

Student Union Advocacy Service Report April - June 2015

Introduction

This quarter is usually a bit quieter for case work and is generally dominated by one of the volunteer programs run by the service: the exam support stall. However we have experienced a definite increase both in presentations and case complexity this quarter. The period to the end of June is also characterised by problems with special consideration and other assessment related issues including allegations of plagiarism and examination misconduct.

Trends and Issues this Quarter

Misconduct Procedures – the good, the bad and the ugly

Anecdotally, both staff of the Service who support students, and the Student representatives who have been part of faculty discipline committees, have noted that there has been some changes in hearings this quarter. Specifically they report that faculty discipline committees are having greater regard to the question of proportionality when issuing penalties. A straw poll reveals a noticeable shift towards aligning the relative seriousness of the alleged conduct with both the threshold of evidence required for a finding, and the penalty issued.

On the other hand, it is disappointing to note that there are still a few faculty committees which seem to be operating with little reference to their statutory and procedural obligations. Specifically there have been two recent faculty hearings which were improperly constituted (without a student representative and with staff who would raise an apprehension of bias). Additionally, Advocates have reported outcomes of several faculty hearings this quarter which, while acceptable to the student and unlikely to be appealed, were not available under the statute. This raises continuing concerns about standardisation and equity in discipline hearings.

Recommendation

That there is a review of the training and resourcing of these local discipline committees and the staff who are charged with investigating such matters at first instance and that the Advocacy Service is involved in any training initiated as a result of this review.

Special Consideration – where are the goal posts?

A student presented with a special consideration issue this quarter which we found particularly confounding. The student had been ill with a documented severe mental health problem prior to the examinations. They mentioned in their application that their condition had resulted in their being unable to come to grips with the examination timetable. Consequently they had missed their examination. The application clearly documented their medical condition and the nexus between the condition and the impact was clear. However the application was summarily denied at the Student Hub. The student had been advised that this is because the following section of the policy is used as a threshold condition which could exclude students from consideration, regardless of the overall circumstances and the documentation supporting it.

3.5 Circumstances deemed to be within the student's control and therefore not appropriate for special consideration include:

- a. Exam/assessment stress or anxiety
- b. Misreading the examination timetable**
- c. Transport issues (missed or late train, car problems)
- d. Minor ailments (headache, general period pain, colds, hayfever)
- e. Difficulties with English language
- f. Personal commitments or events such as weddings, birthdays
- g. Usual demands of employment and employment-related travel (including shift-changes)
- h. Failure to back up assignments to multiple devices or to use virus checking software.

Therefore, despite the student submitting an HPR form and a medical certificate which confirmed that her doctor had determined the impact on the day of her exam was severe for medical reasons, her application was not approved on the basis of 'insufficient grounds'. The Student Adviser indicated that this was because 'misreading an examination timetable' is excluded from special consideration in accordance with 3.5 b of the procedures.

The student subsequently requested a review of this decision. The original decision was confirmed on the basis that the student did not submit new compelling evidence to support her application. We advised the student on the next steps to lodge a formal grievance. We also regarded this decision as so mis-conceived that we contacted the Team Leader at the relevant Student Hub to enquire whether there had been a mistake. They confirmed that if any student notes a circumstance which is proscribed under s. 3.5 such as misreading an examination timetable - regardless of any relevant health circumstances - the staff have been instructed to refuse special consideration under this policy. We were unable to ascertain where this instruction had come from, but we found it very troubling.

Ultimately the Team Leader recommended that we assist the student to lodge a brand new application - taking care not to mention misreading the timetable - so the new application could be approved. Despite finding this approach astonishing, we assisted the student to do this on the basis of efficacy and because the whole process had already exacerbated the student's health problems.

Upon resubmitting the application *de novo* - the special consideration was approved and a supplementary examination granted.

While there may be some efficacy in a set of broad guiding principles, the list of circumstances at s.3.5 of the procedures are too prescriptive and when implemented by staff without the authority or experience to exercise discretion - will result in unintended outcomes. During consultation on the policy, we raised these potential issues of interpretation, but the policy remained unchanged.

If the University wishes to set out principles in its policy and procedures, then the manner in which such principals are implemented is crucial. It is an important point of administrative law that discretion in administrative decision making should not be fettered by rigid adherence to policy.

Put another way, policies should be 'sufficiently flexible to allow individual cases to be considered on their own merits'.¹ Using the above list of principals to summarily exclude an application from further consideration is a textbook example of policy fettering discretion.

¹ Mark Aronson, Bruce Dyer and Matthew Groves, *Judicial Review of Administrative Action* (4th Ed, 2009) at p. 311.

These sorts of poor decision making practices have a detrimental impact on the integrity of assessment and seem counter to the University's objectives.

Recommendation

That the Principals at s.3.5 of the policy are removed. Or else minimally they should be reframed having regard to the causes rather than with respect to the by-products or results of those causal factors.

Special Consideration – your moderate is my severe

We continue to see a large number of special consideration disputes which are centred on the difficulty many health practitioners experience in understanding the definitions of impact in the HPR form. When this confusion is coupled with an implementation which effectively sets the impact rating as condition precedent to accessing special consideration, we have a major problem. This suggests urgent need to review the wording of the HPR form, as well as the approach of those assessing such forms.

A recent letter from a doctor in support of a student's request for review sums up the confusion pithily. They write: "The box for 'moderate impact' was ticked rather than severe because at the time when reading through the definitions, 'severe impact' implied a patient who was bedridden or totally incapacitated and thereby physically unable to attend the exam. With subsequent review, the impact of the illness itself was severe even though it did not follow the exact wording in the original definition. The error was made as a result of misinterpretation and ambiguous definition of 'severe impact' on the special consideration form."

It is common for us to see a major disjunct between the discursive impact on the form and the impact rating.

Recommendation

Review the definitions on the HPR form to ensure they accurately and unambiguously capture the sorts of conditions which would severely impact a student's ability to complete assessment.

Review and train relevant staff on the implementation of these guidelines so they give proper weight to all of the evidence and have regard to the entirety of the circumstances presented, in line with best practice administrative decision making.

MOM – first semester reflections

The first semester of the new Melbourne Operating Model is almost complete and the Service has noticed a few changes which we will continue to monitor closely. A notable change has been an increase in presentation of students seeking advice and support on issues of discrimination, harassment or bullying advice. These students tell us that staff in university human resources advise that support is no longer offered to students under the new model. If this is true, there is now a gap in support in this area, because the terms of the Advocacy contract with the University excludes the provision of advice in this area. Accordingly we receive no funding toward providing this service. In this context we have been referring students identifying equal opportunity related issues to external bodies to progress their complaints.

We have also noticed an increase in students with disabilities approaching the service for assistance liaising with academic staff. It appears, anecdotally at least, that the downsizing and restructure of the Disability Unit has meant these students have started to approach our service for this assistance.

If responsibility for these roles is formally shifting to the Advocacy Service, we will begin to face resource constraints as our funding does not currently account for roles which were previously undertaken by the University itself.

CUPC Central – no place for peer support?

Another change under the new MOM is the centralisation of Course Unsatisfactory progress processes. This will be the first time since the inception of the Peer Support Program that there have been significant changes to the Course Unsatisfactory Progress Committee process. This semester the meetings are to be held in one venue with 8 committees meeting contemporaneously. Whereas previously, the well-established peer support program has been allocated separate space in which to brief and debrief students, the space allocated for the process this semester does not accommodate any private areas for the peer support volunteers and the common area looks likely to be an extremely busy space. Unfortunately we were not consulted about these changes and had no opportunity for input into the location.

The CUPC week kicks off on Friday 17th July, and we will be monitoring the first session closely as we have significant concerns that the volunteers will face an impossible task in providing support confidentially, and with due care in that environment. If the first session proves that the new arrangements are incompatible with the peer support role, we will have to discontinue the program for this semester. Either way, given the University's commitment to student support and volunteer programs, we hope we can negotiate collaboratively a more positive space for future CUPC processes in future.

Student Record Cards – too few resources?

This semester we have also been advised that there are now too few resources to automatically provide students attending CUPC meetings with their student record card. Upon being advised of this by the University, we were quick to point out that the provision of documentation to students which will be relied upon by the CUPC is not an optional extra, but rather critical to procedural fairness. For this reason it is a clear requirement under section 5.2 of the Academic Progress Review Procedure (MPF1292) which provides

*A 'show cause' email will be sent to students who are required to attend an interview with a CUPC and will **include a copy of the student record card.***

[Emphasis added]

We are advised that students will need to email and request the student record card if they want one. Clearly we will be encouraging all students seeking our assistance to obtain theirs prior to seeking advice. Trying to advise students on their best approach and prospects at CUPC meetings without having regard to their student record is speculative at best. The fact that the student record cards must be generated for the CUPC makes it particularly perplexing that it is regarded as too labour intensive to provide one automatically to each affected student. Fundamental to the right to be heard is the right to know the case to be met. If students are fronting the CUPC - who is looking at documents the student themselves has not had access to - then it is not an overstatement to say that the University is flouting the rules of procedural fairness.

Recommendation

That student record cards are emailed to the student with notice of the requirement to show cause as provided under section 5.2 of the *Academic Progress Review Procedure* (MPF1292).

Programmes this Quarter

Exam Support Stall

Training was provided to 31 volunteers who staffed the examination support stalls during the examination period. A total of 2585 students received a service from the stall over the three weeks of exams. Volunteers do two hour shifts, and set up and put away the marquee and table every day. Equipment is stored in the Royal Exhibition Building.

Volunteers answer a range of questions; provide directions on the location of facilities, and referral to discuss issues such as special consideration and academic misconduct. Those involved report that students appreciate the programme - at a time when many students need extra support because they are stressed and anxious.

The volunteers at the stall provide on-site information, advice, referral and support to students who sit exams at the Royal Exhibition Building in Carlton during the exam period (2-3 weeks in both June and November). The stall gives away water and sells assorted stationary, tissues and lollies for a nominal fee. Unfortunately the stall unexpectedly ran out of water in the second week and this is reflected in the significant dip in the graph above. Given the water is the single most requested item at the stall, we have been working on a way to provide water in reusable clear containers. However negotiations with the Royal Exhibition Building to allow a water cart on site have not been fruitful so far. Additionally students may borrow approved calculators and clear plastic bags for their pens etc. Signs are displayed reminding students not to inadvertently take their study notes or any unauthorised materials into the venue with them. The stall also has information about the Advocacy Service; an exam tips information card and information on other University services.

Statistics

April-June 2015

148 students were provided a service resulting in 563 contacts with the service.

April-June 2014

124 students were provided a service resulting in 266 contacts with the service.

Additionally, the Advocacy website received 4603 page views this quarter. There were almost 700 page views on the Exam Tips page and other popular pages included information on special consideration, grievances and complaints, unsatisfactory progress and misconduct.

Distribution by primary issue:

The primary issue is generally identified as the university process to which the student's main concern or problem relates. Data is classified in this way because it provides a standardised and more meaningful breakdown which may be useful for tracking policy trends amongst other things. Additionally this classification system aligns with the general methodology employed by the service in providing advice and problem solving support to students. Specifically while students may express their issues in a multitude of ways, the primary issue is identified according to the policy or procedure by which the University provides possible resolutions.

April-June 2015

All Students			Graduate Coursework students			RHD students		
Special Consideration	29	17.79%	Assessment Dispute	16	16.67%	Supervision Problems	6	42.86%
Assessment Dispute	24	14.72%	Academic Misconduct - Plagiarism	14	14.58%	Progress - HDR	6	42.86%
Academic Misconduct - Plagiarism	20	12.27%	Academic Misconduct - Collusion	9	9.38%	Student complaint about uni staff	1	7.14%
Academic Misconduct - Collusion	15	9.20%	Supervision Problems	7	7.29%	Assessment Dispute	1	7.14%
Course Unsatisfactory Progress	8	4.91%	Special Consideration	7	7.29%			
Supervision Problems	8	4.91%	Course Unsatisfactory Progress	6	6.25%			
Student complaint about uni staff	8	4.91%	Vocational Placement Problems	5	5.21%			
Academic Misconduct - Exam	8	4.91%	Academic Misconduct - Exam	4	4.17%			
Progress - HDR	6	3.68%	Equitable Accommodation (SEAP)	4	4.17%			
Equitable Accommodation (SEAP)	5	3.07%	Student complaint about uni staff	4	4.17%			
Vocational Placement Problems	5	3.07%	Student Admin - Enrolment problems	3	3.13%			
Discrimination, Bullying or Harassment	5	3.07%	Discrimination, Bullying or Harassment	2	2.08%			
Student Admin - Enrolment problems	4	2.45%	Not Specified	2	2.08%			
Not Specified	3	1.84%	Course structure/changes	2	2.08%			
Admission - Selection Appeal	3	1.84%	Quality Teaching	1	1.04%			
Incorrect Advice	2	1.23%	Admission - Selection Appeal	1	1.04%			
Course structure/changes	2	1.23%	Academic Misconduct - Falsified docs	1	1.04%			
Advance Standing Credit/RPL	2	1.23%	Student Admin - Remission of Fees	1	1.04%			
Quality Teaching	2	1.23%	Incorrect Advice	1	1.04%			
General Misconduct	2	1.23%						
Academic Misconduct - Falsified docs	1	0.61%						
Student Admin - Remission of Fees	1	0.61%						

April-June 2014

All Students			Graduate Coursework students			RHD students		
Special Consideration	19	15.20%	Academic Misconduct - Plagiarism	10	22.22%	Supervision Problems	8	72.73%
Academic Misconduct - Plagiarism	13	10.40%	Vocational Placement Problems	7	15.56%	General Misconduct	2	18.18%
Quality Teaching	12	9.60%	Special Consideration	7	15.56%	Intellectual Property Dispute	1	9.09%
Assessment Dispute	10	8.00%	Scholarship Issues	5	11.11%			
Supervision Problems	8	6.40%	Assessment Dispute	5	11.11%			
Vocational Placement Problems	8	6.40%	Course Unsatisfactory Progress	4	8.89%			
Not Specified	7	5.60%	Academic Misconduct - Exam	3	6.67%			
Academic Misconduct - Exam	6	4.80%	Student complaint about uni staff	1	2.22%			
Scholarship Issues	5	4.00%	Student Admin - Enrolment problems	1	2.22%			
Other	5	4.00%	General Misconduct	1	2.22%			
Course Unsatisfactory Progress	5	4.00%	Equitable Accommodation (SEAD)	1	2.22%			
Equitable Accommodation (SEAD)	4	3.20%						
Course structure/changes	4	3.20%						
General Misconduct	3	2.40%						
Student Admin - Enrolment problems	3	2.40%						
Student complaint about uni staff	3	2.40%						
Advance Standing Credit/RPL	2	1.60%						
Student Admin - Remission of Fees	2	1.60%						
Incorrect Advice	2	1.60%						
Intellectual Property Dispute	1	0.80%						
Admission - Selection Appeal	1	0.80%						
Academic Misconduct - Falsified docs	1	0.80%						
Academic Misconduct - Collusion	1	0.80%						

Distribution by graduate/undergraduate status

April-June 2015

Graduate	84	56.76%
Undergraduate	64	43.24%

April-June 2014

Graduate	64	51.61%
Undergraduate	60	48.39%

Distribution by International/Domestic Status

April-June 2015

Domestic	99	66.89%
International	49	33.11%

April-June 2014

Domestic	96	77.42%
International	28	22.58%

Distribution of cases over all by Faculty/School – April-June 2015

In order to make the following data more meaningful the relative weighting of faculties by enrolment has been included. While this is useful in partially normalising the data - it is not possible to draw conclusions as to *why* certain faculties may be over or under represented in presentations to this service. For example, high representation may reflect an active referral policy within that faculty or it may disclose certain procedural issues in that area.

	Number of cases and as a proportion of all cases.		Enrolments as a proportion of students enrolled at university	Indication of relative representation in Advocacy casework
ABP & Melbourne School of Design	22	15.94%	4.75%	>>>
Faculty of Science	26	18.84%	12.62%	>>
Melbourne Graduate School of Education	14	10.14%	6.53%	>>
School of Land and Environment	4	2.90%	0.41%	>>
Faculty of MDHS	12	8.70%	20.39%	<<<
Faculty of Business and Economics	13	9.42%	14.71%	<<
Law School	3	2.17%	5.41%	<<
Faculty of Veterinary Science	2	1.45%	3.90%	<<
Faculty of Arts	19	13.77%	15.63%	<
Melbourne School of Engineering	11	7.97%	9.37%	<
VCA & Music	6	4.35%	6.29%	<
Melbourne Business School (MBS)	6	4.35%	-	

Commentary

While the number of discrete cases was marginally higher this quarter compared to the same quarter last year, the number of contacts has more than doubled. This suggests a significant increase in case complexity.

The numbers of graduate students this quarter continues to exceed the proportion of graduates as enrolled students. This indicates that graduate students find and access the service in numbers which exceed their proportion of enrolments at the University.

The relative proportion of domestic to international students continues to be broadly consistent with the corresponding enrolment loads.

The primary issue across all students this quarter was special consideration, followed by assessment disputes and plagiarism issues. Collusion was also well represented as an issue. Interestingly, we saw a higher than usual number of students presenting with complaints about university staff. Generally we attempt to frame complaints and disputes procedurally rather than pursuing individualised issues with staff, however it may be that the teething problems post restructure are making certain areas vulnerable to interactions with students which are less than satisfactory.

Among graduate coursework students, assessment disputes represented over 16% of the presenting issues, followed closely by academic misconduct allegations making up another 25% of matters.

For research higher degree students the presenting issues continues to be dominated by supervision problems.

Presenting students came from 12 schools and faculties. Science was the most frequently represented faculty, followed closely by Architecture, Building and Planning and the Melbourne School of Design. There were 10 cases of plagiarism presenting from the Melbourne School of Design this quarter, which accounts for the overrepresentation of students from this relatively small faculty.

The majority of special consideration matters came from the Faculty of Science. There were more than three times as many undergraduates than graduates having issues with special consideration this quarter, and almost four time more domestic students than international students seeking assistance.

Special Consideration - By Faculty/School

Faculty of Science	8	27.59%
Melbourne School of Design (HDCW & HDR)	6	20.69%
Faculty of Arts	4	13.79%
Graduate School of Science	2	6.90%
Faculty of MDHS	2	6.90%
Faculty of Business and Economics	2	6.90%
Melbourne School of Engineering	1	3.45%
Melbourne Graduate School of Education (HDCW & HDR)	1	3.45%
Melbourne Business School (MBS)	1	3.45%
Graduate School of Humanities and Social Sciences (HDCW & HDR)	1	3.45%
Faculty of Architecture, Building and Planning (UG)	1	3.45%

Special Consideration – by Graduate/Undergraduate

Undergraduate	22	75.86%
Graduate	7	24.14%

Special Consideration – by International/Domestic

Domestic	23	79.31%
International	6	20.69%

Academic Misconduct- Plagiarism - By Faculty/School

Melbourne School of Design (HDCW & HDR)	10	50.00%
Melbourne Graduate School of Education (HDCW & HDR)	2	10.00%
Faculty of Science (UG)	2	10.00%
Melbourne Graduate School of Education (UG)	1	5.00%
Graduate School of Humanities and Social Sciences (HDCW & HDR)	1	5.00%
Faculty of MDHS (UG)	1	5.00%
Faculty of MDHS (HDCW & HDR)	1	5.00%
Faculty of Arts (UG)	1	5.00%
Faculty of Architecture, Building and Planning (UG)	1	5.00%

Academic Misconduct- Plagiarism – by Graduate/Undergraduate

Graduate	14	70.00%
Undergraduate	6	30.00%

Academic Misconduct- Plagiarism – by International/Domestic

Domestic	9	45.00%
International	11	55.00%

Assessment Disputes - By Faculty/School

Melbourne Graduate School of Education	5	20.83%
Melbourne School of Design	3	12.50%
Faculty of MDHS	3	12.50%
Graduate School of Science	2	8.33%
Faculty of Science	2	8.33%
Faculty of Arts	2	8.33%
Faculty of Architecture, Building and Planning	2	8.33%
Melbourne Conservatorium of Music	1	4.17%
Law School	1	4.17%
Graduate School of Humanities and Social Sciences	1	4.17%

Assessment Disputes – by Graduate/Undergraduate

Graduate	16	66.67%
Undergraduate	8	33.33%

Assessment Disputes – by International/Domestic

Domestic	18	75.00%
International	6	25.00%

The next Advocacy Service report will cover the quarter July to September 2015 and will be available in early October.

Phoebe Churches
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