish an *ad hoc* Faculty Disputes Committee. The Committee will consist of 3 members, one of whom should be a postgraduate research student. The chair and members will be appointed by the Chair of the Faculty Postgraduate Committee. All members should, where appropriate, be from departments other than the one where the research in question is primarily being undertaken. In the cases where there is only one department in the faculty the Committee should, where appropriate, be constituted outside the faculty.

Before accepting appointment as a member of the Faculty Disputes Committee the appointee must ensure that he or she has no conflict of interest in the matters to be decided and is able to approach the decision with an open mind, free from pre-determination and uninfluenced by irrelevant considerations.

The Faculty Disputes Committee shall take into account the material submitted to the independent investigator and the findings of the independent investigator, but does not necessarily have to follow them.

Any party may, if he or she wishes, submit further relevant documentation to the Faculty Disputes Committee over and above what was provided to the independent investigator, and the Faculty Disputes Committee shall provide copies of this documentation to the other party or parties.

The Faculty Disputes Committee shall investigate the dispute by interviewing the parties and other relevant persons and reviewing relevant documentation. The Faculty Disputes Committee shall give the parties the opportunity to explain their position and mitigate or refute the allegations or issues in dispute that apply to that party. Each party is entitled to have a representative or support person assisting them throughout the process.

The Faculty Disputes Committee shall prepare a brief report setting out the reasons for any decision reached. The chair of the Committee will send copies of the report and decisions to the parties involved, the Head of Department, the Chair of the Faculty Postgraduate Committee and the Graduate Centre. Outcomes may be but are not confined to:

- i. A written or verbal apology;
- ii. Opportunity to receive a second opinion on a piece of work or thesis draft;
- iii. Opportunity to resubmit a piece of work;
- iv. Extensions of deadlines;
- v. Change of supervisors;
- vi. Termination of the registration;
- vii. Opportunity to resit an examination (subject to University regulations);
- viii. Any other remedy that addresses the issues in dispute.

The Faculty Disputes Committee will normally complete its report within six weeks of its establishment.

6. Appeal

If a party is dissatisfied with the action taken by the Head of Department pursuant to section 4 of this Policy or with the decision of the Faculty Disputes Committee pursuant to section 5 of this Policy, that party may bring an appeal (via the Graduate Centre) to the Chair of the Board of Graduate Studies (referred to in this Section 6 as the 'Chair') within two weeks of his or her receipt of the decision.

The party must notify the Chair in writing of the specific matters which he or she wishes to be appealed and the grounds for the appeal, and the Chair must copy this material to the other party or parties. If any party objects to the appeal, within two weeks of receipt of the appeal material, that party must provide a written response to the Chair (via the Graduate Centre). The Chair will provide a copy of this response to the other party or parties.

While an appeal will usually proceed, it is not automatic and the Chair will determine whether or not the appeal will proceed. An appeal under this Policy is not intended to be a re-hearing of the evidence but rather it is intended for circumstances where, for example, a party considers that there are factual errors in the reason for the decision or that relevant evidence was not considered in the reaching of the decision.

The Chair will establish a subcommittee of the Board of Graduate Studies, comprising himself or herself and two other members. Before accepting appointment as a member of the subcommittee, each appointee must ensure that they have no conflict of interest in the matters under appeal.

In conducting the appeal, the subcommittee will consider the parties' written material, together with the material previously considered by the independent investigator and/or the Faculty Disputes Committee. The subcommittee will give the parties the opportunity to be represented during the appeal process if they wish, and to meet personally with the subcommittee if they wish. The subcommittee will also give the parties an appropriate opportunity to explain, mitigate, or refute the allegations or issues in dispute which apply to that party.

The decision will be made by the Chair of the Board of Graduate Studies, who may take into account the advice of the other members of the subcommittee. The decision of the Chair will be final and binding. The decision will be in writing and provided to the parties, the Head of Department and the Graduate Centre.

7. General

The following statutes may in certain circumstances be relevant to this Policy. It is necessary to refer to the statutes themselves to determine any such relevance:

- i. The Official Information Act 1982;
- ii. The Local Government Official Information and Meetings Act 1987;
- iii. The Employment Relations Act 2000;
- iv. The Human Rights Act 1993;
- v. The Privacy Act 1993;
- vi. The Consumer Guarantees Act 1993;
- v. Any other relevant statutes.