

Student Union Advocacy Service Report July - September 2015

Introduction

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

Programmes and Events this Quarter

Annual User Survey

The Advocacy Service conducts an annual survey of student users of the service and every two years we conduct a similar survey of key university staff who have direct dealings with the service.

This year the student survey was conducted during August. An invitation to complete the online survey was sent via email to just over 300 students who had indicated they were happy to be contacted for this purpose. A report on the findings is attached at **appendix B** to this report.

Peer Support Programme

This quarter 285 students were assisted by 21 peer support volunteers. A report on the changes to the Course Unsatisfactory Progress Committee (CUPC) process under the Melbourne Operating Model is attached at **appendix A**.

Trends and Issues this Quarter

Summary Justice

From time to time we see examples of summary decisions (outside of due process) with respect to penalties or other outcomes which impact on students' interests. This quarter there were several different faculties from which we noted a number of academic staff have acted in a manner that suggests a lack of awareness that a formal process is required in order for a penalty to be issued in academic misconduct matters.

In one case the staff member told the student in an email that the student should be grateful that they had simply been issued with a mark of zero for an assessment rather than be referred to a committee for a hearing. They also told the student that they should merely 'forget about it and move on'. The student has contacted the course coordinator, requesting a hearing, but had not received a response at the time of writing.

In another matter, a student requested an extension to a paired assignment because both the student and their assignment partner – who was also a housemate – were sick on the weekend prior to the due date. They submitted the extension request and supporting medical documentation on the Monday two days before the assignment was due. The following day the

student was advised that a 'faculty decision' had been made that no extensions would be granted for the assignment. This decision had not been communicated to the cohort taking the subject. The affected student subsequently submitted their assignment one day late. Following advice from our service, the student contacted the subject co-ordinator regarding the decision. The subject co-ordinator advised that they were unaware of such a decision. On further advice from our service, the student lodged an informal grievance to the Associate Dean. The late penalty was then waived without further explanation.

Recommendation

The procedural requirements for issuing academic penalties or otherwise making decisions which may be adverse to students' interests should be clearly communicated to staff who have responsibility for such decisions.

High-risk graduate research student complaints and grievances

At the end of 2014 there was a full devolution of administrative responsibility for graduate research to the faculties and graduate schools subsequent to the disestablishment of the Melbourne School of Graduate Research. Since that time we have seen several matters arise with higher degree research students where complaints have effectively 'fallen between the cracks.' That is – no one seemed to have or recognise responsibility for investigation and resolution of those grievances. This means some serious issues remained unaddressed for a lengthy time while responsibility for their resolution continues to be unsettled. After some discussions with those in the relevant research advisory roles and student grievance co-ordination, we are instructed that some clear guidelines about such responsibilities will be circulated soon.

Recommendation

We welcome the development of guidelines and clarity around roles in dispute and complaint resolution in the graduate research space to address these gaps.

When the postman doesn't ring twice...or at all – communications double standards

There are several ways in which students receive important communications from the University. Most notices regarding processes such as Course Unsatisfactory Progress or misconduct will be sent by both email and registered mail.

On some occasions, usually through a combination of unfortunate circumstances, students receive neither method of notice. In such cases, the relevant committee will ordinarily, in the first instance, undertake a meeting in the student's absence and make a decision 'on the papers'. However, in similar circumstances, where faculty representatives fail to receive or respond to notice, the matter is routinely held over, often exponentially amplifying the stress for the student who must return another day. We are of the view that this is an unacceptable double standard, especially when the interests affected can be significant.

Recommendation

Consideration should be given to a policy of one-off postponement if either party is not in attendance in the first instance.

The Infernal Circle of Special Consideration

We continue to see a high proportion of students affected by – often circular - decisions regarding special consideration. The following anecdotes provide a flavour of the sorts of issues we continue to see:

1. A student developed an allergy to the particular building in which most of their studies were conducted. They subsequently failed a mid-semester test due to their symptoms. Their application for special consideration was then declined due to insufficient grounds. The student was unable to provide better evidence to support the application - they had a referral to a neurologist, but couldn't get an appointment for months. The student had met with Student Equity and Disability Support (SEDS) but were ineligible for registration without a formal diagnosis or other proof of medical condition. The student's subject coordinator was supportive of a reweighting of the mid-semester test; however the student's request for a review of the original decision was unsuccessful. On our advice, the student submitted an online formal complaint and it was successful (the mid-semester test was reweighted).
2. Another student with a chronic health condition, who was registered with SEDS, applied for a Leave of Absence (LOA) last semester due to deterioration of their health condition (compounded by deaths in the family, among other things). The student had the support of their supervisor and Head of Department to take the leave. The student provided a Health Practitioner Report (HPR) and other supporting documentation. However, the LOA was not approved because the HPR did not specifically state that the student needed to take leave until the end of the semester. The outcome letter also advised that the other supporting documentation could not be taken into consideration to establish the timeframe of the leave. We advocated on the student's behalf at this point, querying why the supporting documentation wasn't taken into consideration and re-stating the case. The next day the LOA was granted.
3. A student was referred to our service from the SEDS team in July this year. They instructed that they had been advised by their Student Centre the previous year that - despite their severe and documented illness - they would not be granted late withdrawals for subjects they had failed in 2011 because there was a two year 'statute limit' (sic). Further, the student was advised that they could not be withdrawn from their one remaining subject in 2014 as they did not have any further leave available to them. The student did not take any further action at the time due to this advice; however on making contact with SEDS in 2015, they established that this advice was incorrect and subsequently sought assistance from our service to seek a resolution.

The student's initial request for late withdrawals went to the Student Centre Manager, and this was declined on the basis that there was no evidence to support the student's inaction on seeking these withdrawals in a timely way. The matter subsequently proceeded towards an appeal to the Academic Board. Three days prior to the hearing, the student was

informed that University Services had granted them the late withdrawals they sought, which was for a total of six subjects from 2011 and 2014. It's worthy of note that the decision was supported by very detailed reasoning, which outlined a thorough investigation undertaken by the Manager of Enrolment and Academic Records. We welcome such outcomes and hope to see more resolutions undertaken in this manner.

4. Some cases seem to expose a disjunct in the approach taken by those charged with determining the approval of special consideration requests, and those responsible for deciding the outcome. A student with a severe and documented injury which affected her ability to complete a large research paper had her application for special consideration approved, however the outcome was determined as 'no appropriate action' because the maximum extension had already been granted. This left the student in a situation where they had failed the subject despite special consideration being awarded. The student subsequently appealed the decision and a late withdrawal was offered by the faculty just before the matter was heard.

There is a similar matter currently on foot where special consideration was centrally approved for a student unable to attend a vocational placement. However, when the outcome was determined by the relevant academic staff, it was decided that a placement is not subject to special consideration and consequently the student has failed. Accordingly the student must attend CUPC to discuss the issue.

We are generally seeing various cases that have the following themes:

1. A default position of awarding a fail when late withdrawals are granted but the student doesn't "accept" the offer within a certain time frame. It is our view that if they qualify for special consideration, then a failing grade is not an appropriate outcome in any event.
2. CUPC hearings arising from the above scenario – where a student has not 'accepted' a late withdrawal and a fail has been substituted.
3. Those assessing special consideration requests failing to have regard to the student's broader circumstances when determining an appropriate outcome under the process.

Recommendation

That there is clarification about how and when special consideration applies to various forms of assessment, and whether once special consideration is formally granted, it is an available option to fail the student by refusing an outcome under the policy.

When Timing is not Timely

The Service saw a spike in cases of academic misconduct which involved allegations dating back a considerable time. In one faculty there was an eight month delay between the assessment being finalised and the allegation being raised. In another case, a PhD graduate is facing an allegation related to their thesis submitted over a decade ago.

Recommendation

In such cases it is reasonable to expect that the student will be advised in the allegation notice the reason for the delay and that the impact on procedural fairness will be taken into account.

General Advice – not advocacy in character

We have also have seen more appointments than usual (three this quarter as opposed to none previously) where students are seeking advice on how to apply for a LOA and/or late withdrawals after census. This is not demanding case work, but seems to stem primarily from referrals from Student Centres who are advising students that we will assist with this. We are wondering if this represents a diminished capacity in Student Centres to provide the sorts of advice and assistance which was provided by Student Centres before. Given the increase in demand on the Advocacy Service, we are cautious about increases in caseload flowing from activities previously undertaken by the university and not properly characterised as of an 'advocacy nature'.

Recommendation

Consideration is given to increased service demand on the Advocacy Service during the determination of SSAF funding for the next round.

Policy Consultation

Finally, the service welcomed the opportunity to provide feedback on the developing misconduct procedures which are to replace the current statute. We note that the early draft looks positive and is a marked improvement on the narrow and prescriptive statutory process which we have worked with for many years.

Advocacy Service Statistics

Comparative data – July - September 2015

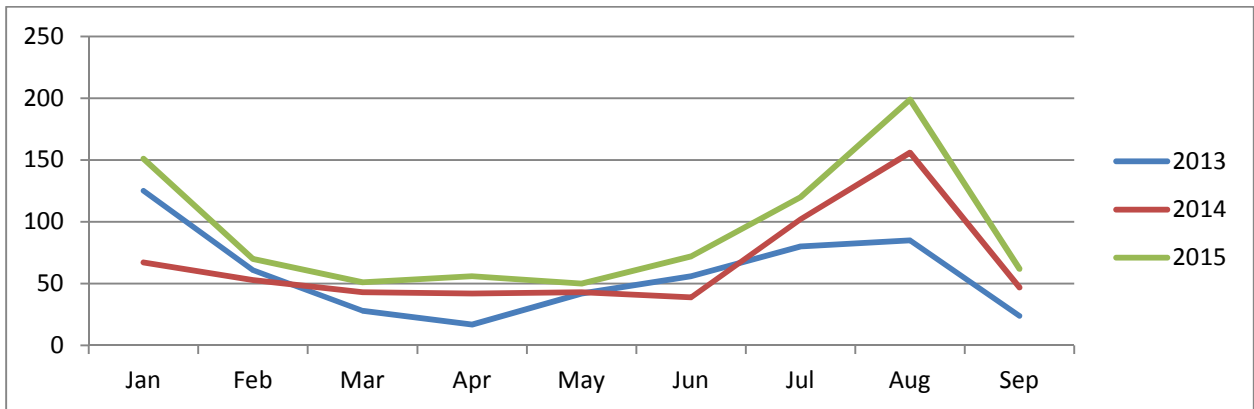
This quarter 410 students were provided a service resulting in 1197 contacts. In the same quarter last year, the service saw 305 students which resulted in 710 contacts with the service. A large volume of these matters concerned assessment and course unsatisfactory progress as will be seen below.

Additionally, the Advocacy website received over 6000 page views this quarter. More than 1400 of these were on the CUPC page. Other popular pages included information on assessment disputes and special consideration.

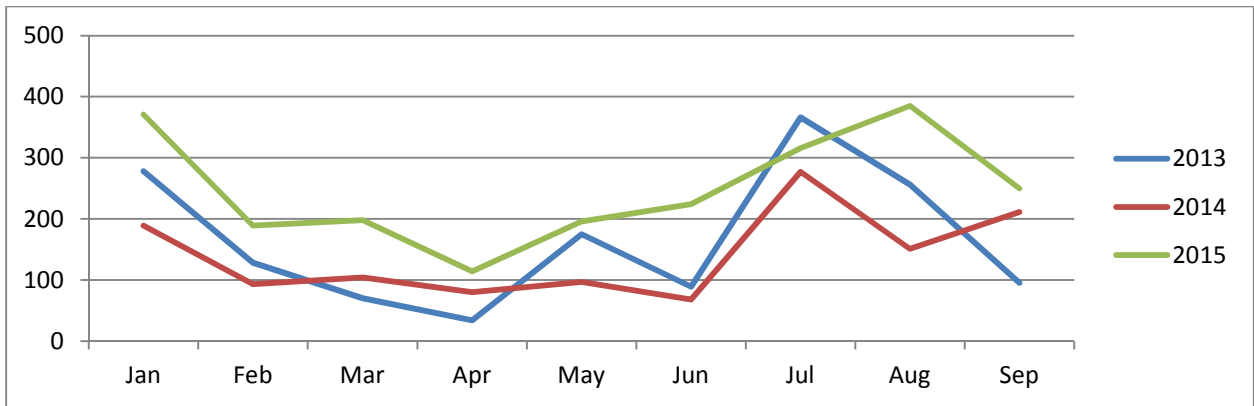
Increase in case load over time

For some time staff in the service have observed that the demand for casework is both increasing steadily over time as well as remaining more constant. The peaks and troughs of casework seem to have become slightly shallower – which results in a sense that the service is constantly busy. While the service is yet to reach capacity or require lengthy waits for service, the increasing load is noticeable with respect to the competing requirement for the service to undertake research and policy review in a timely and detailed manner.

2013		2014		% increase	2015		% increase
January	125	January	67	-	January	151	38%
February	61	February	53	-	February	70	8%
March	28	March	43	14%	March	51	4%
April	17	April	42	23%	April	56	6%
May	42	May	43	1%	May	50	3%
June	39	June	56	16%	June	72	7%
July	80	July	102	20%	July	120	8%
August	85	August	156	66%	August	199	19%
September	24	September	47	21%	September	62	7%
Increase 2013 - 2014				10%	Increase 2014 - 2015		15%



Students presenting over time



Contacts with students over time

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 2015

All Students			Graduate Coursework students			RHD students		
Course Unsatisfactory Progress	294	69.67%	Course Unsatisfactory Progress	81	62.79%	Progress - HDR	6	35.29%
Special Consideration	38	9.00%	Assessment Dispute	16	12.40%	Supervision Problems	5	29.41%
Assessment Dispute	29	6.87%	Special Consideration	11	8.53%	Vocational Placement Problems	1	5.88%
Academic Misconduct - Plagiarism	11	2.61%	Academic Misconduct - Plagiarism	7	5.43%	Student Admin - Enrolment problems	1	5.88%
Supervision Problems	6	1.42%	Student complaint about uni staff	3	2.33%	Other	1	5.88%
Progress - HDR	6	1.42%	Other	3	2.33%	General Misconduct	1	5.88%
Other	6	1.42%	Admission - Selection Appeal	2	1.55%	Admission - Selection Appeal	1	5.88%
Admission - Selection Appeal	6	1.42%	Vocational Placement Problems	1	0.78%	Academic Misconduct - Plagiarism	1	5.88%
Student complaint about uni staff	4	0.95%	Supervision Problems	1	0.78%			
Not Specified	4	0.95%	Course structure/changes	1	0.78%			
Student Admin - Enrolment problems	3	0.71%	Advance Standing Credit/RPL	1	0.78%			
Academic Misconduct - Exam	3	0.71%	Academic Misconduct - Exam	1	0.78%			
Advance Standing Credit/RPL	3	0.71%	Not Specified	1	0.78%			
Course structure/changes	2	0.47%						
General Misconduct	2	0.47%						
Vocational Placement Problems	2	0.47%						
Equitable Accommodation (SEAP)	2	0.47%						
Incorrect Advice	1	0.24%						

July - September 2014

All Students			Graduate Coursework students			RHD students		
Course Unsatisfactory Progress	218	68.99%	Course Unsatisfactory Progress	38	57.58%	Progress - HDR	7	35.00%
Special Consideration	24	7.59%	Assessment Dispute	9	13.64%	Supervision Problems	5	25.00%
Assessment Dispute	18	5.70%	Special Consideration	6	9.09%	Course Unsatisfactory Progress	4	20.00%
Academic Misconduct - Plagiarism	9	2.85%	Academic Misconduct - Plagiarism	3	4.55%	Student complaint about uni staff	1	5.00%
Student Admin - Enrolment problems	8	2.53%	Student Admin - Enrolment problems	2	3.03%	Scholarship Issues	1	5.00%
Progress - HDR	7	2.22%	Not Specified	2	3.03%	Intellectual Property Dispute	1	5.00%
Supervision Problems	6	1.90%	Student complaint about uni staff	1	1.52%	General Misconduct	1	5.00%
Academic Misconduct - Falsified docs	4	1.27%	Incorrect Advice	1	1.52%			
Admission - Selection Appeal	4	1.27%	General Misconduct	1	1.52%			
Student complaint about uni staff	3	0.95%	Equitable Accommodation (SEAD)	1	1.52%			
Not Specified	3	0.95%	Advance Standing Credit/RPL	1	1.52%			
Academic Misconduct - Collusion	2	0.63%	Academic Misconduct - Falsified docs	1	1.52%			
Advance Standing Credit/RPL	2	0.63%						
General Misconduct	2	0.63%						
Vocational Placement Problems	1	0.32%						
Incorrect Advice	1	0.32%						
Intellectual Property Dispute	1	0.32%						
Academic Misconduct - Exam	1	0.32%						
Scholarship Issues	1	0.32%						
Equitable Accommodation (SEAD)	1	0.32%						

Distribution by graduate/undergraduate status

July - September 2015

Graduate	153	37.32%
Undergraduate	257	62.68%

July - September 2014

Graduate	105	34.43%
Undergraduate	200	65.57%

Distribution by International/Domestic Status

July - September 2015

Domestic	269	65.61%
International	141	34.39%

July - September 2014

Domestic	234	76.72%
International	71	23.28%

Distribution of cases over all by Faculty/School – July - September 2015

In order to make the following data more meaningful the relative weighting of faculties by enrolment has been included. Currently this is based on load data correct at April 2015. 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
Faculty of Science	125	31.57%	12.62%	>>>
School of Land and Environment	24	6.06%	0.41%	>>>
Faculty of Architecture, Building and Planning	32	8.08%	4.75%	>>
Faculty of Business and Economics	59	14.90%	14.71%	==
Melbourne School of Engineering	39	9.85%	9.37%	==
Faculty of Arts	45	11.36%	15.63%	<
Melbourne Graduate School of Education	20	5.05%	6.53%	<
Law School	9	2.27%	5.41%	<<
Faculty of Veterinary Science	6	1.52%	3.90%	<<
VCA & Music	2	0.51%	6.29%	<<<
Faculty of MDHS	25	6.31%	20.39%	<<<
Melbourne Business School (MBS)	4	1.01%	-	
Melbourne Conservatorium of Music (MCM)	6	1.52%	-	

Commentary

The proportion of graduate to undergraduate students was 37.24% to 62.76% (compared with 34.43% to 65.57% for the same period last year).

This quarter there were 65.61% domestic and 34.39% international students presenting to the service, this compares closely with the same quarter last year where the breakdown was 76.72% domestic students to 23.28%. This represents a significant increase in the presentation of international students compared to previous quarters; however it is almost exactly aligned with the proportion of domestic to international students enrolled at the University (34.15%).

The primary presenting issue this quarter was course unsatisfactory progress. Students from the Faculty of Science represented over a third of all those presenting for assistance with Course Unsatisfactory Progress. This was followed by students from the Faculties of Business and Economics and Arts. Special Consideration and Assessment disputes were the next most common issues. Special Consideration issues were concentrated in Arts, Business & Economics and Science. 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 13 schools and faculties. Science was the most frequently represented faculty followed by the Faculties of Business and Economics and Arts respectively.

Course Unsatisfactory Progress - By Faculty/School

Faculty of Science (UG)	90	30.61%
Faculty of Business and Economics (UG)	41	13.95%
Melbourne School of Engineering (HDCW & HDR)	19	6.46%
Faculty of Arts (UG)	19	6.46%
School of Land and Environment (UG)	18	6.12%
Melbourne Graduate School of Science (HDCW & HDR)	22	7.48%
Melbourne Graduate School of Education (HDCW & HDR)	16	5.44%
Graduate School of Business and Economics (HDCW & HDR)	10	3.40%
Faculty of Architecture, Building and Planning (UG)	10	3.40%
Engineering (UG)	8	2.72%
Unknown	8	2.72%
Melbourne Conservatorium of Music (MCM)	5	1.70%
Law School (HDCW & HDR)	4	1.36%
Melbourne Business School (MBS)	4	1.36%
Faculty of MDHS (UG)	4	1.36%
Faculty of MDHS (HDCW & HDR)	4	1.36%
Melbourne School of Design (HDCW & HDR)	3	1.02%
School of Land and Environment (HDCW & HDR)	3	1.02%
Medicine, Dentistry & Health Sciences (pre-MM)	2	0.68%
Faculty of Veterinary Science (UG)	1	0.34%
Faculty of Veterinary Science (HDCW & HDR)	1	0.34%
Melbourne Graduate School of Education (UG)	1	0.34%
Graduate School of Humanities and Social Sciences (HDCW & HDR)	1	0.34%

Course Unsatisfactory Progress – by Graduate/Undergraduate

Undergraduate	203	69.05%
Graduate	91	30.95%

Course Unsatisfactory Progress – by International/Domestic

Domestic	195	66.33%
International	99	33.67%

Special Consideration - By Faculty/School

Faculty of Arts (UG)	7	18.42%
Faculty of Business and Economics (UG)	5	13.16%
Faculty of Science (UG)	5	13.16%
Faculty of MDHS (HDCW & HDR)	4	10.53%
Graduate School of Humanities and Social Sciences (HDCW & HDR)	3	7.89%
Faculty of MDHS (UG)	2	5.26%
Law School (HDCW & HDR)	2	5.26%
Melbourne School of Engineering (HDCW & HDR)	2	5.26%
Faculty of Veterinary Science (HDCW & HDR)	1	2.63%
School of Land and Environment (UG)	1	2.63%
Engineering (UG)	1	2.63%
Melbourne School of Design (HDCW & HDR)	1	2.63%
Law School (UG)	1	2.63%
Faculty of Architecture, Building and Planning (UG)	1	2.63%
Unknown	1	2.63%
VCA & Music (UG)	1	2.63%

Special Consideration – by Graduate/Undergraduate

Undergraduate	25	65.79%
Graduate	13	34.21%

Special Consideration – by International/Domestic

Domestic	28	73.68%
International	10	26.32%

Assessment Disputes - By Faculty/School

Melbourne School of Design (HDCW & HDR)	8	27.59%
Graduate School of Humanities and Social Sciences (HDCW & HDR)	3	10.34%
Faculty of Science (UG)	3	10.34%
Faculty of Architecture, Building and Planning (UG)	3	10.34%
Unknown	3	10.34%
Melbourne School of Engineering (HDCW & HDR)	2	6.90%
Faculty of Business and Economics (UG)	2	6.90%
Faculty of Arts (UG)	2	6.90%
Melbourne Graduate School of Education (HDCW & HDR)	1	3.45%
Melbourne Business School (MBS)	1	3.45%
Faculty of MDHS (HDCW & HDR)	1	3.45%

Assessment Disputes – by Graduate/Undergraduate

Graduate	16	55.17%
Undergraduate	13	44.83%

Assessment Disputes – by International/Domestic

Domestic	19	65.52%
International	10	34.48%

Academic Misconduct – Plagiarism - By Faculty/School

Faculty of Veterinary Science (HDCW & HDR)	3	27.27%
Law School (HDCW & HDR)	2	18.18%
Faculty of Architecture, Building and Planning (UG)	2	18.18%
School of Land and Environment (HDCW & HDR)	1	9.09%
Melbourne School of Design (HDCW & HDR)	1	9.09%
Graduate School of Science (HDCW & HDR)	1	9.09%
Graduate School of Humanities and Social Sciences (HDCW & HDR)	1	9.09%

Academic Misconduct - Plagiarism – by Graduate/Undergraduate

Graduate	9	81.82%
Undergraduate	2	18.18%

Academic Misconduct - Plagiarism – by International/Domestic

Domestic	4	36.36%
International	7	63.64%

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:

07-Aug-15	Advocacy & Legal presentation for UMSU International Induction	Training Rooms, Union House
22-Sep-15	Meeting with Graduate Online Melbourne	Elizabeth Murdoch Building

The next Advocacy Service report will cover the quarter October to December 2015 and will be available in January 2016.

Phoebe Churches
 Manager, Advocacy & Legal
 October 2015

Appendix A - Review of the Peer Support Program in the context of CUPC Processes under the new Melbourne Operating Model

Appendix B - Student Union Advocacy Service Evaluation 2015 (STAFF) and Advocacy Service User Survey 2015

Incl:.../