

## **Student Union Advocacy Service Report July - September 2013**

### **University Review of Advocacy Service in its First Year**

On the 5<sup>th</sup> August, Mr Joel Barolsky – a consultant engaged by the University – delivered his report on the UMSU Advocacy Service Contract Review. Mr Barolsky presented his draft findings to the UMSU Advocacy and Legal Advisory group at its most recent meeting of 14th August 2013. The Service welcomes the Draft Review's finding that '[a]ll University representatives were extremely satisfied with ... UMSU's performance under the contract'. The Service also fully endorses the recommendation of the review to maintain the existing contract and to align and consolidate data of the two separate advocacy services. We look forward to the final report.

### **UMSU Advocacy & Legal Student Advisory Group**

The UMSU Advocacy & Legal Student Advisory Group met again in August. This was the second meeting of the division's Student Advisory Group and the first of two for second semester.

This meeting discussed advocacy and legal service reports detailing recent advocacy and legal service case work, research, projects and initiatives staff are currently undertaking and determined future directions for the student advisory group. We anticipate that this direct student input into service planning and priorities will significantly enhance service delivery and ensure relevance for students at large.

### **Evaluation of Peer Support Programme**

Now in its eighth year of operation, the Peer Support Programme has continued to go from strength to strength. This quarter, 279 students were assisted by 23 peer volunteers. In this context we felt a full evaluation of the programme was well due. To this end, three separate evaluations were conducted during July – an evaluation by those students assisted by the programme, an evaluation by the peers themselves and an evaluation by the staff in the schools and faculties who interact with the programme. The evaluations were designed to complement each other in order to form a 360 degree review of the programme. The final piece will fall into place at the completion of this semester's peer volunteer training – when we will also obtain feedback about the training itself. The predominantly qualitative data from all of these instruments will be analysed with an appropriate qualitative methodology and we anticipate a full report will be completed by early next year.

Preliminary findings will be reported in the next quarterly report.

## **Trends and Issues this Quarter**

### ***Special Consideration – foreseeability: necessary condition or a matter of weight?***

The vexed question of foreseeability as an absolute condition precedent to eligibility for special consideration continues to trouble us. Schedule A of the *Special Consideration Procedure* (MPF1030) sets out the guidelines for assessing eligibility for special consideration. The ‘unanticipated or unforeseeable nature of the condition or event’ is listed as **one of four** factors to which the Special Consideration Committee should have regard when assessing an application. There is no indication in Schedule A that any of these factors carry greater weight than the others or that one is effectively condition precedent to eligibility. For this reason the Advocacy service continues to be troubled by outcomes of applications which specify that the applicant has been deemed ineligible for the sole reason that his or her circumstances were not ‘of an unexpected or unanticipated nature’.

A related issue with respect to special consideration is whether the existence of a misconduct allegation in relation to one piece of assessment will be fatal to eligibility in relation to another. We recently assisted in a matter where the student - who suffered a documented condition characterised by anxiety and depression - faced an allegation of general misconduct. The process was relatively lengthy due to the complexity of the investigation of the particular allegation. While the process remained on foot the student had a number of pieces of assessment due including examinations. With the support of their psychiatrist, the student applied for special consideration to accommodate the unforeseen impact of these proceedings on his anxiety condition. The application was unsuccessful; the reason provided was that the basis for the student’s application was anxiety exacerbated by the misconduct proceedings. On appeal the case was dismissed by the Academic Board who found the faculty had acted appropriately in declining the application on this basis.

While it is clearly open to find that the student was ineligible, we are concerned that there is a misconceived nexus being drawn between the application for special consideration and the existence of unconcluded misconduct proceedings. This may be obscuring the substantive issue that there are grounds for eligibility for special consideration based on unanticipated exacerbation of a health condition which results from the student’s experience of the misconduct proceedings.

### **Recommendation**

We would welcome greater clarity with respect to whether special consideration can - in certain circumstances - be granted in connection with a misconduct matter.

### ***Student Records in ISIS and recording of Misconduct Allegations***

The Service received several emails this quarter from students concerned about the appearance of notes on their Student Record which indicated an allegation of academic misconduct. The student record card is generated from ISIS and provided to students in relation to academic board appeals and in certain other circumstances.

It is our understanding that information regarding misconduct allegations is provided to university staff on a purely ‘need-to-know’ basis and it is the custom and practice - if not policy - to store this information in a sealed record on the student’s file. Statute 13.1.15(1) provides that the academic registrar must keep a record of all findings and penalties of misconduct made pursuant to statute 13.1 and that the record ‘must form part of a student’s file which will be made available to persons within the University or outside the University in accordance with the University’s privacy policy’.<sup>1</sup>

It is our opinion that entering an electronic record of an allegation of misconduct on the student’s record card in ISIS is inconsistent with the requirements of the Statute.

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<sup>1</sup> Statute 13.1.15(2).

## **Recommendation**

That Statute 13.1.15 is interpreted to mean that records of findings and - where relevant, penalties - are kept on the student's file in a manner which conforms to the University's Privacy policy. Allegations, findings and penalties should not be recorded in a way which does not provide strict access control.

## ***Amicus curiae or friend of the Academic Board – can the Advocacy Service raise concerns independently of student appeals?***

The Student *Complaints and Grievances Policy* (MPF1066) makes provision for students to ground complaints and grievances on a range of bases. With the potential exception of anonymous complaints however, there is no provision for third party complaints to be investigated under this regime.

In the vast majority of cases, where there is some merit to a complaint, a student or students will be willing and able to progress the matter for themselves. That the system should be predominantly student driven is in no way disputed. However the Service occasionally comes in contact with issues which we find very troubling, but which the student for whatever reason, does not wish to pursue.

To frame this issue with an example, consider the following scenario which arose this quarter. In an academic misconduct matter the School Discipline Committee found that the student should be given an opportunity to resubmit their assessment. The student subsequently resubmitted his assignment and it was reassessed by the same staff member who had assessed the work subject to the allegation. On receiving his new grade, which was extremely low, the student emailed the staff member seeking clarification of the final result. The student received the following reply:

*I know you were a Masters student, so the mark is out of 30. Does your use of the past tense indicate you are leaving the University? If so, I hope you are honest with your family and friends when you get back home and tell them of the shameful cheating and lying you engaged in to try to pass this subject. Your actions resulted in a huge amount of work, stress and anger for many staff members. Our primary job is to help students learn, and time spent dealing with liars and cheats means we have fewer resources for honest students, so you owe your fellow students an apology as well. I think this answers your second question.*

While the staff member may be entitled to his or her opinion, this is troubling for many reasons. The student was subsequently offered additional assessment under the final subject rule and did not wish to pursue this matter. The advocate spoke to staff in the School about his concerns and was advised that it was not possible to address the issue unless the student wished to pursue it.

Such situations leave staff of this service in an invidious position. It is clear to us that this should not go unaddressed and there is a real risk that there will be other students dealt with in this way in the future. From a quality assurance perspective, the School's own perception that they were hamstrung to address the issue without a student complaint should be of concern to the university.

## **Recommendation**

The University should reinforce good quality assurance practices within its schools and faculties and ensure each area has a clearly defined and understood mechanism for dealing with reports of such matters when raised by third parties.

Additionally, because informal reports may fail to address the issue, the *Student Complaints and Grievances* Policy (MPF1066) should be amended to allow discretion by the Academic Registrar to investigate third party complaints, including those raised by the Advocacy Service where appropriate.

## Statistics

### **Comparative data – July - September 2013**

This quarter 427 students were provided a service resulting in 886 contacts. In the same quarter last year, the service saw 444 students which resulted in 604 contacts with the service. A large volume of these matters concerned assessment and course unsatisfactory progress as will be seen below.

Additionally, the Advocacy website received 6314 unique page views this quarter. There were over 1000 unique page views on our volunteering opportunities page and other popular pages included information on study tips, assessment disputes and special consideration.

### **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 generally identified according to the policy or procedure by which the University provides possible resolutions.

### **July - September 2013**

Course Unsatisfactory Progress	333	75.51%
Assessment Dispute	22	4.99%
Special Consideration	20	4.54%
Academic Misconduct - Exam	12	2.72%
Academic Misconduct - Plagiarism	8	1.81%
Supervision Problems	5	1.13%
Course structure/changes	5	1.13%
Incorrect Advice	4	0.91%
General Misconduct	4	0.91%
Progress - HDR	4	0.91%
Student Admin - Enrolment problems	4	0.91%
Student Admin - Remission of Fees	4	0.91%
Student complaint about uni staff	4	0.91%
Admission - Selection Appeal	3	0.68%
Vocational Placement Problems	2	0.45%
Other	1	0.23%
Academic Misconduct - Collusion	1	0.23%
Equitable Accommodation (SEAD)	1	0.23%
Quality Teaching	1	0.23%
Research Ethics	1	0.23%
Academic Misconduct - Research	1	0.23%
Intellectual Property Dispute	1	0.23%

**July - September 2012**

Course Unsatisfactory Progress	356	75.42%
Special Consideration	37	7.84%
Assessment Dispute	18	3.81%
Academic Misconduct - Plagiarism	9	1.91%
Other	7	1.48%
Supervision Problems	6	1.27%
Student Admin - Remission of Fees	5	1.06%
Academic Misconduct - Exam	5	1.06%
Admission - Selection Appeal	5	1.06%
General Misconduct	3	0.64%
Course structure/changes	3	0.64%
Not Specified	3	0.64%
Equitable Accommodation (SEAD)	3	0.64%
Vocational Placement Problems	2	0.42%
Progress - HDR	2	0.42%
Scholarship Issues	2	0.42%
Student Admin - Enrolment problems	2	0.42%
Incorrect Advice	2	0.42%
Advance Standing Credit/RPL	1	0.21%
Quality Teaching	1	0.21%

**Distribution by graduate/undergraduate status***July - September 2013*

Graduate	159	37.24%
Undergraduate	268	62.76%

*July - September 2012*

Graduate	117	26.35%
Undergraduate	327	73.65%

**Distribution by International/Domestic Status***July - September 2013*

Domestic	308	72.13%
International	119	27.87%

*July - September 2012*

Domestic	326	73.42%
International	118	26.58%

**Distribution of cases over all by Faculty/School – July - September 2013**

In order to make the following data more meaningful the relative weighting of faculties by enrolment has been included. Currently this is based on approximate data sourced from University Careers and Employment. We are hoping to obtain more accurate and current data from the faculties each quarter in the future. This allows a more accurate comparison of how faculties are represented by issues presenting to the service. It is also relevant to note that it is not possible to draw from this data *why* faculties may be over or under represented. For example, high representation may reflect an active referral policy within that faculty or it may disclose certain procedural issues.

	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	95	21.54%	11.21%	>>>
Melbourne School of Engineering	82	18.59%	3.96%	>>>
Architecture Building & Planning	44	9.98%	3.74%	>>
Melbourne School of Land and Environment	20	4.54%	1.71%	>>
Business & Economics	61	13.83%	8.13%	>
Melbourne Graduate School of Education	24	5.44%	5.49%	==
Melbourne School of Design	9	2.04%	2.20%	==
Medicine, Dentistry & Health Sciences	38	8.62%	13.52%	<
Arts	33	7.48%	11.43%	<
Graduate School of Business and Economics	9	2.04%	3.57%	<
Melbourne Law School	9	2.04%	5.49%	<<
VCA & Music	7	1.59%	3.30%	<<
Graduate School of Humanities and Social Sciences	3	0.68%	4.62%	<<<
Engineering (teach out)	2	0.45%	1.32%	<<<
Melbourne School of Information (IT)	4	0.91%	-	-
Melbourne Business School (MBS)	1	0.23%	-	-

## Commentary

The proportion of graduate to undergraduate students was 37.24% to 62.76% (compared with 26.35% to 73.65% for the same period last year). Interestingly – as the total number of students was roughly the same in both years (400+), this represents a contraction of service to undergraduates (59 fewer) and an increase in service to graduates (42 more this quarter).

This quarter there were 72.13% domestic students to 27.87% international students presenting to the service, this compares closely with the same quarter last year where the breakdown was a very similar 73.42% to 26.58% and which is aligned with the proportion of domestic to international students enrolled at the University.

The primary presenting issue this quarter was course unsatisfactory progress. Students from the Melbourne School of Engineering made up almost 27% of those presenting for assistance with Course Unsatisfactory Progress. This was closely followed by students from the Science Faculty. Assessment disputes and special consideration were the next most common issues in roughly equal numbers. Assessment disputes were relatively evenly spread across several faculties including Medicine, Dentistry and Health Sciences, Arts and Architecture, Building and Planning. As usual, the report concentrates on the top four issues for the quarter; however, further breakdowns against other primary issues and against various demographics are available on request.

Overall, presenting students came from 16 schools and faculties. Science was the most frequently represented faculty followed by the Melbourne School of Engineering and Business and Economics.

**Course Unsatisfactory Progress - By Faculty/School**

Melbourne School of Engineering	89	26.73%
Science	73	21.92%
Architecture Building & Planning	35	10.51%
Business & Economics	34	10.21%
Medicine, Dentistry & Health Sciences	26	7.81%
Arts	21	6.31%
Graduate School of Business and Economics	12	3.60%
Melbourne Law School	8	2.40%
Melbourne School of Design	7	2.10%
Not recorded	7	2.10%
Melbourne School of Land and Environment	6	1.80%
Melbourne Graduate School of Education	5	1.50%
Melbourne Business School (MBS)	3	0.90%
Melbourne School of Health Sciences	3	0.90%
Graduate School of Humanities and Social Sciences	2	0.60%
VCA	1	0.30%
Melbourne Conservatorium of Music (MCM)	1	0.30%

**Course Unsatisfactory Progress – by Graduate/Undergraduate**

Undergraduate	215	64.56%
Graduate	118	35.44%

**Course Unsatisfactory Progress – by International/Domestic**

Domestic	237	71.17%
International	96	28.83%

**Assessment Disputes - By Faculty/School**

Medicine, Dentistry & Health Sciences	5	22.73%
Arts	4	18.18%
Architecture Building & Planning	4	18.18%
Science	3	13.64%
Melbourne School of Design	2	9.09%
VCA	1	4.55%
Melbourne School of Land and Environment	1	4.55%

**Assessment Disputes – by Graduate/Undergraduate**

Graduate	12	54.55%
Undergraduate	10	45.45%

**Assessment Disputes – by International/Domestic**

Domestic	18	81.82%
International	4	18.18%

**Special Consideration - By Faculty/School**

Science	6	30.00%
Melbourne School of Engineering	3	15.00%
Arts	3	15.00%
Architecture Building & Planning	3	15.00%
Melbourne School of Design	2	10.00%
Melbourne School of Land and Environment	1	5.00%
Medicine, Dentistry & Health Sciences	1	5.00%
Graduate School of Business and Economics	1	5.00%

**Special Consideration – by Graduate/Undergraduate**

Undergraduate	16	80.00%
Graduate	4	20.00%

**Special Consideration – by International/Domestic**

Domestic	14	80.00%
International	6	20.00%

**Academic Misconduct - Exam - By Faculty/School**

Medicine, Dentistry & Health Sciences	4	33.33%
Science	4	33.33%
Graduate School of Business and Economics	2	16.67%
Business & Economics	1	8.33%
Melbourne School of Engineering	1	8.33%

**Academic Misconduct - Exam – by Graduate/Undergraduate**

Graduate	9	75.00%
Undergraduate	3	25.00%

**Academic Misconduct - Exam – by International/Domestic**

Domestic	10	83.33%
International	2	16.67%

The next Advocacy Service report will cover the quarter October to December 2013 and will be available in January 2014.

**Summary of Recommendations****Special Consideration – foreseeability: necessary condition or a matter of weight?**

We would welcome greater clarity with respect to whether special consideration can - in certain circumstances - be granted in connection with a misconduct matter.

**Student Records in ISIS and recording of Misconduct Allegations**

That Statute 13.1.15 is interpreted to mean that records of findings and - where relevant, penalties - are kept on the student's file in a manner which conforms to the University's Privacy policy. Allegations, findings and penalties should not be recorded in a way which does not provide strict access control.

**Amicus curiae or friend of the Academic Board – can the Advocacy Service raise concerns independently of student appeals?**

The University should reinforce good quality assurance practices within its schools and faculties and ensure each area has a clearly defined and understood mechanism for dealing with reports of such matters when raised by third parties.

Additionally where informal reports fail to address the issue, the *Student Complaints and Grievances Policy* (MPF1066) should be amended to allow discretion by the Academic registrar to investigate third party complaints, including those raised by the Advocacy Service where appropriate.

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 October 2013