

Higher Degree by Research Complaints Procedure

Section 1 - Scope

(1) These procedures apply to any situation where a higher degree by research candidate believes that he or she has a significant concern in relation to his or her research that is not covered by other procedures. Advice on the most appropriate course of action can be sought from the relevant Faculty Sub-Dean or the Research Office.

Section 2 - Limitations

(2) These procedures will not cover any situations that are specifically covered by other policies and procedures. These include, but are not limited to:

- a. the Complaints Policy and Procedure;
- b. the Code of Conduct for Research;
- c. the Intellectual Property Policy;
- d. any other committee that has responsibility for monitoring research, such as the Ethics in Human Research Committee, the Animal Care and Ethics Committee, the Biosafety Committee and the Radiation Safety Committee.

Section 3 - Concerns

(3) The concerns that are covered by these procedures include, but are not limited to:

- a. a supervisor who does not appear to have appropriate knowledge of a candidate's research area;
- b. a supervisor who fails to provide appropriate support for, or interest in, a candidate's work;
- c. a supervisor who fails to carry out necessary administrative responsibilities in an appropriate time;
- d. a conflict between a candidate and a supervisor over the direction in which the research should proceed;
- e. a conflict between the candidate and the supervisor regarding the authorship of a paper flowing from the research;
- f. a candidate who believes that the supervisor is requiring the candidate to carry out work that is not related to the research;
- g. a supervisor who frustrates a candidate's efforts;
- h. a personality conflict between a candidate and a supervisor;
- i. a candidate who believes that he/she is not being provided with an appropriate level of physical resources.

Section 4 - Procedures

4.1 Informal Procedure

(4) Higher Degree by Research Candidates are encouraged to raise their concerns in the first instance directly with the

person concerned. This is appropriate in matters where the candidate feels comfortable with making a direct approach, or where the concern does not relate to allegations of misconduct or unlawful behaviour (e.g. assault, illegal discrimination or harassment, or corruption).

(5) While the approach outlined below is informal, concerns or complaints raised in this manner will be taken seriously and where practical and appropriate, attempts will be made to resolve the issue or give advice on available options.

(6) The informal procedure involves the following steps:

Step 1. If you can, try to sort it out directly with the person(s) involved.

(7) If possible tell the person(s) the substance of the problem. For example, where the matter relates to interpersonal issues, tell the person you find their behaviour unacceptable or offensive. Often, people don't mean to do things that hurt or offend others; this does not mean their behaviour is acceptable. Telling them can give them a chance to stop or to change what they are doing.

Step 2. Raise concern informally with a Senior Academic Officer

(8) If you are not comfortable raising the concern directly with the person(s) involved, or where it is not appropriate, e.g. because it involves a real or perceived risk for the candidate, the candidate can raise their concerns with the Head of School, Research Centre Director, Faculty Sub-Dean Graduate Studies or the Executive Dean (when other resolution options have failed).

Step 3. Seek Assistance

(9) Where students require assistance in raising a concern, or do not feel comfortable raising the concern directly with the relevant person(s) or area, the matter may be raised with the Student Services Help Desk in the Division of Student Services. The Division of Student Services can assist students by providing advice on appropriate approaches or by raising the concerns on behalf of the student with the area concerned and attempt to identify and explore available options.

Step. 4. Facilitating a Mutual Understanding

(10) Where the concern is raised with a senior academic manager or the Division of Student Services, the officer responsible for handling the matter will attempt to facilitate a mutual understanding to resolve the problem.

(11) If the concern is not resolved at this stage, those involved may agree to proceed either to the formal procedure, or to participate in formal mediation in order to facilitate a mutual understanding. If mediation is unsuccessful, the person who raised the concern can request the use of formal procedures. As a guide, every effort should be made to resolve the concern raised through the informal procedures within two weeks.

4.2 Formal Procedure

(12) In general, commencement of the formal procedure should only take place if the concern could not be resolved using the informal procedure as described in clauses 4-11 above.

(13) The formal procedure involves the following steps:

Step 1: Lodge formal complaint

(14) The student should lodge a formal complaint to the University Ombudsman in writing using the Student Complaint Form. The complaint must set out the substance of the concern and the outcome the student is seeking. Where the concern relates to a named person or persons, for reasons of procedural fairness, it will be necessary to identify the person by name.

Step 2: Referral

(15) The University Ombudsman will refer the formal complaint to an appropriate manager in the University. This will be an officer who is generally responsible for the oversight of the area concerned such as a Head of School or Executive Dean or Director, Research or Deputy Vice-Chancellor (Research and Engagement) depending upon the nature of the complaint and parties who may have been involved in the Informal Process. The University Ombudsman shall confirm with the Senior Academic Officer that no actual or perceived conflict of interest exists in relation to their management of the matter.

(16) The Senior Academic Officer to whom the matter is referred will hold a meeting with the candidate (in person or on the telephone) or contact the candidate by email. At the candidate's request, a support person may be included, provided that person is not a currently practising barrister or solicitor. The meeting is to be held where practicable within five working days of referral of the formal complaint about the concern.

(17) If an informal attempt to facilitate a mutual understanding has not been made, such an approach may be suggested at this stage. This will only happen if the student making the complaint, and the other parties who need to be involved, agree to follow the informal procedures.

Step 3: Investigation

(18) If mediation is not successful, or not appropriate, the Senior Academic Officer will, with the agreement of the person who raised the concern and within 2 weeks, investigate the matter.

(19) The Investigation will generally involve:

- a. providing a copy of the Student Complaint Form to the respondent(s) (if the concern is about a named person or persons);
- b. requesting the respondent(s) to provide a formal written response;
- c. formally interviewing or obtaining statements from people who can help to ascertain the facts;
- d. obtaining documentation that is necessary.

(20) If the complaint concerns a policy or procedure, for example, the investigation may consist of the Senior Academic Officer writing to the officer responsible for the policy or procedure setting out the concerns and seeking a response.

Step 4: Making recommendations

(21) If, after completing the investigation (including any meeting or mediation), the complaint is not resolved, the Senior Academic Officer will write to each of the relevant parties involved setting out the findings and putting forward recommendations for resolution of the matter.

(22) The recommendations will be in keeping with the seriousness of the matter that was the basis of the complaint. Some of the possible outcomes of a student complaint include:

- a. the complaint be dismissed;
- b. there be a change in supervisor(s);
- c. the supervisor(s) be counselled in the way they deal with the candidate;
- d. the candidate be counselled in ways to resolve the problems;
- e. the candidate be provided with additional resources;
- f. any other action that the Senior Academic Officer believes will resolve the complaint;
- g. if the matter is serious, and the Senior Academic Officer is satisfied that the conduct complained about establishes a prima facie case for consideration as misconduct, including research misconduct, the matter may

be referred for investigation and possible disciplinary action under the Student Academic Misconduct Policy, the Research Misconduct Policy, the Code of Conduct and/or Enterprise Agreement.

(23) Formal warnings about inappropriate behaviour are a common outcome in the first instance, unless the behaviour is of a very serious nature.

(24) Unless the matter is referred for possible disciplinary action, the recommendations for resolution shall be discussed with all those involved, and the people involved provided an opportunity to provide comments or objections to the findings and recommendations, normally within five days. In general these should be in writing. Any comments and objections received by the due date will be noted and taken into account by the person examining the complaint in making a final decision on the matter.

Step 5: Final Decision

(25) After considering any comments or objections by those involved, the Senior Academic Officer will make a final decision on the complaint, including any actions that are required to be taken to resolve the complaint by those involved. The decision will be communicated in writing to those involved and a copy will be sent to the University Ombudsman. A decision by a Senior Academic Officer communicated to staff and/or Higher Degree by Research candidates constitutes a directive to the relevant staff or students involved in the matter. A failure to follow a direction may constitute misconduct and be pursued as a disciplinary matter at a later time.

Step 6: Monitoring and Evaluation

(26) If the recommendations are accepted by the parties involved as resolving the complaint, the Senior Academic Officer will nominate an appropriate person, such as but not limited to a Head of School, Research Centre Director or Sub-Dean Graduate Studies, to monitor the environment under which the complaint occurred to ensure responses are adopted appropriately. The Senior Academic Officer will identify a timeframe for monitoring and feedback to occur.

(27) Feedback on the Formal Procedure will be sought by the Senior Academic Officer from the parties to identify where any improvements can be made.

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