



ADVOCACY

Service Report September - December 2023



Introduction

Between 2012 and 2017 the Advocacy Service was funded by the University subject to a service contract. As part of the contractual reporting requirements, the Service produced a quarterly report to the University's Advocacy Service Reference Group (ASRG). Subsequent to the discontinuation of the separate Advocacy service contract with the University, after funding for the service was subsumed into the UMSU whole of organisation funding under the 2017 SSAF funding model, the ASRG was formally disbanded on 17 April 2018 at its final meeting.

Nevertheless, although the Service Report was originally commissioned by the ASRG as an accountability measure, it has also served to ventilate student experiences of processes within the relevant parts of the University. Over time, the circulation of the Report grew to encompass a good 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

Revocation of Right to Access to the University of Melbourne... (and revocation of all your rights)

During this period, we observed a concerning change in the way the University managed situations on campus where a student was deemed to be a threat to themselves or others.

Section 29 of the Vice Chancellor (VC) Regulation sets out the provisions allowing the VC to exclude a student from campus via an Immediate Order (IO) if they are deemed a serious risk. This process gives the VC authority to "withdraw, restrict or limit any right, entitlement or privilege applicable to a student of the University", meaning high risk situations can be dealt with promptly in order to protect the safety of everyone on campus.

Crucially, the IO process also provides opportunity for the subject of the IO to be heard in relation to the decision to exclude them, ensuring there is sufficient rigour and fairness built into a process that deals with some of the most serious and complex matters.

Unfortunately, during this period the University moved away from implementing the IO process under the VC Regulation, and instead deployed the powers of University Security to immediately revoke some student's access to campus under the university *Property Policy*. Affected students received a letter from University Security which included the following statement:

"Pursuant to section 5.8(b) of the University's Property Policy I am revoking your right to access the University. From this date, and until further notice, you are banned from all University campuses.

The Academic Registrar has been advised of this revocation of access. A determination about your reinstatement to campus will be made in consultation with the university OHS team and the Academic Registrar's office."

It is uncontroversial to note that such action attracts the right to procedural fairness. However, under the *Property Policy* there is no right to be heard. No advice on a timeline for further information. No referrals to support services. No sign of humanity.

Under an IO, the student must be provided with details in writing, including a summary of the alleged conduct, and they can request a hearing or provide a written submission, following which the VC may confirm, extend, vary or revoke the Immediate Order. An IO also requires the VC to refer the alleged misconduct to the Academic Registrar for consideration as set out in the Student Conduct Policy, and in cases where the IO excludes a student from the University for more than

10 days, the VC must provide a report to the next meeting of Council setting out in summary form the terms of and the reason or reasons for the decision.

In other words, a proper process which respects the gravity of the situations for which it is designed and affords procedural fairness to the respondent while protecting the safety of the university community.

Unfortunately, in some of these cases where the exclusion was handled by University Security, the affected students were left waiting for weeks before hearing anything further from the Academic Registrar, during which time they were left in limbo while they fell further and further behind in their studies, while also being at great risk of a further decline to their wellbeing. These issues were significantly exacerbated by not having any opportunity to provide their side of the story.

Another concerning aspect of the powers given to University Security to revoke student's access to campus are the reports we received from affected students who felt that Security's methods for dealing with risk often served to escalate the situation, rather than de-escalate. We assisted a handful of students who felt that when they were at their most distressed and vulnerable, they were subjected to a punitive and unsympathetic approach, and as one student explained to us, were made to feel as though they were a problem that the university just wanted to get rid of.

These issues were raised with the university, but we have seen no change in approach.

Recommendations

Immediate exclusion from campus is the most onerous punitive action that the University can take against a student, and delegating the management of these matters to University Security constitutes an inappropriate deferral of an extremely important VC responsibility. The role of University Security in these situations should be confined to managing the immediate risk by safely removing the student from campus, but from that point the VC must act swiftly to implement the IO process.

VC power and loooong delays with appeals

We assisted a student with an appeal to the Academic Board in relation to a penalty imposed for the submission of falsified medical documents. The Misconduct Committee had recommended a suspension, but the VC did not endorse this recommendation, and instead remitted the matter to the original Misconduct Committee with a recommendation to reconsider the penalty imposed. The reconvened Misconduct Committee subsequently substituted the initial suspension with a recommendation for termination of enrolment.

This process was in accordance with section 5.61(b) of the *Student Academic Integrity Policy*, so in that regard it was a legitimate process. However, a matter such as this highlights the necessity of appropriate VC powers in respect of recommendations of a properly constituted Misconduct Committee.

The incidents in question occurred at a time when the student was experiencing significant mental health issues, mitigating circumstances that were almost certainly a factor in the Misconduct Committee's decision to impose suspension rather than termination of enrolment. However, under section 5.61, the VC can choose – without the requirement of according the student a hearing- not to accept that recommendation. Obviously, in remitting a penalty without any rationale, gives a somewhat arbitrary *hint* to the original decision maker that they need to do something differently...

In this case, an already onerous penalty- which had been determined by a committee that was able to properly interrogate the facts, consider the full context, and take into account the mitigating circumstances involved – was effectively substituted for the most severe outcome available, by a single decision maker without reasoning.

This type of intervention is not – or should not be- the intention of those policy provisions.

The student lodged an appeal to the Academic Board in July and received a *Notice of Intention to Disallow* the appeal on 1 August. The student took up the opportunity to provide further information for a reconsideration of their appeal and submitted this on 7 August. And then they waited. And waited. And waited.

...

In **late October**, the student reached out to us again- after more than two months - at which point we offered to contact the Student Appeals team on their behalf. At 4pm on a Friday we contacted the team, and by 5:30pm the student received the final Notice to Disallow. While we can't rule out the possibility that this was just coincidence, it seems plausible that the prompt simply moved the Appeals team to respond (long overdue). Understandably, the student was furious about both the long delay, and that after 10 weeks, their matter seemed to be closed within an hour and a half, leaving them feeling as though their matter had not been sufficiently considered, and that the University was just washing its hands of them.

Having to accept the expulsion was difficult enough, but the way in which the appeal was handled understandably caused the student to feel further aggrieved.

As a result, they reached out in desperation to the Faculty's Teaching Support Manager, who agreed to a meeting. This was no doubt done in good faith and with the best of intentions, but the student wrote to us after the meeting with great excitement, as they had been given the impression that some type of internal resolution might still be possible, despite the matter having been fully exhausted through the available University avenues.

We had to explain that it was not going to be possible to have the matter revisited, and the only option they had was to seek an external review from the Ombudsman.

Recommendations

Given the enormous ramifications for a student of having their enrolment terminated, great care must be taken with the manner in which power is exercised under policy provisions such as section 5.61(b) of the Student Academic Integrity Policy. Serious consideration must be given as to who is better placed to make the ultimate determination when the stakes are so high, and we would argue that in a case such as this, the VC should not be remitting the decision of a properly constituted Misconduct Committee without reason or guidance.

In relation to the very significant delays with the appeal process, it seems clear that the Student Appeals team currently lacks the resources to manage the volume of appeals they receive in a timely manner, and the University needs to recognise the importance of having timely, efficient and fair processes in place for decisions to be reviewed, and to resource the affected areas accordingly.

Advocacy Service Statistics

Comparative data – September - December 2023

This period 585 students were provided a service resulting in 1488 contacts. In the same period last year, the service saw 499 students resulting in 1794 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.

September- December 2023

All Students			Graduate Coursework students			RHD students		
Special Consideration	139	23.76%	Special Consideration	33	21.85%	Student complaint about uni staff	3	15.79%
Assessment Dispute	89	15.21%	Assessment Dispute	28	18.54%	Supervision Problems	2	10.53%
Remission of Fees	47	8.03%	Academic Misconduct- AI	17	11.26%	Scholarship Issues	2	10.53%
Course Academic Progress Committee	44	7.52%	Remission of Fees	11	7.28%	Selection Appeal	1	5.26%
Academic Misconduct- AI	38	6.50%	Student complaint about uni staff	9	5.96%	Other	1	5.26%
Academic Misconduct- Plagiarism	36	6.15%	Academic Misconduct- Plagiarism	9	5.96%	Incorrect Advice	1	5.26%
Student complaint about uni staff	32	5.47%	Course Academic Progress Committee	9	5.96%	Special Consideration- ongoing	1	5.26%
Academic Misconduct- Falsified docs	19	3.25%	Enrolment problems	6	3.97%	Discrimination	1	5.26%
Selection Appeal	16	2.74%	Selection Appeal	5	3.31%	COVID-19	1	5.26%
Academic Misconduct- Exam	15	2.56%	Academic Misconduct- Other	4	2.65%	Academic Misconduct- Research	1	5.26%
Enrolment problems	13	2.22%	Incorrect Advice	3	1.99%			
General Misconduct	11	1.88%	Fitness to Practice (FTP)	2	1.32%			
Other	11	1.88%	Academic Misconduct- Collusion	2	1.32%			
Academic Misconduct- Other	11	1.88%	Not Specified	2	1.32%			
Advanced Standing/Credit/RPL	10	1.71%	Special Consideration- ongoing	2	1.32%			
Academic Misconduct- Collusion	10	1.71%	General Misconduct	2	1.32%			
Fitness to Practice (FTP)	6	1.03%	Other	2	1.32%			
Incorrect Advice	6	1.03%	Advanced Standing/Credit/RPL	1	0.66%			
Progress- HDR	5	0.85%	Vocational Placement Problems	1	0.66%			
Special Consideration- ongoing	5	0.85%	Academic Misconduct- Falsified docs	1	0.66%			
Supervision Problems	4	0.68%	Course structure/changes	1	0.66%			
Scholarship Issues	4	0.68%						
Course structure/changes	3	0.51%						
Vocational Placement Problems	3	0.51%						
Student complaint about another student	2	0.34%						
Discrimination	2	0.34%						
COVID-19	2	0.34%						
Academic Misconduct- Research	1	0.17%						
Graduation	1	0.17%						

September- December 2022

All Students			Graduate Coursework students			RHD students		
Special Consideration	82	16.70%	Academic Misconduct- Plagiarism	26	17.81%	Progress- HDR	8	38.10%
Assessment Dispute	73	14.87%	Assessment Dispute	23	15.75%	Other	3	14.29%
Course Academic Progress Committee	65	13.24%	Special Consideration	19	13.01%	Student Admin- Enrolment problems	2	9.52%
Academic Misconduct- Plagiarism	50	10.18%	Academic Misconduct- Collusion	12	8.22%	Not Specified	2	9.52%
Academic Misconduct- Collusion	34	6.92%	Course Academic Progress Committee	12	8.22%	Supervision Problems	1	4.76%
Academic Misconduct- Other	27	5.50%	Academic Misconduct- Other	10	6.85%	Student complaint about uni staff	1	4.76%
Student Admin- Enrolment problems	18	3.67%	Other	6	4.11%	Student complaint about another student	1	4.76%
Other	17	3.46%	Student Admin- Enrolment problems	6	4.11%	Special Consideration	1	4.76%
Academic Misconduct- Exam	16	3.26%	Selection Appeal	6	4.11%	Sexual Harassment	1	4.76%
COVID-19	13	2.65%	Student complaint about uni staff	5	3.42%	COVID-19	1	4.76%
General Misconduct	13	2.65%	Vocational Placement Problems	3	2.05%			
Student Admin- Remission of Fees	12	2.44%	Academic Misconduct- Exam	3	2.05%			
Student complaint about uni staff	11	2.24%	Student Admin- Remission of Fees	3	2.05%			
Academic Misconduct- Falsified docs	10	2.04%	Not Specified	2	1.37%			
Selection Appeal	10	2.04%	COVID-19	2	1.37%			
Progress- HDR	9	1.83%	General Misconduct	2	1.37%			
Quality Teaching	7	1.43%	Academic Misconduct- Falsified docs	1	0.68%			
Vocational Placement Problems	5	1.02%	Equitable Accommodation (SC Rego)	1	0.68%			
Fitness to Practice (FTP)	4	0.81%	Quality Teaching	1	0.68%			
Scholarship Issues	3	0.61%	Scholarship Issues	1	0.68%			
Equitable Accommodation (SC Rego)	2	0.41%	Student Admin- Graduation	1	0.68%			
Advanced Standing/Credit/RPL	2	0.41%	Discrimination	1	0.68%			
Student Admin- Graduation	2	0.41%						
Discrimination	1	0.20%						
Sexual Harassment	1	0.20%						
Student Admin- Exchange	1	0.20%						
Student complaint about another student	1	0.20%						
Supervision Problems	1	0.20%						
Incorrect Advice	1	0.20%						

Distribution by graduate/undergraduate status

September- December 2023

Graduate	222	38.08%
Undergraduate	329	56.43%
Not specified	32	5.49%

September- December 2022

Graduate	223	44.78%
Undergraduate	269	54.02%
Not specified	6	1.20%

Distribution by International/Domestic Status

September- December 2023

Domestic	256	43.91%
International	275	47.17%
Not specified	52	8.92%

September- December 2022

Domestic	191	38.35%
International	256	51.41%
Not specified	51	10.24%

Commentary

The proportion of graduate to undergraduate students was 38.08% to 56.43%, whereas last year we saw 44.78% graduates to 54.02% undergraduates. This represents a slight drop in graduate students accessing the Service in this period.

The proportion of international students presenting to the Service remains consistent over the long term, with international students continuing to be over-represented compared to their proportion as enrolled students. This period 47.17% of those accessing the Service were international students, with 43.91% being domestic students.

The primary presenting issue overall this period- representing just under a quarter of all matters- were issues related to Special Consideration. The next most common issue related to disputes about assessment, followed by matters related to the remission of fees.

Special Consideration matters involved assistance with advice on late applications, disputes over outcomes, and applications deemed to be supported by insufficient evidence. The majority of Special Consideration related matters involved students enrolled in the Faculties of Science and Arts, with the Faculty of MDHS a close third. More undergraduate than graduate students accessed our support on special consideration matters, and more international than domestic students requested help on this issue.

Two thirds of assessment dispute related matters concerned the informal review stage of the process, featuring concerns about possible administration errors, procedural issues and the conduct of the assessment itself. Students from the faculties of Science, MDHS, Arts and Business and Economics were the most represented in those contacts.

Special Consideration – Contacts by Stage of Process

STAGE	REASON	Total
Application	Late Application	47
	Unhappy with outcome provided	20
Internal Review	Deemed Insufficient Grounds	14
	Late Application	11
		45
Formal Grievance	Deemed Insufficient Grounds	19
	Late Application	11
	Unhappy with outcome provided	3
		33
Appeal	Unhappy with outcome provided	14
Total Special Consideration Matters		139

Special Consideration – by Faculty

Faculty of Science	30	21.58%
Faculty of Arts	23	16.55%
Faculty of MDHS	20	14.39%
Faculty of Business and Economics	17	12.23%
Melbourne School of Engineering	16	11.51%
Melbourne School of Design (AB&P)	13	9.35%
VCA & Music	6	4.32%
Melbourne Law School	5	3.60%
Melbourne Business School (MBS)	5	3.60%
Melbourne Graduate School of Education	3	2.16%
Faculty of Veterinary and Agricultural Sciences	1	0.72%

Special Consideration – by Graduate/Undergraduate

Undergraduate	96	69.06%
Graduate	43	30.94%

Special Consideration – by International/Domestic

Domestic	60	43.17%
International	79	56.83%

Assessment Dispute – Contacts by Stage of process

STAGE	REASON	Total
Informal/Assessment review with examiner	Admin error	18
	Conduct of Assessment	18
	Procedural Issue	27
		63
Formal request for remark	Procedural Issue	13
	Conduct of Assessment	12
		25
Formal Grievance	Procedural Issue	1
Total Assessment Dispute Related Matters		89

Assessment Dispute – by Faculty

Faculty of Science	20	22.47%
Faculty of MDHS	18	20.22%
Faculty of Arts	15	16.85%
Faculty of Business and Economics	14	15.73%
Melbourne School of Engineering	8	8.99%
Melbourne School of Design (AB&P)	6	6.74%
Melbourne Graduate School of Education	4	4.49%
Melbourne Law School	2	2.25%
VCA & Music	1	1.12%
Melbourne Business School (MBS)	1	1.12%

Assessment Dispute – by Graduate/Undergraduate

Graduate	49	55.06%
Undergraduate	40	44.94%

Assessment Dispute – by International/Domestic

Domestic	40	45.45%
International	48	55.55%

The next Advocacy Service report will cover the quarter January to April 2024 and will be available in May 2024.

Paul Lewis-Hornsby

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January 2024