

## Monash University Procedure

<b>Procedure Title</b>	<b>Candidature Progress Management - Termination Procedures</b>
<b>Parent Policy</b>	<a href="#">Candidature Progress Management Policy</a>
<b>Date Effective</b>	29-July-2011
<b>Review Date</b>	01-December-2013
<b>Procedure Owner</b>	Chair, Graduate Research Committee
<b>Category</b>	Academic Qualifications and Standards
<b>Version Number</b>	1.1
<b>Content Enquiries</b>	adm-PolicyBank@monash.edu
<b>Scope</b>	All campuses All Higher Degree by Research courses All Higher Degree by Research candidates
<b>Purpose</b>	To ensure appropriate identification of and assistance to HDR candidates at risk of not making satisfactory progress or not complying with the relevant degree regulations and the employment of appropriate and standard procedures across the University for effecting termination or non-confirmation of HDR candidature where intervention has proved unsuccessful.
<b>PROCEDURE STATEMENT</b>	

Apply to students who were notified of a termination procedure on or before 31 December 2014.

These procedures relate to action following identification of and provision of assistance to Higher Degree by Research candidates who are at risk of not making satisfactory progress in their research program or not complying with the regulations governing Higher Degree by Research candidature. Where intervention proves unsuccessful, a decision of termination of candidature will be made.

### A decision for termination of candidature

The relevant Dean (or nominee) is to support a decision for termination of candidature only where due process has been followed within the academic unit and faculty and the candidate concerned has been given opportunity to present his/her case in an appropriate forum. Due process is considered by the Monash Graduate Research Committee (GRC) to include the following intervention strategy.

#### 1.1. Advice to the faculty

When a candidate is at risk of not making satisfactory progress in his or her research program or not complying with the regulations governing Higher Degree by Research candidature, all reasonable measures should be made to assist and counsel the candidate with regard to the issues identified.

When all reasonable measures to assist the candidate have been taken, the head of the academic

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unit (or nominee) will advise the Dean that the academic progress of the candidate is unsatisfactory or the candidate has failed to comply with regulations relevant to the candidate's degree.

### **Responsibility**

Supervisors  
Graduate Coordinators  
Head of Academic Unit (or nominee)

### 1.2. **Initial written notice**

After consultation with the supervisor or supervisors and the candidate, the Dean (or nominee) will issue an initial notice letter which is to indicate that the candidate must within a specified time meet certain written requirements in order to demonstrate an improvement in his or her academic progress. The candidate is notified that if such an improvement is not shown, the Faculty may proceed with termination of candidature.

The initial notice letter will notify the candidate of the following:

- detailed reasons why progress in the research program is considered unsatisfactory;
- tasks and targets that will need to be completed by the candidate within a specified timeframe in order to establish satisfactory progress (the candidate must be given at least 12 weeks to complete the tasks and targets);
- the intention of the Dean (or nominee) to constitute a Candidature Review Panel (hereafter the Review Panel) and the names of the panel members;
- the date, time and place for the Review Panel to meet with the candidate, which must be at least 10 working days from the date of the initial warning letter or sooner with the consent of the candidate;
- the candidate's right to be accompanied and assisted at this and any future meeting of the Review Panel by another person (this person may support but not represent or advocate for the candidate and may not be a legal representative);
- the candidate's right to address this and any future meeting of the Review Panel in person or by way of written submission or both;
- the appropriate support services available to the candidate (eg Monash Postgraduate Association, Health and Wellbeing); and
- the regulations, policies and procedures which relate to termination of HDR candidature.

A copy of the letter should be sent to the supervisor or supervisors, the designated Faculty HDR Manager and in the case of Doctoral and MPhil candidates, the Monash Research Graduate School and placed on the candidate's electronic student file.

### **Responsibility**

Dean (or nominee)

### 1.3. **Candidature Review Panel**

The Dean (or nominee) will constitute a Candidature Review Panel to oversee the candidate's progress through the review period and make a determination on termination of candidature. An initial notice letter is to be followed by an opportunity for the candidate to meet with the constituted Review Panel. The Review Panel will discuss and elaborate the requirements set out in the notice letter and confirm the exact nature of the tasks and targets to be completed satisfactorily by the candidate within the specified timeframe.

The candidate will be given an opportunity to raise any concerns about the tasks and targets established and the required timeframe. The Review Panel will make the final determination with

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regard to the appropriateness of the established tasks and the timeline and may make adjustments to the tasks to be completed or the required timeframe where appropriate.

The Review Panel will include:

- the Dean (or nominee) who will chair the Review Panel;
- the candidate's main supervisor, who will represent the supervisory team; and
- a representative of the faculty graduate studies committee (or equivalent), not being from the candidate's academic unit.

In determining membership of the Review Panel, compliance with university policies regarding gender balance and the avoidance of any potential conflict of interest is required. A person who the chair determines is affected by a reasonable apprehension of bias cannot be a member of a Review Panel.

Within three working days of the Review Panel meeting, the Dean (or nominee) should provide written confirmation to the candidate of:

- the tasks and targets to be satisfactorily completed by the candidate within the specified timeframe; and
- the date, time and place for the Review Panel to reconvene to make a determination.

### **Responsibility**

Dean (or nominee)

Review Panel

Candidate

#### **1.4. Outcome for the Candidature Review**

When the time specified for the review of candidature has passed and within 10 working days of its expiration, the Review Panel should reconvene to make a determination on the candidate's progress. This meeting should take place as soon as possible following the specified timeframe for the candidate to complete the agreed tasks.

Where the Review Panel determines that a candidate has satisfactorily complied with the requirements set out in the initial notice, candidature will continue. The Review Panel may impose conditions on the candidate including establishing ongoing targets to ensure that the candidate's progress remains on track. The candidate and, in the case of Doctoral and MPhil candidates, the Monash Research Graduate School, will be notified in writing of the outcome and of any conditions the candidate must meet to ensure continued satisfactory progress.

Where the Review Panel determines that a candidate has failed to satisfactorily comply with the requirements set out in the initial notice, the Review Panel will:

- make a decision to terminate the candidature; or
- only where exceptional circumstances exist, the Panel may decide to provide the candidate with a further period of candidature review. Within three working days of the Review Panel meeting, the candidate should be notified in writing of any additional period of candidature review and the date, time and place for the Review Panel to convene to make a determination.

Where the candidate has been allowed a further specified period to comply with the requirements, the Review Panel should convene within 10 working days of the expiration of the further specified period and make a determination.

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Where the Review Panel determines that a candidate has satisfactorily complied with the requirements set out in the second notice, candidature will continue. The Review Panel may impose conditions on the candidate including establishing ongoing targets to ensure that the candidate's progress remains on track. The candidate and, in the case of Doctoral and MPhil candidates, the Monash Research Graduate School, will be notified in writing of the outcome and of any conditions the candidate must meet to ensure continued satisfactory progress.

Where the Review Panel determines that a candidate has failed to satisfactorily comply with the requirements set out in the second notice, the Review Panel will make a decision to terminate the candidature.

### Responsibility

Review Panel  
Candidate

#### 1.5. Written notice of termination of candidature

Following a decision from the Review Panel to terminate candidature and within 10 working days of the decision, the Dean (or nominee) should notify the candidate in writing of:

- the Review Panel's decision to terminate candidature and the reasons for this decision;
- the candidate's right of appeal to a Candidature Appeal Panel;
- the requirement to lodge an appeal to the Chair of the Research Graduate School Committee, by written notice directed to the General Manager of the Monash Research Graduate School, within 20 working days of service of this letter;
- the means by which the candidate can be heard – personally or by way of a written submission or both;
- the process by which the candidate may seek the permission of the Chair to be legally represented;
- where the candidate is not to be legally represented, the right to be accompanied and assisted at the hearing by another person (this person may support but not represent or advocate for the candidate);
- the appropriate support services available to the candidate (eg Monash Postgraduate Association and Health and Wellbeing)

Copies of this correspondence and supporting documentation are to be sent to the Chair, Research Graduate School Committee, via the General Manager of the Monash Research Graduate School (or nominee) and placed on relevant faculty and central files of the University, including the candidate's electronic file.

A written record of any termination proceedings must be retained in the University's central Records Management Office, in accordance with the University [policy on retention and disposal of records](#).

### Responsibility

Dean (or nominee)

#### 1.6. Candidate's status following a notice of termination of candidature

Following a written notice of termination of candidature, the candidate's enrolment will be maintained until either:

- 20 working days have expired from service of this notice; or
- if the candidate wishes to appeal in relation to the decision for termination of candidature, until the appeal hearing has occurred and the process is complete. If the appeal is dismissed, the candidature will be terminated.

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While enrolment will continue for the period of the appeal notice, or where an appeal is lodged, until the appeal is determined, learning opportunities will not be provided and the candidate will not be permitted to pursue their program of research. Any further progress on the research program should be put on hold until the appeal is determined. It is anticipated that the candidate will take this time to prepare for the appeal. The candidate will maintain access to university facilities such as email and computer access to assist with the preparation of the appeal.

If the General Manager of the Monash Research Graduate School (or nominee) does not receive written notification from the candidate within the specified time frame (20 working days) that the candidate wishes to appeal, the Monash Research Graduate School Committee will proceed with the Review Panel's decision to terminate the candidature.

### Responsibility

General Manager, Monash Research Graduate School  
Candidate

## 2. Appeals of decisions to terminate candidature

### 2.1. Candidate's notice of appeal against the decision to terminate candidature

If the candidate wishes to appeal the decision to terminate candidature, he/she is required to lodge an appeal with the Chair of the Research Graduate School Committee by written notice directed to the General Manager of the Monash Research Graduate School (or nominee) within 20 working days of service of the above notice (Section 1.4). This written notification should address the following:

- the grounds on which the candidate makes the appeal;
- whether the candidate is seeking the permission of the Chair to be legally represented;
- if the candidate does not wish to be legally represented, the candidate's intention to be accompanied and assisted at the hearing by another person (this person may support but not represent or advocate for the candidate and may not be a legal representative); and
- the means by which the candidate prefers to be heard – personally or by way of a written submission or both.

Where the candidate is granted permission to be heard through a legally qualified representative, the University may also choose to be so represented.

Within 10 working days of receipt of the appeal, the General Manager of the Monash Research Graduate School (or nominee), should acknowledge, by email, receipt of the candidate's appeal against the decision to terminate candidature. The email should include confirmation that the candidate's appeal has been forwarded to the Chair of the Research Graduate School Committee and to provide information about relevant university support services.

Following receipt of a candidate's appeal, the Chair of the Research Graduate School Committee may determine that the appeal is frivolous, vexatious, misconceived or lacking in substance and on that basis decide that the appeal should not be heard. In such cases, the candidate should be advised of this decision and the reason/s for it via email within 20 working days of the receipt of the candidate's appeal. The email is to inform the candidate of their opportunity to request internal review of the decision by the [University Student Ombudsman](#) and external review of the decision by the [Victorian Ombudsman](#).

If the Chair of the Research Graduate School Committee does not consider the appeal to be frivolous, vexatious, misconceived or lacking in substance, the Chair (or nominee) should constitute

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a Candidature Appeal Panel, within 20 working days of the receipt of the appeal, to consider the matter.

### **Responsibility**

Candidate

Chair of the Research Graduate School Committee

General Manager, Monash Research Graduate School (or nominee)

## 2.2. **Constitution of a Candidature Appeal Panel**

Following notification of the candidate's appeal of the decision to terminate candidature, the Chair of the Research Graduate School Committee (or nominee) is to constitute a Candidature Appeal Panel, hereafter 'the Appeal Panel'. Membership must include:

- the Chair of the Research Graduate School Committee (or nominee) who will chair the Panel;
- an academic member of the faculty concerned;
- an academic representative of the Research Graduate School Committee; and
- a research candidate from another faculty, not being a member of the Research Graduate School Committee.

The Chair of the Research Graduate School Committee may co-opt any other additional members of the Appeal Panel as he/she deems appropriate.

In determining membership of the Appeal Panel, compliance with university policies regarding gender balance and the avoidance of any potential conflict of interest is required. In particular the following persons cannot be members of a Appeal Panel: a person who, in the determination of the Chair is affected by a reasonable apprehension of bias or was a member of the Candidature Review Panel or was previously involved in the termination process.

The Appeal Panel has the authority to take written submissions or hear from any persons it deems appropriate. As standard practice, the Appeal Panel will provide an opportunity for the candidate and representatives from the academic unit/faculty to be heard when considering an appeal against termination of candidature. Where the Chair of the Appeal Panel determines that the hearing will be based on written submissions, representatives of the academic unit will only appear before the Appeal Panel if the Appeal Panel calls them.

The candidate's enrolment is to continue while the appeal process is underway. The candidate will not be provided with learning opportunities and must not pursue his/her research during this period (see Section 1.6).

### **Responsibility**

Chair, Research Graduate School Committee (or nominee)

Candidature Appeal Panel

## 2.3. **Notice of membership of the Candidature Appeal Panel**

### 2.3.1. **Notice to candidate**

Following the constitution of the Appeal Panel and within 20 working days of the candidate lodging the appeal, the General Manager of the Monash Research Graduate School (or nominee) should write to the candidate on behalf of the Appeal Panel Chair, to inform him/her of the following:

- that the Chair of the Research Graduate School Committee (or nominee) has constituted a Candidature Appeal Panel and the membership of the Appeal Panel;

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- the candidate's right to object to a panel member on the ground of a reasonable apprehension of bias, and the process for lodging such an objection;
- the date, time and place for the Appeal Panel hearing, which must be at least 15 working days from the date of the hearing notice or sooner with the consent of the candidate;
- whether the hearing will be in person or based on written submissions, or both;
- where the candidate has requested permission to be represented by a legally qualified representative, whether such permission has been granted and if the University will be legally represented;
- where the candidate wishes to make a written submission to the Appeal Panel, a possible structure for the written submission (eg executive summary, detailed chronology, reasons for unsatisfactory progress, mitigating circumstances, possible solutions);
- notice that all written submissions and substantiating documents must be lodged with the Chair of the Appeal Panel, by written notice directed to the General Manager of the Monash Research Graduate School (or nominee), at least five working days prior to the date set for the Appeal Panel hearing;
- where the hearing will be in person, notification that representatives from the academic unit/faculty will also be provided an opportunity to present their case to the Appeal Panel;
- the Appeal Panel has the authority to take written submissions, or hear, from other persons it deems appropriate; and
- the appropriate support services available to the candidate (eg Monash Postgraduate Association, Health and Wellbeing).

A copy of the relevant regulations and procedures is to be enclosed with the letter to the candidate.

### **Responsibility**

General Manager of the Monash Research Graduate School (or nominee)

### **2.3.2. Notice to academic unit/faculty**

At the same time as the above notice is sent to the candidate, written notice of the following is to be given to the academic unit/faculty:

- the candidate has appealed the decision to terminate candidature;
- that the Chair of the Research Graduate School Committee has constituted a Candidature Appeal Panel and the membership of the Appeal Panel;
- the candidate's right to object to a panel member on the ground of a reasonable apprehension of bias;
- the date, time and place for the Panel hearing;
- whether the candidate has been granted permission to be represented by a legally qualified representative, and if the University will be legally represented;
- whether the hearing will be in person or based on written submissions, or both;
- the opportunity for the academic unit/faculty to make further submissions (beyond the initial advice and documented case for termination of candidature) to the Appeal Panel;
- notice that all written submissions and substantiating documents must be lodged with the Chair of the Appeal Panel, by written notice directed to the General Manager of the Monash Research Graduate School (or nominee), at least five working days prior to the date set for the Appeal Panel hearing;
- where the hearing will be in person, the opportunity for a representative or representatives from the academic unit/faculty to be present at the hearing and to present the case for termination of candidature. The academic unit/faculty is to

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nominate a relevant staff member or members best placed to provide evidence and answer questions in relation to the candidate's case. Nominations should be made to the Chair of the Appeal Panel, by written notice directed to the General Manager of the Monash Research Graduate School (or nominee) at least five working days prior to the date set for the Appeal Panel hearing; and

- the Appeal Panel has the authority to take written submissions, or hear, from other persons it deems appropriate.

A copy of the relevant regulations and procedures is also to be provided to the academic unit/faculty staff.

### **Responsibility**

General Manager, Monash Research Graduate School (or nominee)

### **2.3.3. Objection by candidates to the notice of membership of the Candidature Appeal Panel**

Within 10 working days of receipt of the above notice, the candidate is to advise the Chair of the Appeal Panel, by written notice directed to the General Manager of the Monash Research Graduate School (or nominee), whether he/she wishes to object to a proposed member of the Appeal Panel. Such notice should include full particulars of the allegation of bias.

The General Manager of the Monash Research Graduate School (or nominee) will acknowledge receipt of the objection and advise the candidate how the Chair of the Appeal Panel intends to proceed on the matter.

On receipt of an objection to a panel member, the Chair of the Appeal Panel will:

- without making a finding, cause a substitute panel member belonging to the same category of appointment to be appointed, unless the objection is made in relation to the Chair of an Appeal Panel, in which case the Research Graduate School Committee can appoint a substitute chair; or
- notify the Dean of the Faculty of Law, who must appoint a hearing officer to review and determine the objection. A hearing officer must be a member of the teaching staff of the Faculty of Law, who holds a position at the University that is no less senior than the panel member against whom the objection has been raised.
- A hearing officer, who is bound by the rules of natural justice but is not bound by the rules of evidence, must consider the objection and may, subject to the regulations:
- make enquiries and inform him or herself in any manner thought fit; and
- determine his or her own procedure. After considering an objection a hearing officer may:
- dismiss the objection if satisfied that it is not substantiated, in which case the panel must be convened as originally appointed; or
- uphold the objection if satisfied that there is a reasonable apprehension of bias, in which case the Chair of the Research Graduate School Committee must cause a substitute panel member belonging to the same category of appointment to be appointed.
- A decision of a hearing officer is final and must be determined prior to the day of a hearing. Where this is not possible, the hearing date must be rescheduled. A candidate may not make an objection on the day of the hearing.

The General Manager of the Monash Research Graduate School (or nominee) will advise the candidate, in writing, of the outcome of his/her objection.



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### **Responsibility**

Candidates  
Chair of the Candidature Appeal Panel  
General Manager of the Monash Research Graduate School (or nominee)  
Dean, Faculty of Law  
Faculty of Law-appointed Hearing Officer

#### **2.3.4. Candidate's written submission**

At least five working days prior to the hearing date, the candidate is required to lodge all written submissions and substantiating documents to the Chair of the Appeal Panel by written notice directed to the General Manager of the Monash Research Graduate School (or nominee).

The General Manager of the Monash Research Graduate School (or nominee) is to acknowledge

### **Responsibility**

Candidate  
General Manager of the Monash Research Graduate School (or nominee)

#### **2.4. Notice of final Candidature Appeal Panel membership and scheduled hearing**

As soon as possible after receipt of the candidate's response under Section 2.3.4 and the response of the academic unit/faculty under Section 2.3.5, and at least three working days prior to the hearing date, the General Manager of the Monash Research Graduate School (or nominee) should provide the Appeal Panel members, the candidate and the academic unit/faculty representative/s with:

- written confirmation of the proposed time, date and location of the Appeal Panel hearing; and the final membership of the Appeal Panel constituted to hear the matter;
- a written order of proceedings; and
- copies of all written submissions for consideration, including the original documentation in support of the decision to terminate candidature.

The candidate will be responsible for providing copies of this documentation to his/her support person or approved legal representative.

### **Responsibility**

General Manager, Monash Research Graduate School (or nominee)  
Candidate

#### **2.5. Candidature Appeal Panel hearing**

The Appeal Panel will meet to hear the candidate's appeal against termination of candidature. The candidate, academic unit/faculty representative/s and any other parties invited by the Chair of the Appeal Panel to present information will be given an opportunity to do so.

The General Manager of the Monash Research Graduate School (or nominee) is to provide the Chair of the Appeal Panel with guidelines to assist in the coordination of proceedings and to help ensure procedural fairness.

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### Responsibility

Chair of the Candidature Appeal Panel

Candidature Appeal Panel

General Manager of the Monash Research Graduate School (or nominee)

### 2.6. Final determination of the Candidature Appeal Panel

The Appeal Panel is to make a final determination on the candidate's appeal against termination of candidature based on the information and evidence before it. The Appeal Panel may:

- uphold the candidate's appeal against termination of candidature; or
- dismiss the candidate's appeal and uphold the decision of the Candidature Review Panel to terminate the candidature.

Where the candidate's appeal is upheld, the Appeal Panel may determine certain conditions which must be met by the candidate and/or academic unit/faculty. The Chair of the Appeal Panel will prepare a written report, documenting the Appeal Panel's decision and the reasons for it.

### Responsibility

Candidature Appeal Panel and Chair

#### 2.6.1. Where the Candidature Appeal Panel upholds the candidate's appeal

If the Appeal Panel has determined to uphold the candidate's appeal against the termination of candidature, the candidate will be permitted to remain in candidature and resume his/her research. Time elapsed during the process of the Appeal will be added to the length of candidature. The Appeal Panel may determine certain conditions which must be met by the candidate and/or academic unit/faculty.

Where candidature is to continue, the academic unit/faculty is expected to make suitable arrangements to support the candidature going forward. The Dean of the relevant faculty (or nominee) will advise the Chair of the Research Graduate School Committee (or nominee) of the proposed arrangements to support the candidate, including:

- supervision arrangements;
- processes established to improve the candidate's academic progress or to assist the candidate to comply with the regulations relevant to the candidate's work for the degree; and
- processes established to monitor the candidate's ongoing progress.

### Responsibility

Candidature Appeal Panel

Academic unit/faculty

Dean (or nominee)

### 2.7. Notice of the Candidature Appeal Panel's final determination

The appeal Panel's final determination, together with the reasons for it, is to be reported in confidence to the Monash Research Graduate School Committee. The Chair of the Appeal Panel (or nominee) is to advise the following of the Appeal Panel's final determination on the matter and reasons for it:

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- the candidate; and
- the academic unit/faculty.

The candidate will be responsible for providing advice on the Appeal Panel's final determination to his/her support person or approved legal representative.

### Responsibility

Chair Candidature Review Panel  
Candidate

### 2.8. Order of hearings in relation to Higher Degree by Research candidature

Candidature matters are normally heard by the Research Graduate School Committee in the order in which they are received. Termination of candidature procedures are considered to commence from the initial notice from the Dean (or nominee) to the candidate, as detailed in Section 1.2. Should a candidate lodge:

- a grievance after receipt of the initial notice from the Dean (or nominee), the grievance will not be considered until the conclusion of the termination process; or
- an application to withdraw from candidature following a decision from the Candidature Review Panel to terminate candidature, the decision to terminate candidature will stand.

A written record of any termination appeal proceedings must be retained in the University's central Records Management Office for a minimum period after the last action date regarding the matter, in accordance with the University [policy on retention and disposal of records](#).

### Responsibility

Chair, Research Graduate School Committee (or nominee)  
Chair, Candidature Appeal Panel (or nominee)  
General Manager, Monash Research Graduate School (or nominee)

<b>Responsibility for implementation</b>	Chair, Graduate Research Committee Academic Director, Monash Graduate Education Faculty Associate Deans responsible for research degrees Director, Monash Graduate Education Deans Heads of academic units Graduate Coordinators of academic units Supervisors of Higher Degree by Research candidates
<b>Status</b>	Revised
<b>Approval Body</b>	<b>Name:</b> Academic Board <b>Meeting:</b> 4/2011 <b>Date:</b> 20-July-2011 <b>Agenda item:</b> 16.1
<b>Definitions</b>	<b>GRC:</b> Graduate Research Committee

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	<b><u>MGE</u></b> : Monash Graduate Education <b><u>HDR</u></b> : Higher degrees by research
<b>Legislation Mandating Compliance</b>	<a href="#">Monash University (Council) Regulations - Part 7</a>
<b>Related Policies</b>	<a href="#">Academic and Administrative Complaints and Grievances Policy</a>
<b>Related Documents</b>	Graduate Research Handbooks: <a href="#">Guidelines for convenors of advisory panels/sub committees for grievance, appeals, termination of candidature and discipline hearings</a>