

Student Union Advocacy Service Report January - March 2016

Introduction

This quarter typically sees a high volume of appeals to the Academic Board in relation to CUPC decisions and Special Consideration determinations. Usually assistance for students wishing to lodge Academic Board appeals is quite intensive and this is reflected in the volume of contacts this quarter.

Trends and Issues this Quarter

STOP (every) 1

A significant proportion of issues presenting at the Service this quarter either arose from or were exacerbated by teething problems at the new *Stop 1* service. The following represents some examples of the problems we have seen over the first three months of the new centralised advice arrangements at *Stop 1*.

Need a quick resolution to a simple issue? Take a number.

This quarter we saw a number of students with administrative issues that affected their eligibility to graduate.

An email was sent to students whose results remained unfinalised after the cut-off date to register for graduation advising them they were not eligible to graduate. The students presenting to the Advocacy Service had been affected by administrative ‘glitches’ which they thought could be rectified easily by talking to the right person. The ‘glitches’ included missing results from an overseas exchange, or results from summer intensive subjects which had been overlooked. These sorts of last minute graduation issues are ubiquitous at this time of year and not new to us. However in the past we would have been able to call or contact the relevant staff member directly, and generally sort such oversights out on the spot. As far as we are aware, several of these issues were resolved in a timely way and several were not – however it is not the substantive issues which are of note – rather the difficulty this Service is currently experiencing in assisting students with these matters.

Specifically, under the new arrangements, we have no direct contact details for staff who may be able to assist in urgent situations such as these. There was no contact name on the email sent to students, and the only phone number listed was 13MELB. Emails were sent from a generic graduations email, and redirected replies to 13MELB. The only direct number that was listed was the number to MUSUL’s Graduation and Regalia Services– from which one of the students was initially referred.

Recommendation

In order for the Advocacy Service to perform its role efficiently and assist students to resolve simple and/or time sensitive matters – we should have direct contacts for key staff in *Stop 1*. It would also be of benefit for there to be regular liaison between the Advocacy Service and the various parts of University Student Services.

The Pinball Effect

Other *Stop 1* issues can be broadly characterised as situations where students have been referred to the Advocacy Service inappropriately, often after the Service had initially referred the student to *Stop 1*. In the past the Service would try to provide ‘warm referrals’ to Student Centres to minimise the possibility that the student would be bounced back due to misunderstandings or lack of clarity about the purpose of the referral (‘the pinball effect’). Students are sometimes unable to effectively explain their needs to the University and it has been a mainstay of our practice to provide warm referrals (i.e. by directly calling or emailing a member of staff in the relevant area) where possible to ensure the student’s needs are clear when they present.

The following is a brief summary of some of the 'pinball effect' manifestations we encountered this quarter:

- Students referred from the Advocacy Service to *Stop 1* who then referred them to the Advocacy Service for assistance to complete *Stop 1* online enquiry forms.
- Students requiring visa/compliance advice referred back to our Service after we referred them to *Stop 1* to speak to an International Student Adviser.
- Students trying to contact academic staff without success and then approaching the Advocacy Service when the issues became critical. In the past we have been able to refer students to Student Centres where the staff can ascertain whether the academic staff member is unavailable, find an alternative staff member to assist, or act as a conduit between student and academic staff. Several students referred to *Stop 1* for assistance have reported they were simply told to keep on trying and referred back to Advocacy.
- A student visited *Stop 1* to book a course advice appointment following a CUPC outcome. *Stop 1* told the student to call the number on the email he received – which was the number for the Advocacy Service.
- A student requiring leave of absence and course advice spoke to both their course coordinator and *Stop 1* and was advised to come to Advocacy Service for this advice.
- A student reported she had spoken to a number of different staff members at *Stop 1* and received differing or inconsistent advice. Ultimately the student failed to enrol in time and needed to be reinstated. Student reported that one staff member advised the only way to resolve this was a 'Grievance to the Academic Board'.

Recommendation

While we expect new systems to suffer teething problems, we have found that over the last three months there are consistent reports of incorrect referral and advice from *Stop 1* which suggests a need for ongoing training and familiarisation of new staff or staff new to their roles.

Academic Misconduct and intention – aggravation but not mitigation?

In the absence of clear and consistent guidelines around how academic misconduct matters are determined, this service relies heavily on a combination of anecdotal and empirical approaches to anticipating Committee decisions. One of the thorniest issues for us is whether intention to commit misconduct plays a role in determining proportionate penalties or not.

It is clear in Statute 13.1 that intention to commit misconduct plays no role in the determination of whether an offence is made out. These offences are basically matters of strict liability - much like parking or traffic infringements –substantiation of the contravening act is sufficient to establish misconduct.

While this Service has long held that intention to commit misconduct should be given significant weight in determining a penalty once the offence substantiated, we rarely see this approach applied consistently. In this context we note with interest an academic misconduct outcome that clearly indicates intention was a factor in the penalty chosen. Specifically the Committee expressly stated that intention is taken into account when determining a penalty. In this case, wilfulness was a significant factor in the outcome.

However, it remains unclear whether intention will similarly be considered in formulating a proportionate penalty when it forms a mitigating, rather than aggravating factor.

Recommendation

The University should make explicit a consistent approach to the issue of intention when considering misconduct penalties.

Standard of proof versus standard of evidence in Misconduct Cases

A rather perplexing case of alleged academic conduct presented to the Service late last year with the appeal being determined this quarter.

The case involved examination tampering – something we have rarely seen - and obviously a matter of extreme concern to the University. Without going into the details of the allegation, the critical issue in this case was the distinction between the *standard of proof* required to establish misconduct (balance of probabilities), the *burden of proof* (those who assert must prove) and the *standard of evidence* required to substantiate a very serious allegation. This may seem a rather arcane distinction, and in practice it is not germane to the determination of simple allegations – however in this case it was pivotal.

At first instance the faculty committee found, despite no direct evidence linking the student to the tampering, that in the *absence* of a plausible alternative explanation, the allegation against the student was proven and the student’s enrolment was terminated.

As the student maintained they had no involvement in the tampering, consequently neither could they explain how it had occurred. The faculty’s own investigation had similarly failed to uncover any explanation which established a connection between the student and the tampering beyond the fact that it was that student’s papers which were affected.

At Appeal, the advocate drew the Committee’s attention to the *Briginshaw* principle when determining an allegation with only very circumstantial evidence.¹ While the Committee is not bound by the common law rules of evidence such as the *Briginshaw*, they are not prohibited from taking them into account either. More importantly, in cases such as this, the application of the test in *Briginshaw* is most likely to lead to a decision based on logically probative evidence (which is mandatory).

Ultimately the Appeal Committee agreed and resolved to uphold the appeal and dismiss the allegation, overturning the original decision completely.

Statistics

January-March 2016

226 students were provided a service resulting in 787 contacts with the service.

January-March 2015

273 students were provided a service resulting in 730 contacts with the service.

Additionally, the Advocacy website received almost 5000 page views this quarter. There were over 1000 page views on the Academic Progress page and other popular pages included information on misconduct, grievances and complaints, special consideration, assessment disputes and volunteering opportunities.

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.

¹ Although administrative decision-makers are generally not bound by the rules of evidence, such ‘procedural flexibility’ does not mean that all rules of evidence may be ignored. The *Briginshaw* Principle relates to the standard of the evidence required if allegations involve a very serious and/or criminal wrong doing, which if proven, would have serious consequences for the alleged wrong doer. Essentially the test in *Briginshaw* requires the decision maker to closely scrutinise the evidence to be satisfied that it is strong enough to substantiate the allegations of fact on the balance of probabilities.

January-March 2016

All Students			Graduate Coursework students			RHD students		
Course Unsatisfactory Progress	160	68.67%	Course Unsatisfactory Progress	35	59.32%	Progress - HDR	9	47.37%
Assessment Dispute	15	6.44%	Assessment Dispute	7	11.86%	Supervision Problems	5	26.32%
Special Consideration	11	4.72%	Student Admin - Enrolment problems	5	8.47%	Other	2	10.53%
Student Admin - Enrolment problems	9	3.86%	Special Consideration	3	5.08%	Student complaint about uni staff	1	5.26%
Not Specified	8	3.43%	Admission - Selection Appeal	2	3.39%	Scholarship Issues	1	5.26%
Admission - Selection Appeal	8	3.43%	Not Specified	2	3.39%	Assessment Dispute	1	5.26%
Supervision Problems	6	2.58%	Vocational Placement Problems	1	1.69%			
Advance Standing Credit/RPL	3	1.29%	Supervision Problems	1	1.69%			
Student complaint about uni staff	2	0.86%	Student complaint about uni staff	1	1.69%			
Scholarship Issues	2	0.86%	Advance Standing Credit/RPL	1	1.69%			
Progress - HDR	2	0.86%	Academic Misconduct - Plagiarism	1	1.69%			
Academic Misconduct - Plagiarism	2	0.86%						
Other	2	0.86%						
Vocational Placement Problems	1	0.43%						
Academic Misconduct - Falsified docs	1	0.43%						
Academic Misconduct - Collusion	1	0.43%						

January-March 2015

All Students			Graduate Coursework students			RHD students		
Course Unsatisfactory Progress	190	66.20%	Course Unsatisfactory Progress	34	47.89%	Progress - HDR	10	43.48%
Special Consideration	19	6.62%	Special Consideration	10	14.08%	Supervision Problems	8	34.78%
Admission - Selection Appeal	13	4.53%	Assessment Dispute	6	8.45%	Student complaint about uni staff	1	4.35%
Progress - HDR	10	3.48%	Admission - Selection Appeal	5	7.04%	Research Ethics	1	4.35%
Supervision Problems	9	3.14%	General Misconduct	2	2.82%	Course Unsatisfactory Progress	1	4.35%
Assessment Dispute	8	2.79%	Student complaint about uni staff	2	2.82%	Admission - Selection Appeal	1	4.35%
Student complaint about uni staff	7	2.44%	Other	2	2.82%	Not Specified	1	4.35%
Not Specified	6	2.09%	Intellectual Property Dispute	2	2.82%			
Student Admin - Enrolment problems	5	1.74%	Academic Misconduct - Plagiarism	1	1.41%			
General Misconduct	3	1.05%	Advance Standing Credit/RPL	1	1.41%			
Equitable Accommodation (SEAP)	3	1.05%	Not Specified	1	1.41%			
Advance Standing Credit/RPL	2	0.70%	Incorrect Advice	1	1.41%			
Intellectual Property Dispute	2	0.70%	Supervision Problems	1	1.41%			
Other	2	0.70%	Scholarship Issues	1	1.41%			
Incorrect Advice	2	0.70%	Student Admin - Enrolment problems	1	1.41%			
Cross-institutional enrolment denied	1	0.35%	Equitable Accommodation (SEAP)	1	1.41%			
Research Ethics	1	0.35%						
Scholarship Issues	1	0.35%						
Student Admin - Remission of Fees	1	0.35%						
Academic Misconduct - Plagiarism	1	0.35%						
Academic Misconduct - Exam	1	0.35%						

Distribution by graduate/undergraduate status

January-March 2016

Graduate	85	37.61%
Undergraduate	141	62.39%

January-March 2015

Graduate	92	33.70%
Undergraduate	181	66.30%

Distribution by International/Domestic Status

January-March 2016

Domestic	150	66.37%
International	76	33.63%

January-March 2015

Domestic	195	71.43%
International	78	28.57%

Distribution of cases over all by Faculty/School – January-March 2016

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 in the faculty as a proportion of students enrolled at university	Indication of relative representation in Advocacy casework
Science (UG) & (HDCW & HDR)	75	34.25%	12.62%	>>>
Architecture, Building and Planning (UG) & (HDCW & HDR)	15	6.85%	2.23%	>>>
Engineering (UG) & (HDCW & HDR)	19	8.68%	6.31%	>>
School of Land and Environment (UG)	3	1.37%	0.32%	>>
Business and Economics (UG) & (HDCW & HDR)	28	12.79%	10.12%	>
VCA & MCM (UG) & (HDCW & HDR)	1	1.51%	6.28%	<<<
Faculty of MDHS (UG) & (HDCW & HDR)	26	11.87%	13.33%	<
Arts (UG) & (HDCW & HDR)	21	9.59%	10.97%	<
Graduate School of Education (HDCW & HDR)	8	3.65%	5.85%	<
Faculty of Agriculture & Veterinary Science (UG) & (HDCW & HDR)	11	5.02%	3.91%	=
Law School (HDCW & HDR)	8	3.65%	3.93%	=
Melbourne Business School (MBS)	4	1.83%	-	-

Commentary

The proportion of graduate students presenting to the service has increased slightly from the same quarter last year although it remains lower than the current student load data which shows graduate enrolments at around 47% of all students.

There were 150 domestic students and 76 international students seen in this period (compared with 195 to 78 in the same period last year). This represents a slightly higher proportion of international students than the equivalent quarter last year.

Course unsatisfactory progress continues to be the primary issue across all students at this time of year. Among graduate coursework students assessment disputes and enrolment issues constituted almost 20% of the presenting issues. The next most common matter concerned special consideration. This is the first time for a number of quarters that special consideration has moved from one of the top presenting issues. For research higher degree students the majority of matters once again concerned research progress, with supervision issues a close second.

Assessment disputes eclipsed special consideration issues for the first time in many quarters. It is difficult to know if this represents some improvements with the new special consideration regime or an increase in problems with students' experience of grading – however time will tell if this is a trend worth further analysis.

The report concentrates on the top four issues for the period; however, further breakdowns against other primary issues and against various demographics are available on request.

Presenting students came from 12 schools and faculties. Science students - undergraduates as well as higher degree coursework and research students were overwhelmingly the most frequently represented. This is largely due to a high volume of students involved in Course Unsatisfactory Progress related matters, including appeals to the Academic Board. Architecture, Building and Planning and the School of Design were also over-represented with respect to enrolment load as were Engineering, the School of Land and Business and Economics.

Assessment disputes special consideration issues and enrolment problems were very evenly spread across a range of faculties.

Course Unsatisfactory progress - By Faculty/School

Faculty of Science (UG)	55	34.16%
Faculty of Business and Economics (UG)	20	12.42%
Melbourne School of Engineering (HDCW & HDR)	14	8.70%
Faculty of Arts (UG)	10	6.21%
Faculty of MDHS (UG)	10	6.21%
Graduate School of Science (HDCW & HDR)	9	5.59%
Faculty of Architecture, Building and Planning (UG)	7	4.35%
Faculty of Veterinary Science (HDCW & HDR)	5	3.11%
Melbourne Graduate School of Education (HDCW & HDR)	4	2.48%
Melbourne Business School (MBS)	4	2.48%
Faculty of MDHS (HDCW & HDR)	4	2.48%
Unknown	4	2.48%
Graduate School of Business and Economics (HDCW & HDR)	3	1.86%
School of Land and Environment (UG)	3	1.86%
Law School (HDCW & HDR)	3	1.86%
Faculty of Veterinary and Agricultural Sciences (HDCW & HDR)	3	1.86%
Graduate School of Humanities and Social Sciences (HDCW & HDR)	1	0.62%
Melbourne School of Design (HDCW & HDR)	1	0.62%
Engineering (UG)	1	0.62%

Course Unsatisfactory progress – by Graduate/Undergraduate

Undergraduate	113	70.19%
Graduate	48	29.81%

Course Unsatisfactory progress – by International/Domestic

Domestic	96	59.63 %
International	65	40.37%

Assessment Disputes - By Faculty/School

Faculty of Veterinary Science (HDCW & HDR)	2	13.33%
Faculty of Architecture, Building and Planning (UG)	2	13.33%
Unknown	2	13.33%
VCA & Music (UG)	1	6.67%
Melbourne School of Engineering (HDCW & HDR)	1	6.67%
Melbourne School of Design (HDCW & HDR)	1	6.67%
Melbourne Business School (MBS)	1	6.67%
Law School (HDCW & HDR)	1	6.67%
Faculty of Veterinary and Agricultural Sciences (HDCW & HDR)	1	6.67%
Faculty of MDHS (UG)	1	6.67%
Faculty of MDHS (HDCW & HDR)	1	6.67%
Faculty of Business and Economics (UG)	1	6.67%

Assessment Disputes – by Graduate/Undergraduate

Graduate	10	66.67%
Undergraduate	5	33.33%

Assessment Disputes – by International/Domestic

Domestic	11	73.33%
International	4	26.67%

Special Consideration - By Faculty/School

Melbourne School of Engineering (HDCW & HDR)	2	16.67%
Faculty of Science (UG)	2	16.67%
Faculty of Arts (UG)	2	16.67%
Graduate School of Science (HDCW & HDR)	1	8.33%
Graduate School of Humanities and Social Sciences (HDCW & HDR)	1	8.33%
Faculty of Veterinary Science (HDCW & HDR)	1	8.33%
Faculty of MDHS (UG)	1	8.33%
Faculty of Business and Economics (UG)	1	8.33%
Faculty of Architecture, Building and Planning (UG)	1	8.33%

Special Consideration – by Graduate/Undergraduate

Graduate	7	58.33%
Undergraduate	5	41.67%

Special Consideration – by International/Domestic

Domestic	10	83.33%
International	2	16.67%

Enrolment problems - By Faculty/School

Faculty of Science (UG)	2	22.22%
Melbourne School of Design (HDCW & HDR)	2	22.22%
Faculty of Arts (UG)	1	11.11%
Faculty of MDHS (HDCW & HDR)	1	11.11%
Graduate School of Science (HDCW & HDR)	1	11.11%
Melbourne Graduate School of Education (HDCW & HDR)	1	11.11%
Melbourne School of Engineering (HDCW & HDR)	1	11.11%

Enrolment problems – by Graduate/Undergraduate

Graduate	5	55.56%
Undergraduate	4	44.44%

Enrolment problems – by International/Domestic

Domestic	8	88.89%
International	1	11.11%

Liaisons and involvement with the University Community

The service is always keen for opportunities to speak to staff at the University to demystify our role and explain the services we provide and how we can work together to further student interests.

Staff in the Advocacy Service liaised with the University Community in the following ways over the period:

12-Feb-16	Graduate Research Managers Advisory Group Meeting	Pierre Gorman Room, 1888
18-Feb-16	Advocacy & Legal presentation for UMSU Women's Mentoring Network	Training Rooms, Union House
23-Feb-16	Advocacy & Legal stall for Carnival Day in O'Week	South Lawn
16-Mar-16	Advocacy & Legal stall at "Moving to Melbourne" event run by UMSU International	North Court
17-Mar-16	MBS Welcome and Orientation Event for Doctoral Students	Woodward, Level 10 Law Building

If you would like to arrange a time for Advocacy staff to speak at your staff meeting or other liaison opportunity, please get in touch.

The next Advocacy Service report will cover the quarter April to June 2016 and will be available in early July 2016.