Julian Small Research Scholarship in Labour Law

Terms and Conditions
July 2018

1. Background

a. The Julian Small Scholarship was founded by a gift to Sydney Law School from the Julian Small Foundation. The Foundation was established in memory of Julian Small, a leading employment and industrial lawyer, by his partners at Minter Ellison, and for many years provided research grants to promote and foster study, research and development of the law relating to employment, workplace law and industrial relations in Australia. In 2014, the Foundation passed its funds to the University to continue this work.

2. Eligibility

a. Applicants must have an unconditional offer of admission for full-time studies in a PhD or LLM by research within the Sydney law School at the University of Sydney, and be willing to undertake research in the discipline of Labour Law (encompassing employment law, industrial relations, workplace health and safety and workplace discrimination).

b. Currently enrolled PhD or LLM by research students are also eligible to apply, but preference will be given to commencing applicants.

3. Selection Criteria

a. The successful applicant will be awarded the Scholarship on the basis of:

   I. academic merit,
   II. area of study and research proposal,
   III. curriculum vitae, and
   IV. a personal statement which demonstrates their interest in labour law and previous research achievements.

b. The successful applicant will be awarded the Scholarship on the nomination Scholarship Committee consisting of the Associate Dean (Research Education) and one or two academic staff members from the School Labour Law Cluster.

4. Value

a. The Scholarship will provide a PhD recipient with an annual stipend allowance equivalent to the minimum Research Training Program (RTP) stipend per annum for up to 3.5 years, subject to satisfactory academic performance. No extension is possible.

b. The Scholarship will provide a LLM by research recipient an annual stipend allowance equivalent to the minimum Research Training Program (RTP) stipend per annum for up to 1.5 years, subject to satisfactory academic performance. No extension is possible.

c. Periods of study already undertaken towards the degree prior to the commencement of the Scholarship, will be deducted from the maximum duration of the Scholarship excluding the potential extension period.
d. The Scholarship cannot be deferred without the prior permission of the Associate Dean (Research) or transferred to another University school, Faculty or university.

e. Tuition fees and the Student Services Amenities Fee (SSAF) is not covered by this Scholarship for an international recipient.

f. No other amount is payable.

g. The Scholarship will be offered subject to the availability of funding.

h. Only one student may be in receipt of the Scholarship at any given time.

5. Eligibility for Progression

a. Progression is subject to passing the annual progress review.

6. Leave Arrangements

a. The Scholarship recipient receives up to 20 working days recreation leave each year of the Scholarship and this may be accrued. However, the student will forfeit any unused leave remaining when the Scholarship is terminated or complete. Recreation leave does not attract a leave loading and the supervisor’s agreement must be obtained before leave is taken.

b. The Scholarship recipient may take up to 10 working days sick leave each year of the Scholarship and this may be accrued over the tenure of the Scholarship. Students with family responsibilities, caring for sick children or relatives, or experiencing domestic violence, may convert up to five days of their annual sick leave entitlement to carers leave on presentation of medical certificate(s). Students taking sick leave must inform their supervisor as soon as practicable.

7. Research Overseas

a. The Scholarship recipient may not normally conduct research overseas within the first six months of award.

b. The Scholarship holder may conduct up to 12 months of their research outside Australia. Approval must be sought from the student's supervisor, Head of Department and HDRAC, and will only be granted if the research is essential for completion of the degree. All periods of overseas research are cumulative and will be counted towards a student's candidature. Students must remain enrolled full-time at the University and receive approval to count time away.

8. Suspension

a. The Scholarship recipient cannot suspend their award within their first six months of study, unless a legislative provision applies.

b. The Scholarship recipient may apply for up to 12 months suspension for any reason during the tenure of their Scholarship. Periods of suspension are cumulative and failure to resume study after suspension will result in the award being terminated. Approval to suspend must be given by both HDRAC and the head of the department concerned. Periods of study towards the
degree during suspension of the Scholarship will be deducted from the maximum tenure of the Scholarship.

9. Changes in Enrolment

a. The Scholarship recipient must notify HDRAC and their supervisor promptly of any planned changes to their enrolment including but not limited to: attendance pattern, suspension, leave of absence, withdrawal, course transfer, and candidature upgrade or downgrade. If the award holder does not provide notice of the changes identified above, the University may require repayment of any overpaid stipend.

10. Conversion Between Research Programs

a. The Scholarship recipient may convert a PhD to a LLM by research provided such change in candidature is approved by the HDRAC. The maximum duration of the converted Scholarship will be the time remaining for their new candidate, providing it does not exceed more than 3.5 years in total (includes the potential extension) since the commencement of the Scholarship.

b. LLM by research recipients cannot upgrade without reapplying for this Scholarship.

11. Termination

a. Unless terminated earlier under this paragraph, the Scholarship will terminate:

   I. on resignation or withdrawal of the student from their PhD,
   II. upon the student having completed 4 years equivalent full time study for a PhD,
   III. upon submission of the thesis or at the end of the award,
   IV. if the student ceases to be a full-time student and prior approval has not been obtained to hold the Scholarship on a part-time basis,
   V. if the recipient receives an alternative primary scholarship that provides a stipend of more than 75% of the value of this Scholarship,
   VI. does not resume study at the end of a period of approved leave, or
   VII. if the student ceases to meet the eligibility requirements specified for this Scholarship, (other than during a period in which the Scholarship has been suspended or during a period of approved leave).

b. The Scholarship may also be terminated by the University before this time if, in the opinion of the University:

   I. the course of study is not being carried out with competence and diligence or in accordance with the terms of this offer,
   II. the student fails to maintain satisfactory progress, or
   III. the student has committed misconduct or other inappropriate conduct.

c. Stipend payments will be suspended throughout the duration of any enquiry/appeal process.

d. Once the Scholarship has been terminated, it will not be reinstated unless due to University error.
12. Misconduct

a. Where during the Scholarship a student engages in misconduct, or other inappropriate conduct (either during the Scholarship or in connection with the student’s application and eligibility for the Scholarship), which in the opinion of the University warrants recovery of funds paid to the student, the University may require the student to repay stipend amounts and any other payments made to the student in connection with the Scholarship. Examples of such conduct include and without limitation; academic dishonesty, research misconduct within the meaning of the Research Code of Conduct (for example, plagiarism in proposing, carrying out or reporting the results of research, or failure to declare or manage a serious conflict of interests), breach of the Code of Conduct for Students and misrepresentation in the application materials or other documentation associated with the Scholarship.

b. The University may require such repayment at any time during or after the Scholarship period. In addition, by accepting this Scholarship, the student consents to all aspects of any investigation into misconduct in connection with this Scholarship being disclosed by the University to the funding body and/or any relevant professional body.

13. Acknowledgments

a. The Scholarship recipient may be invited to promote the Sydney Law School’s Higher Degree Research and Masters of Labour Law and Relations Programs, and represent the Sydney law School at student orientation, recruitment and corporate networking events.

b. The Scholarship recipient will be known as the Julian Small Scholar in labour Law and will be required to use this title when representing the University in matters relating to the student’s research including publications.