

# Graduate Research Show Cause Procedure

## Section 1 - Background and Purpose

(1) La Trobe University monitors and supports the academic progress of graduate research candidates through the measures outlined in the [Graduate Research Progress Policy](#). Where a candidate fails to meet the progress requirements of their degree after appropriate intervention strategies have been exhausted, the Board of Graduate Research will ask the candidate to show cause as to why their candidature should not be terminated as per the [Academic Progress Statute 2010](#). This procedure specifies how the Board of Graduate Research applies the provisions in Part 3 of the [Academic Progress Statute 2010](#).

## Section 2 - Scope

(2) This policy applies to:

- a. All campuses
- b. All higher degrees by research
- c. All staff of the University
- d. All candidates for a higher degree by research.

(3) The University will adhere to the [National Code 2018](#) in its assessment and processing of any applications to vary candidature. International students on a student visa are advised to check the requirements of their visa and consult with Recruitment & International Operations before submitting any application for a variation to their candidature.

## Section 3 - Policy Statement

(4) Refer to the [Graduate Research Progress Policy](#).

## Section 4 - Procedures

(5) This Procedure forms part of the [Graduate Research Progress Policy](#).

### Part A - When the Show Cause Procedure Applies

(6) A candidate will only be asked to show cause:

- a. where their Progress Committee reaches a finding of Unsatisfactory Progress, as outlined in the [Graduate Research Progress Policy](#); or
- b. where they have failed to make an attempt to meet milestone requirements within the maximum allowable postponement period without approval.

## Part B - Action Following a Finding of Unsatisfactory Progress

(7) Upon receiving a finding from a Director of Graduate Research that a candidate has made Unsatisfactory Progress or has failed to make an attempt at a milestone in their higher degree by research, the Chair of the Board of Graduate Research will review all recommendations in the Progress Report and any additional information from the Director of Graduate Research.

(8) The Chair may request more information and may also, where considered appropriate, ask that the candidate be supported through the renewal or extension of a Progress Support Plan. Where this occurs, the Director of Graduate Research will advise the candidate, the Graduate Research Coordinator and all members of the Progress Committee accordingly.

(9) Where the Chair is satisfied that sufficient and appropriate interventions have been made, and endorses the recommendations of the Progress Committee, they will write to the candidate and invite them to demonstrate to the Board of Graduate Research why their candidature should not be terminated.

## Part C - Invitation to Show Cause

(10) An invitation to show cause will give candidates the option to:

- a. accept the Unsatisfactory Progress finding and withdraw from candidature in the current degree; or
- b. accept the Unsatisfactory Progress finding and where it has been recommended, agree to transfer to another higher degree by research; or
- c. show cause as to why their candidature should not be terminated, through a written submission and/or a submission in person before a Show Cause Sub-Committee.

(11) The following time frames will normally apply to the show cause process:

- a. candidates will be given 10 working days from the date of the show cause letter to indicate their intended response;
- b. a written submission will normally be due within 10 working days following the deadline for a response;
- c. the Show Cause Sub-Committee will normally meet within 10 working days following the receipt of a written submission, or as soon as possible after the response deadline if no written submission is to be made.

(12) Candidates who do not respond to the invitation to show cause within 10 working days, or who fail to make a submission as agreed, will be considered to have failed to show cause and will receive a notice of the University's intention to terminate their candidature as per the sections below in this procedure.

## Part D - Show Cause Sub-Committee

(13) The Chair of the Board of Graduate Research will appoint a Show Cause Sub-Committee to consider any submission from a candidate in response to an invitation to show cause.

(14) No member of the Sub-Committee will have had any involvement with the candidate or their research project. The Sub-Committee will consist of:

- a. a senior member of academic staff who is a member of the Board of Graduate Research (but not the Chair of the Board) who will act as Chair of the Sub-Committee
- b. another member of the Board of Graduate Research
- c. a member of academic staff from the same or similar academic area of the candidate

- (15) A member of staff of the Graduate Research School will act as secretary to the Show Cause Sub-Committee.
- (16) The secretary will advise the candidate of the membership of the Sub-Committee and invite the candidate to express any concerns about conflict of interest with any member. Where justified concerns exist the Chair of the Board of Graduate Research will seek replacement members.
- (17) All parties will be invited to make a written and/or verbal submission to the Show Cause Sub-Committee. Written submissions must be submitted within 10 working days of the date of invitation. All written submissions will be circulated to all parties in advance of the Sub-Committee meeting.
- (18) The Show Cause Sub-Committee will evaluate the causes of unsatisfactory progress or failure to make an attempt at a milestone, as proposed by the candidate, and whether they have been addressed, or could be addressed with conditions on candidature.
- (19) The Show Cause Sub-Committee may request submissions from Supervisors, Progress Chairs, Director of Graduate Research or Graduate Research Coordinator in order to inform its deliberations.
- (20) The Show Cause Sub-Committee may request any further information, in addition to the Progress Committee report and any written submissions, in order to inform its deliberations. The Sub-Committee has the discretion to decide whether any additional written information should be circulated.
- (21) A candidate who elects to make a submission in person to the Sub-Committee may have a support person in attendance, as per Section 17 of the [Academic Progress Statute 2010](#).
- (22) The Show Cause Sub-Committee will conduct its proceedings according to the provisions in the [Academic Progress Statute 2010](#) and will make a recommendation normally within 10 working days of the Show Cause Sub-Committee meeting, or as soon as possible after this time.

## **Part E - Outcomes of Show Cause**

- (23) Having considered the evidence placed before it the Show Cause Sub-Committee may make one of the following recommendations for submission to the Chair of the Board of Graduate Research:
- a. the candidate has shown cause and the causes have been addressed – continue candidature.
  - b. the candidate has shown cause and the causes can be addressed – continue with conditions on candidature for further and final review of progress by Progress Committee.
  - c. the candidate has failed to show cause and their candidature in the current degree will be terminated. The Progress Committee will be invited to review progress and recommend transfer to another degree.
  - d. the candidate has failed to show cause and their candidature will be terminated with no option of transferring to another degree.
- (24) Where a consensus cannot be reached between members of the Sub-Committee, the final recommendation will rest with the Chair of the Show Cause Sub-Committee and any differences should be detailed in the Report of Proceedings.
- (25) As soon as possible after the receipt of the recommendation of the Show Cause Sub-Committee, the Chair of the Board of Graduate Research will make a determination on behalf of the Board. Where it is deemed necessary the Chair will refer the decision to a full meeting of the Board.
- (26) Following the final determination the Chair of the Board will advise the candidate in writing of:
- a. the decision of the Board, the reasons for it, and the effective date of termination, if appropriate, and

- b. where relevant, the candidate's right to appeal according to Sections 17 and 18 of the [Academic Progress Statute 2010](#).
- c. in the event that candidature is not terminated, the need to advise the Graduate Research School and the Supervisor, Progress Committee Chair, Graduate Research Coordinator or Director of Graduate Research of new cause(s) that could impede progress.

(27) Copies of the communication will also go to the members of the Progress Committee, the Graduate Research Coordinator and the Director of Graduate Research.

(28) A candidate may not withdraw from candidature after written notice of termination is received.

## **Part F - Appeal of Show Cause Decision**

(29) Candidates who wish to seek a review of a show cause decision to terminate enrolment, on any of the grounds outlined in Section 18 of the [Academic Progress Statute 2010](#), must, within 20 working days of the date of the written notice of the decision:

- a. lodge their request for review with the University Appeals Committee, and
- b. advise the Secretary, Board of Graduate Research that they intend to appeal the decision. This is required in order to ensure that any steps to terminate their candidature are postponed until after the outcome of the review.

(30) The University is obliged to report the non-enrolment status of international candidates to the [Department of Home Affairs \(DHA\)](#) 20 working days after the date of a notice of termination, unless an appeal or complaint has been lodged within that period.

(31) Candidates who wish to make a complaint about the academic progress process following the outcome of their appeal with the University Appeals Committee may do so through the Victorian Ombudsman.

## **Part G - Status of the Candidate During Show Cause Proceedings**

(32) A candidate who withdraws from candidature at any point after a finding of Unsatisfactory Progress has been made by their Progress Committee will have the finding of Unsatisfactory Progress recorded for the relevant progress report.

(33) When the Board of Graduate Research makes a decision that a candidate's enrolment in their current degree will be terminated, that enrolment and any applicable scholarships, will be maintained until:

- a. the specified timeframe for requesting a review has expired and no application has been received; or
- b. where an application for review has been made, until the review has been determined.

(34) Where a candidate has not applied for a review or a review has not been upheld the Graduate Research School will terminate a candidate's enrolment, and any applicable scholarships, on the effective date as outlined above and advise the candidate, Progress Committee, the Graduate Research Coordinator and the Director of Graduate Research.

## **Part H - Review of Conditions for Continuation After Show Cause Proceedings**

(35) Where the Show Cause Sub-Committee has identified condition(s) that must be satisfied for the candidate to progress, the Progress Committee assesses these conditions and certifies compliance, if the conditions are those that

could be assessed by the Progress Committee. The Graduate Research School may also assess and certify compliance if the conditions are those that could be assessed by the Graduate Research School.

- a. The Graduate Research School will determine in consultation with the School, Progress Committee Chair and Show Cause Sub Committee as needed, whether the conditions have been met. If they have, the Progress Committee will assess progress at the next milestone at the relevant standard.
- b. If conditions are not met following Graduate Research School review or if the Progress Committee determines progress is not at the relevant standard and the candidate has indicated no subsequent potential causes for unsatisfactory progress, candidature will be terminated following final review by the Chair Board of Graduate Research.

(36) If candidature continues with no conditions, the Progress Committee will assess progress at the next milestone at the relevant standard. However:

- a. If the Progress Committee determines progress is not at the relevant standard and the candidate has indicated no subsequent potential causes for unsatisfactory progress, candidature will be terminated following final review by the Chair Board of Graduate Research.
- b. If the candidate has indicated potential causes for unsatisfactory progress prior to the Progress Committee review, these will be re-evaluated by the Chair BGR, who may reconvene the Show Cause Sub Committee for consideration of the potential causes, prior to further Progress Committee review.

(37) Where a candidate has made known new cause(s), new condition(s) and time frame may be imposed on review for the continuation of candidature.

(38) A candidate who has had their enrolment terminated for any reason may not revive their candidature in the same degree but may reapply for admission to that degree normally no sooner than three years after the date of the termination.

## Section 5 - Definitions

(39) Nil.

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	4th August 2020
<b>Review Date</b>	5th August 2023
<b>Approval Authority</b>	Academic Board
<b>Approval Date</b>	30th July 2020
<b>Expiry Date</b>	Not Applicable
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