



ADVOCACY

Service Report January - April 2023

UMSU
UNIVERSITY OF MELBOURNE
STUDENT UNION

Introduction

The Advocacy Quarterly Service Report was originally commissioned by the University's Advocacy Service Reference Group (ASRG) – a group set up to oversee the service contract via which the Service was funded between 2012 and 2017. The Quarterly Report was originally an accountability measure under the funding contract, but it also served to ventilate student experiences of various processes within the relevant parts of the University. Over time, the circulation of the Report grew to encompass a cross section of the University Community, establishing strong communication channels for feedback and issues management between relevant stakeholders. We hope to continue to expand and consolidate these channels and invite interested University staff to contact the Service directly to collaborate on responses to the issues identified in the Report.

Data and 'Anecdotal'

The data presented in this report is drawn from the statistics recorded in the Advocacy Service Case management database. It is not drawn from, nor is it correlated with University collected service data, to which we have no access. For this reason, it is important to interpret the data and analysis as pertaining solely to activities of the Advocacy Service. The Report statistics cannot be extrapolated to provide commentary on the performance of Faculties or Schools, unless specifically indicated in the commentary.

The 'Trends and Issues' identified in the report are based on both service statistics, and anecdotal observations and case studies. They are provided as insights into the student experience of University processes, or as potential indicators of systemic problems with administrative decision making and procedural fairness. These issues are not intended to reflect the totality of student experience, but rather those areas where the University needs to address potentially serious issues and risks.

The Service can generate drill down or other statistics on its activities, where these may be of interest to the University community, however due to relatively few resources, such requests need to be made with due notice.

Trends and Issues

They will grind you down until you give up

We assisted a student whose application for entry into the MD Program was initially rejected in May 2022. After a (very) lengthy process of seeking further information from the Medical School, the student officially requested a selection review on 13 September 2022. After a wait of more than two months, they received an outcome to their review request on 25 November 2022, where it became clear that the Academic Registrar had not independently assessed or investigated the student's position, and had instead just referred the matter back to the Medical School for review of its own decision. Unsurprisingly, in investigating themselves, the Medical School found no issue with their original decision.

The student subsequently lodged an appeal to the Academic Board on 5 December 2022, and after not hearing anything before the end-of-year shutdown, they reached out to the student appeals team on 6 January 2023 seeking an update.

After waiting 5 business days and not getting a response, the student contacted their advocate to update them on the delays. By this point, there was some sense of urgency as the course they were trying to gain entry to commenced end of January. The advocate wrote to the student appeals team on behalf of the student, and received a response the same day indicating that there were some delays due to the very high volume of appeals during this time, but that they would escalate this matter given the impending course commencement date.

A few weeks passed by and there was no further update, so on 3 February 2023 (after the course commencement date) the advocate again contacted the student appeals team to seek an update. The response a couple of days later indicated that the matter had been referred to a specialist due to the highly technical nature of it, and that this had caused further delays. In this response, the student appeal team also asked the student for some further information which could assist the assessment of their appeal, which the student duly provided the next day.

Two further weeks passed, and still there was no update, so the advocate wrote directly to the Academic Secretary in the hope of prompting some meaningful intervention. By this stage it had been 49 business days since the student submitted their appeal, and they were understandably now in a very heightened state of distress, and starting to consider if it was all worth it, and whether they might just be better off cutting their losses and applying for the next round.

On 2 March, the student appeals team wrote to provide some detail about the information they had been able to obtain from the specialist advisor, to which the student understandably responded that the Medical School could have obtained the same information more than 6 months previously. Additionally, they pointed out that this further information still did not address critical elements of their appeal.

Finally, on 16 March, the student was notified that they were to be granted a hearing with the Academic Board. But this did not turn out to be the end of the delays, because by 13 April, they had still not been informed of the details of the appeal hearing, and had to write again to seek an update.

On 26 April 2023, nearly a year on from the initial rejection of their application, an appeal hearing was scheduled for 4 May. Unfortunately, on the eve of the hearing, the student decided that they could not go through with it and withdrew the appeal.

They did not elaborate to their advocate on the reasons for this final decision, but it is safe to say that the gruelling process eventually took its toll. It is also reasonable to assume that by the time the appeal hearing was eventually granted, the student calculated that the possibility of the appeal going against them might have the compounding effect of compromising any new application for entry into the course.

Recommendations:

Efficient and transparent dispute resolution processes are critical in large decision-making bodies such as the University, and in cases where lengthy delays cause a matter to be prolonged for a year or more, trust is likely to be broken. This is just one example of many, and we routinely hear from students expressing a view that the process seems deliberately designed to prevent them from getting their case properly heard, and they feel powerless and marginalised.

We want to make it very clear that any criticism regarding this case is not directed at the student appeals team, as we know they were chronically understaffed during this time. The major issue here, as is often highlighted in situations such as this, is a failure at the higher levels to prioritise critical areas of the University's operations and resource them accordingly.

When a review process does not really review anything

We assisted a student to lodge a grievance in relation to the eligibility of their special consideration application, which had been denied on the grounds that it was late and that there was no evidence to verify that it was not practicable and/or possible to apply in a timely manner.

Under section 5.88 of the Assessment and Results Policy, a grievance relating to eligibility for special consideration is supposed to involve a *further review* of the decision by the Academic Registrar, but this case was one of many that we have been seeing where the Academic Registrar simply looks back over any SEDS processes for procedural issues in the handling of the matter. That is, rather than undertaking a merit review of the decision and considering further information or documentation from the student, they instead just ask SEDS to comment on the particulars of the grievance (so essentially asking them to review or investigate themselves).

This raises a couple of questions:

1. How does SEDS view their role in responding to grievances lodged with the Academic Registrar when they relate to special consideration *eligibility*?
2. How does the Academic Registrar view the responses from SEDS?

It appears that when SEDS are contacted by the Academic Registrar to respond to a grievance in this context, they only provide a case history of the matter from their involvement (so ending at pre-grievance lodgement), but the way this is presented in grievance outcomes to students suggests they are being asked to respond to the particulars of the grievance itself as well. However, in practice, it appears nobody is undertaking a *further review* of the merits of special consideration grievances at all, despite the Academic Registrar being the named authority in the Policy to assess special consideration applications.

For example, this is an extract from a common outcome we see in these cases:

*I asked the Coordinator, Special Consideration and Disability Support, Student Equity and Disability Services (SEDS) **to investigate your case.** Following those investigations SEDS provided the following response having reviewed your special consideration application **and the information submitted with your complaint:***

...

*Considering the information above and **in the absence of any further evidence to suggest that your application was not appropriately considered and/or that a procedural irregularity occurred in managing your request,** I am unable to uphold your complaint.*

In this case, a new document directly addressing lateness was completely unaddressed by the grievance process, forcing the student to progress to an appeal and the extraordinarily long delays currently associated with that process. It raises the question of the purpose and effect of the grievance escalation process and seems to further just kick the can down the road to an appeal, which we already know is a part of the University under immense strain.

While it seems open to argue procedural irregularities in the handling of the matter (which we did in this case), it seems to rule out grounds of *new information*, as strictly speaking the information *has* been provided to a previous decision-maker, but that decision-maker chose not to act upon it. We also addressed grounds that the decision to dismiss the grievance was *manifestly wrong* as it was not supported by facts or evidence.

In addition, there are also issues of whom the 'respondent' is in cases like this – at the appeal level, it is often a SEDS representative that is invited to the hearings, but the procedural issue would appear to lie with the Academic Registrar as the previous, and most recent, decision-maker.

SEDS didn't show up to this appeal, despite being invited. The Appeals Panel focused on the lateness issue and seemed solely focused on establishing this late reason, and the prior procedural history and Academic Registrar escalation wasn't discussed.

The appeal was partially upheld, on the basis that the decision was manifestly wrong. The outcome expressly referred to the 'new information' that clarified the late reason that 'made the decision manifestly wrong'.

The student subsequently received an email from the SEDS team confirming the amended eligibility assessment and passed it onto the Faculty for an adjustment.

What is not clear is what 'decision' is effectively being referred to here. Was it the original decision by SEDS, or the dismissal of the grievance, that was *wrong*? If it was the former, as seems most likely (it was the SEDS team cc'd into the appeal outcome, not the Academic Registrar's office), why has the grievance process failed to identify and resolve it? What is the purpose of this stage of escalation if it fails to engage with any of the substance?

Surely wrong decisions are both within the scope of this *further review* under s 5.88 as well as a significant procedural issue that should be resolved at this escalation point. If it was the latter, then we would hope appeal outcomes are fed back to the Academic Registrar's office for the purposes of improving the handling of grievances like this.

Recommendations

Putting together a compelling grievance is an onerous task for students, which often involves them having to relive traumatic or distressing experiences. It is wholly inadequate for the Academic Registrar to simply refer these matters back to the original decision-maker, and they should instead be fulfilling their obligation to undertake a substantive further review of the decision.

Advocacy Service Statistics

Comparative data – January - April 2023

This period 406 students were provided a service resulting in 1151 contacts. In the same period last year, the service saw 437 students resulting in 1503 contacts.

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.

January - April 2023

All Students			Graduate Coursework students			RHD students		
Course Academic Progress Committee	85	21.04%	Special Consideration	17	20.48%	Student complaint about uni staff	5	21.74%
Special Consideration	64	15.84%	Academic Misconduct- Collusion	12	14.46%	Progress- HDR	5	17.39%
Academic Misconduct- Collusion	32	7.92%	Course Academic Progress Committee	10	12.05%	Supervision Problems	3	13.04%
Assessment Dispute	29	7.18%	Enrolment problems	7	8.43%	Scholarship Issues	2	8.70%
Academic Misconduct- Exam	24	5.94%	Academic Misconduct- Plagiarism	7	8.43%	Special Consideration- ongoing	2	8.70%
Enrolment problems	23	5.69%	Assessment Dispute	7	8.43%	Course Academic Progress Committee	2	8.70%
Academic Misconduct- Plagiarism	19	4.70%	General Misconduct	3	3.61%	Student complaint about another student	1	4.35%
Other	16	3.96%	Academic Misconduct- Falsified docs	3	3.61%	Enrolment problems	1	4.35%
Remission of Fees	15	3.71%	Special Consideration- ongoing	3	3.61%	Selection Appeal	1	4.35%
Academic Misconduct- Falsified docs	15	3.71%	Other	3	3.61%	Other	1	4.35%
Student complaint about uni staff	12	2.97%	Student complaint about uni staff	2	2.41%	Academic Misconduct- Research	1	4.35%
General Misconduct	9	2.23%	Academic Misconduct- Exam	2	2.41%			
Special Consideration- ongoing	8	1.98%	Incorrect Advice	1	1.20%			
COVID-19	7	1.73%	COVID-19	1	1.20%			
Selection Appeal	6	1.49%	Scholarship Issues	1	1.20%			
Academic Misconduct- Other	6	1.49%	Advanced Standing/Credit/RPL	1	1.20%			
Progress- HDR	5	1.24%	Selection Appeal	1	1.20%			
Scholarship Issues	5	1.24%	Remission of Fees	1	1.20%			
Advanced Standing/Credit/RPL	3	0.74%	Fitness to Practice (FTP)	1	1.20%			
Academic Misconduct- AI	3	0.74%						
Incorrect Advice	3	0.74%						
Quality Teaching	3	0.74%						
Supervision Problems	3	0.74%						
Vocational Placement Problems	2	0.50%						
Student complaint about another student	2	0.50%						
Course structure/changes	1	0.25%						
Academic Misconduct- Research	1	0.25%						
Exchange	1	0.25%						
Student Admin- Graduation	1	0.25%						
Fitness to Practice (FTP)	1	0.25%						

January – April 2022

All Students			Graduate Coursework students			RHD students		
Course Academic Progress Committee	107	24.49%	Course Academic Progress Committee	22	20.37%	Progress - HDR	7	46.67%
Special Consideration	58	13.27%	Enrolment problems	12	11.11%	Supervision Problems	5	33.33%
COVID-19	39	8.92%	COVID-19	10	9.26%	General Misconduct	1	6.67%
Academic Misconduct - Plagiarism	36	8.24%	Special Consideration	10	9.26%	Course Academic Progress Committee	1	6.67%
Enrolment problems	30	6.86%	Academic Misconduct - Plagiarism	8	7.41%	Not Specified	1	6.67%
Academic Misconduct - Exam	29	6.64%	Assessment Dispute	7	6.48%			
Assessment Dispute	27	6.18%	Vocational Placement Problems	6	5.56%			
Selection Appeal	16	3.66%	Other	4	3.70%			
Remission of Fees	14	3.20%	Academic Misconduct - Exam	4	3.70%			
Academic Misconduct - Collusion	14	3.20%	General Misconduct	4	3.70%			
General Misconduct	11	2.52%	Remission of Fees	4	3.70%			
Progress - HDR	7	1.60%	Student complaint about uni staff	3	2.78%			
Student complaint about uni staff	7	1.60%	Scholarship Issues	2	1.85%			
Vocational Placement Problems	6	1.37%	Selection Appeal	2	1.85%			
Sexual Harassment	6	1.37%	Special Consideration (Ongoing)	2	1.85%			
Supervision Problems	6	1.37%	Academic Misconduct - Collusion	2	1.85%			
Special Consideration (Ongoing)	4	0.92%	Not Specified	1	0.93%			
Scholarship Issues	3	0.69%	Graduation	1	0.93%			
Student complaint about another student	3	0.69%	Student complaint about another student	1	0.93%			
Other	2	0.46%	Academic Misconduct - Falsified docs	1	0.93%			
Graduation	2	0.46%	Supervision Problems	1	0.93%			
Advance Standing Credit/RPL	2	0.46%	Incorrect Advice	1	0.93%			
Academic Misconduct - Falsified docs	2	0.46%						
Incorrect Advice	2	0.46%						
Quality Teaching	1	0.23%						
Exchange	1	0.23%						
Course structure/changes	1	0.23%						
Academic Misconduct - Other	1	0.23%						

Distribution by graduate/undergraduate status

January – April 2023

Graduate	169	41.63%
Undergraduate	231	56.90%
Not specified	6	1.48%

January – April 2022

Graduate	157	35.93%
Undergraduate	265	60.64%
Not specified	15	3.43%

Distribution by International/Domestic Status

January – April 2023

Domestic	189	46.55%
International	180	44.33%
Not specified	37	9.11%

January – April 2022

Domestic	179	40.96%
International	173	39.59%
Not specified	85	19.45%

Commentary

The proportion of graduate to undergraduate students was 42.63% to 56.90% (compared with 35.93% to 60.64% the same period last year). During this period 46.55% domestic and 44.33% international students presented to the service.

The primary presenting issue overall this period- representing just over a fifth of all presentations- were issues related to Course Academic Progress (CAPC). Special Consideration, and Academic Misconduct – Collusion related matters were the next most common presenting issues.

Almost half of the students seeking assistance with CAPC matters were wanting support to lodge an appeal. Most students requiring assistance for CAPC related matters came from the faculties of Science, MDHS, and Business and Economics, 70% of these students were graduates and more than half were international students.

Special Consideration related matters were spread relatively evenly between students seeking assistance with late applications, internal reviews of decisions, formal grievances, and appeals. Students from the faculties of Science, Arts, Engineering and MDHS made up the majority of presentations, with almost twice the number of undergraduate students seeking help and a significant majority of international students.

Course Academic Progress Assistance - By Stage of process

STAGE	REASON	Total
First Attendance	Mental Health	10
	Family Responsibilities	7
	Physical Health	7
	Financial Issues	5
		29
Second Attendance	Family Responsibilities	8
	Physical Health	6
		14
Appeal	Restriction on enrolment	20
	Termination of enrolment	16
	Suspension of enrolment	3
	Duration	2
		41
Ombudsman Vic	Termination of enrolment	1
		85

Course Academic Progress – by Faculty

Faculty of Science	20	30.77%
Faculty of MDHS	14	21.54%
Faculty of Business and Economics	12	18.46%
Faculty of Arts	9	13.85%
Melbourne School of Design (AB&P)	5	7.69%
Melbourne Graduate School of Education	2	3.08%
Melbourne School of Engineering	2	3.08%
Melbourne Law School	1	1.54%

Course Academic Progress – by Graduate/Undergraduate

Undergraduate	25	29.41%
Graduate	60	70.59%

Course Academic Progress – by International/Domestic

Domestic	38	44.71%
International	47	55.29%

Special Consideration - By Stage of Process

STAGE	REASON	Total
Application	Late Application	13
Internal Review	Unhappy with particular outcome	13
	Late Application	3
	Deemed insufficient grounds	2
	Late Application	2
		20
Formal Grievance	Deemed insufficient grounds	7
	Late Application	5
	Unhappy with particular outcome	5
		17
Appeal	Unhappy with particular outcome	10
	Late Application	2
	Deemed insufficient grounds	2
		14
Total Special Consideration Matters		64

Special Consideration – by Faculty

Faculty of Science	16	25.00%
Faculty of Arts	11	17.19%
Melbourne School of Engineering	11	17.19%
Faculty of MDHS	10	15.63%
Melbourne School of Design (AB&P)	7	10.94%
Faculty of Business and Economics	5	7.81%
Melbourne Law School	3	4.69%
VCA & Music	1	1.56%

Special Consideration – by Graduate/Undergraduate

Undergraduate	41	64.06%
Graduate	23	35.94%

Special Consideration – by International/Domestic

Domestic	27	42.19%
International	37	57.81%

The next Advocacy Service report will cover the quarter May to August 2023 and will be available in mid-September 2023.

Paul Lewis-Hornsby

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June 2023