



# UMSU submission on Consultation on Proposed amendments to the special consideration provisions in the Assessment and Results Policy

August 2020

Dear Policy Network,

UMSU welcomes the opportunity to put forward our views on the proposed changes to the special consideration provisions in the *Assessment and Results Policy*.

While we welcome policy changes which may clarify the interpretation of terms and conditions related to Special Consideration, we are concerned at the motive behind some of these changes, and the potential for them to be used in a way that further disadvantages affected students.

UMSU's assessment of the proposed changes is that, in many respects, they are antithetical to the clarified statements of purpose contained within the proposal. That, for example, rather than ensuring that students can complete assessment on the basis of their ability the proposed changes increase the likelihood that this will not occur due to provisions allowing University staff to make determinations without reference to the student, or the circumstances that gave rise to their need for Special Consideration.

UMSU suggests that the impacts of the proposed changes will include:

- Reductions in applications for special consideration not related to a reduction in the number of students experiencing circumstances that would make them eligible for Special Consideration
- Increases in the number of students who are assessed as eligible for special consideration who are excluded from adjustments for reasons unrelated to the circumstances that made the eligible for Special Consideration
- Increasing numbers of students failing to make satisfactory academic progress
- Potential breaches of equal opportunity law and associated disputes or litigation

UMSU vigorously opposes any proposals which have potential to negatively impact students who already face hardship.

We also note the timing of these proposed changes which will have the effect of making students' lives more difficult just when they need the most support. In the context of the University's stated commitments to the wellbeing of its students, it seems these are hollow words alone. The President of the Academic Board is unfortunately completely out of touch with the ways in which the pandemic, a situation which has created the conditions for the Government to declare states of emergency and disaster, has put many students into a state of crisis.

While this would be the perfect chance for the University to enact its promise to put students at the heart of everything it does, and take an approach to special consideration which is both compassionate and equitable, instead this University appears determined to communicate its total lack of concern for its own students' wellbeing.

UMSU has previously elucidated our position regarding the approach and attitudes which underpin the repeated proposals to change the policy in ways that are detrimental to students. All of those concerns remain unaddressed, and we submit that these proposed changes represent a calcification of the existing hostility to students embedded in this University's culture.

Finally having regard to the statement in the background section of the *Explanatory Note* accompanying the proposed changes, which states that in “approving the [previous] changes [to the *Assessments and Results Policy*], a number of members expressed concern that many of the originally proposed changes were not included in the final version”, UMSU notes that the reason some proposed changes were not included was that a majority of Academic Board Members believed they were not appropriate. UMSU remains of the view that the vote of the Academic Board on those matters was sound, and nothing in the interim has made these inappropriate changes more appropriate, but on the contrary impacts of the pandemic have made them even less appropriate.

Alarming, the *Explanatory Note* does not disclose any evidence in support of the proposed changes or a substantive rationale that links identified issues with improvements for students or the University. Instead we can infer that the major force expressed by the proposed changes is not, in fact, student wellbeing but the administrative inconvenience that the application of the Policy creates for academic divisions.

As the Policy Network would be aware, UMSU undertook an extensive consultation process with students, centring on a survey which gathered **2108** respondents relating to changes to the same policy proposed in 2019. As this consultation contemplates a number of similar proposals, we have included some of the qualitative feedback from this survey in relation to some of the currently proposed changes.

A set of recommendations is set out at the end of this document.

## Summary of feedback on proposed policy changes as set out in consultation document

Provision	Feedback/Commentary	Status
<p><b>4.1 Purpose of assessment</b> The nature and requirements of assessment and grading:</p> <ul style="list-style-type: none"> <li>(a) allows the University to measure and report the acquisition of knowledge and skills that a student has obtained up to the due date of the component of assessment against the established intended learning outcomes, and</li> <li>(b) provides an opportunity to provide students with feedback on their progress; and</li> <li>(c) records and reports in a consistent manner whether or not a student has demonstrated an overall level of performance that warrants successful completion of a subject and allows excellent achievement to be recognised.</li> </ul>	<p>To the extent that this provision may clarify the reasons for assessing students and what that assessment should achieve, this proposed change is uncontroversial. UMSU would expect this statement of purpose to provide an interpretive framework for the remainder of the policy which gives effect to the principle that providing equitable adjustments for disadvantaged students will improve integrity of assessment, rather than pose a risk to it.</p>	Supported
<p>4.123A The granting of special consideration enables students to demonstrate their level of attainment of intended learning outcomes.</p>	<p>In a similar way to the above provision, this new section should be construed to make express that Special Consideration is designed to ensure students have the opportunity to be assessed on a level playing field when they would otherwise be disadvantaged.</p>	Supported
<p>4.139. When deciding on the nature of special assessment tasks <b>the following must be taken into account:</b></p> <ul style="list-style-type: none"> <li><b>(a) the timing of those tasks;</b></li> <li><b>(b) the duration and impact of the student's condition;</b></li> <li><b>(c) maintenance of the academic integrity and standards in the assessment task;</b></li> <li><b>(d) equity to all students in the subject; and</b></li> <li><b>(e) that the assessment can be concluded before the commencement of the next standard semester teaching period in the course, and where this is not possible due to the circumstances at 4.139 (b) the dean may vary the timing.</b></li> </ul>	<p>This proposed change considerably alters the effect of the section it replaces.</p> <p>Whereas currently, the section is framed in such a way as to ensure that, where a student remains affected by an eligible condition, they should not be required to sit special assessment until they are well.</p> <p><i>When deciding on special assessment tasks and the timing of those tasks, the duration and impact of the student's condition must be taken into account.</i></p> <p>The proposed changes introduce a different interpretation of that section and effectively introduces the potential to deny an opportunity for special assessment if the student remains unwell until the commencement of the next semester. The opportunity to extend that limitation rests with the Dean of the Faculty, and a later proposed addition to the policy would mean that the Dean would make that decision without any regard to the students' circumstances. See below.</p>	<p>This proposed change is not supported as it creates a situation where the administrative concerns of an academic division are likely considered over and above the best interests of the student.</p>

<p>4.139 (A) If an appropriate special assessment task is unable to be set, the outcome at 4.136 (g) applies.</p>	<p>We note that under the current policy, by section 4.143 that a student who cannot complete further assessment will be offered a late withdrawal. This proposed change adds a tight timeline to the decision which is unjustified and potentially discriminatory. We are particularly concerned about this proposal's operation in combination with the amendment at section 6 <i>Roles and Responsibilities</i> which gives the Dean discretion to decide to deny students further assessment on the basis of administrative expediency alone, rather than as an equity measure. Equitable measure should be assessed on equity grounds first and foremost, and administrative matters are a consideration only to the extent that they would impose an unreasonable cost, be unfeasibly difficult to achieve or would not make a practical difference to the student's capacity to participate in their studies.</p>	<p>This proposed change is not supported without further amendments that set out the basis for this decision against equity considerations. For example, that the affected student should be able to request the Dean to exercising their discretion to allow a later special assessment, by setting out their specific extenuating circumstances that would make such a decision fair in all the circumstances.</p>
<p>4.140. Where a student is offered a special assessment/examination:  (a) the original assessment/examination task is void (except where 4.140A applies), and the assessment/examination result is recorded as pending (and unavailable to the student), until the special assessment/examination mark is finalised;</p>	<p>This proposed change builds on the existing provision that mandates to voiding of a previous result by the grade in the special assessment but creates a completely speculative element to the student's decision to take special assessment. By including the condition that the student is unable to know the result of the original assessment affected by extenuating circumstances, a critical piece of information in making an informed decision is missing. This proposal – especially in conjunction with the proposed tightening of the time special assessment is available has the potential to impact unwell students particularly harshly.</p>	<p>This proposed change is not supported.</p>
<p>4.140A. Where a student is offered a special assessment, they may withdraw that application before the scheduled date and/or time of the special assessment. In this case the original mark is no longer pending and will stand.</p>	<p>This change would not be necessary without the introduction of the punitive section proposed at 4.140.</p>	<p>This proposed change is not supported as it operates only in concert with the previous unsupported proposal.</p>
<p>Responsibilities  Determine the timing of a special assessment task if outside the timeframe at 4.139 (e) (assessment can be concluded before the commencement of the next standard teaching period</p> <p>Dean or person authorised by the dean to act</p> <p>The dean may at their own discretion decide a different timeframe. Students cannot request change.</p>	<p>This creates an opportunity for a dean to make a decision on the basis of administrative expediency alone, and entirely without regard for the student's circumstances which require equity in the first instance.</p>	<p>This proposed change is not supported.</p>

## Changes which UMSU broadly supports

UMSU broadly supports the more detailed statement on the purpose of assessment at s. 4.1 in that it makes express the reasons for which the University assesses students and what that assessment should achieve. UMSU would expect this statement of purpose to provide an interpretive framework for the remainder of the policy which gives effect to the principle that providing equitable adjustments for disadvantaged students will improve the integrity of assessment, rather than pose a risk to it.

The proposal to add the statement of the purpose of special consideration at s. 4.123A is also broadly supported as it can be construed to make explicit that Special consideration is aimed at ensuring that all students have the opportunity to be assessed on a level playing field when they would otherwise be disadvantaged.

### Anomalies and disjunction between proposed provisions

UMSU additionally notes that a number of the unsupported propositions below would in at odds with the spirit and meaning of this statement of purpose - that “the granting of special consideration enables students to demonstrate their level of attainment of intended learning outcomes”. That is, in circumstances where students have been granted special consideration in line with this purpose, the Policy should not also include provisions that have the effect of students having to make decisions that undermines a true reflection of their attainment of intended learning outcomes.

UMSU would also support changes that can be reconciled with proposed amendments to 4.1 and 4.123A. As we will detail below, many of the proposed changes introduce mechanisms that are wholly inconsistent with stated objectives of the proposed Policy.

## Changes which UMSU opposes

The proposed amendment to s. 4.140 introduces a new condition to the existing provision that any result from the original assessment is voided by the grade in the special assessment. The proposed amendment would additionally require a student decides whether to accept the offer of special assessment without knowing their result in the original assessment.

This inserts a completely speculative element to the student’s decision whether to take special assessment. The amendment removes a critical piece of information and deliberately preclude a student from making an informed decision. This proposal – especially in conjunction with the proposed tightening of the available time to sit special assessment - has the potential to impact unwell students particularly harshly. It will introduce an arbitrarily capricious factor in their decision whether to undertake special assessment if they remain unwell.

If you were still recovering from the extenuating circumstances requiring the special consideration, and contemplating no break from study, even though you are not fully recovered why would you wish to sit further assessment if it is not required?

Equally, the simple fact of the need for a student to make this decision is likely, for many students, to exacerbate the conditions on which the application for special consideration was originally based. For example, students experiencing high levels of anxiety may experience the need to make a

decision about whether or not to complete special assessment as aggravating, and detrimental to their wellbeing. This would appear to be at odds with the stated objectives of the proposed Policy.

This change would introduce a process that is not consistent with an approach that “records and reports in a consistent manner whether or not a student has demonstrated an overall level of performance that warrants successful completion of a subject and allows excellent achievement to be recognised.”

## Students’ capacity to assess their own performance

While the changes to the policy proposed in 2019 attempted to make students assess their own fitness to sit for assessment, this proposed change would similarly require a student to accurately assess the impact on their performance in the affected assessment.

Where a student has been unable to attempt the original assessment at all, this may not be an issue. However, where a student has made their best attempt at assessment under circumstances which have potential to affect their performance, it is not only plausible, but likely that their capacity to judge their performance might be equally affected by their circumstances.

### *Case Study*

*Amir is an optometry student, and also a member of the US Army. He is required to fly in and out of Melbourne to undertake training and active duty, frequently at short notice. Amir returned to the US for a compulsory training exercise before the exams and flew back into Melbourne on a red-eye flight the night before one of his exams. He studied on the plane and felt well prepared. The next day he had not slept at all, and was feeling the effects of jetlag, but because he had studied hard, he felt he would perform OK. After the exam Amir recalled feeling woozy, and subsequently could recall little or nothing of the exam itself. When he received his results, he had failed the exam. He had been sitting on an H1 before the exam and did well in all of his other examinations. He felt clearly that he had underestimated the effect of the jetlag and lack of sleep on his performance – but had no capacity to assess how he had done at the time, for the same reason that he did not perform well – brain fog and disorientation.*

Similarly to the previously proposed “fit to sit” changes, it is likely that the application of the requirement for students to assess the impact on their performance without knowing their result will mean adjustment for students’ extenuating circumstances will move from special consideration to the “Show Cause” process. Not only will this increase the workload of the academic and professional staff who administer and sit on these committees, it is evidence of an approach to student wellbeing that is entirely reactive and inconsistent with contemporary approaches to supporting students, and at odds with the University’s stated commitments to improve student attrition.

Consequently, the proposed changes also have the potential to increase rates of attrition for students for reasons that are not primarily related to their academic ability. It is unclear whether any consideration has been given to the serious potential for exacerbation of students’ existing conditions in the preparation of this proposal.

*These changes have the potential to exacerbate student's mental health issues by sending the message that they do not have the support that they need to study at this university whilst tackling a mental illness, as well as any other unforeseen circumstances that have the potential to affect how a student completes assessments.*

*(UMSU Special consideration survey September 2019)*

With respect to the proposed addition of s. 4.140A. UMSU notes that this change would not be necessary without the introduction of the punitive measures proposed at 4.140. discussed above.

## The primacy of administrative expedience over equity concerns

The amendments proposed to s. 4.139 are not supported as they create a situation where the administrative concerns of an academic division are likely considered over and above the best interests of the student.

The amendment would considerably alter the effect of the section it replaces. Currently s. 4.139 operates to make clear that, where a student remains affected by an eligible condition, they should not be required to undertake special assessment. The proposed change includes a condition requiring “that the assessment can be concluded before the commencement of the next standard semester teaching period”. The amendment includes discretion for the dean to vary that condition where the duration and impact of the student’s condition might require it however, it provides that the “dean may **at their own discretion** decide a different timeframe. **Students cannot request change**” (emphasis added). That is, the Dean’s decision to vary the timing must be made without regard to the student’s specific situation, as that section expressly prevents a student requesting consideration of their circumstances when determining the timing of special assessment.

This means that instead of making a decision based on equity and fairness, weighing the needs of the affected student against the feasibility of the adjustment requested – a dean must make any decision about the timing of special assessment after the commencement of the following semester without any regard to the students’ circumstances. Again, these provisions stand in contrast to the stated objectives of the Policy.

It also introduces a specious condition – that special assessment should be offered having regard to “equity to all students in the subject”. This suggest an inverted understanding of the concept of equity. Equity measures are those which ensure that a specific student who has been disadvantaged due to exceptional impacts is able to participate in education on the same basis as their unaffected peers. Consequently the “equity of all students” is not a sound use of the term, as it is effectively meaningless in this context.

## Hard work throughout the semester squandered at the dean’s pleasure

The proposed addition at s. 4.139 (A) mandates a late withdrawal from a subject where the student cannot complete special assessment before the commencement of the following semester and the dean does not vary that time limit. The change proposed to s. 6 – Roles and Responsibilities further creates an opportunity for a dean to make a decision about the timing of special assessment on the basis of administrative expediency alone, and entirely without regard for the student’s circumstances requiring equity in the first instance. If a student cannot request or provide

information, then a dean cannot and will not necessarily make an informed decision having regard to the student's specific circumstances. This only allows for a decision to be made on administrative bases. Further, a dean would not be under any obligation to explain the basis of their decision and so the whole process would lack scrutiny and transparency.

### *Case Study*

*Xiaoli was diagnosed with treatment-resistant major depressive disorder two years ago. She experiences period of remission from her symptoms, but episodes of depression can be lengthy, and it is difficult to know when they will improve. As a result, Xiaoli is on a reduced study load and has a number of alternative assessment arrangements in place to mitigate the impact of her condition. Last semester she began medication which is showing promise and she has done really well during the mid-semester assessment. Her improved results and the satisfaction they have provided her has been critical in her therapy and an important aspect of her recovery. She has gone from feeling suicidal at times, to feeling as though her hard work is finally paying off and she can see a future in her studies.*

*However, exam periods are always difficult, and the extra stress frequently exacerbates her condition.*

*She has two examinations, the first one seems to go smoothly enough, but there is a big gap between the two exams and by the second one Xiaoli is feeling terrible. On the day of the examination, she sleeps all day, as she has done for the past few days. On the fourth day after she misses her exam, her counsellor calls her and convinces her to apply for special consideration so her hard work during semester is not wasted. Reluctantly Xiaoli applies and with the support of her counsellor's documentation is approved as eligible for a special exam in the supplementary examination week.*

*Unfortunately, the episode of depression lasts for just over a month, and the special exam comes and goes but Xiaoli is still too sick to attempt it. In the first week back at classes, Xiaoli is herself again, and goes to her student emails to catch up and find out when she can sit the special exam. To her horror she finds multiple emails sent while she was sick, the last one advising she would be withdrawn from the subject and have to enrol in it again this semester. She is distraught, as she had been doing so well and expected a good mark for her efforts. She contacts the Student Equity and Disability Team, who are sympathetic but inform her that only the dean of her faculty can vary the timing of a special examination, and they have decided that it is too much work to do another exam for one student. Xiaoli asks if she can request the dean to reconsider her decision on the basis of Xiaoli's circumstances, and how devastated she feels. The SEDS staff member advises that this is not permitted under the new policy.*

We note that under the current policy, by s. 4.143 a student who cannot complete further assessment will already be offered a late withdrawal. This proposed change adds a tight timeline to the decision which is potentially discriminatory because it cannot automatically be justified by the

degree of hardship required to be an exception under equal opportunity legislation.<sup>1</sup> We are particularly concerned about this proposal's operation in concert with the amendment at section 6 Roles and Responsibilities which gives the dean discretion to decide to deny students further assessment on the basis of administrative expediency alone, rather than as an equity measure. It seems trite to note that equitable measures should be assessed on equity grounds first and foremost, and administrative matters are a consideration only to the extent that they would impose an unreasonable cost, be unfeasibly difficult to achieve or would not make a practical difference to the student's capacity to participate in their studies.

This proposed change could be supported with allow the affected student to request the dean to exercise their discretion to allow a later special assessment, by setting out their specific extenuating circumstances that would make such a decision fair in all the circumstances, and specifying that that permission should not be unreasonably withheld.

### **The proposed changes are not required and not in conformity with equal opportunity law**

The changes proposed provide neither improvements to the current policy, nor add authority to act which is not already there. They only serve to remove elements of flexibility and fairness from the decision making and promote the primacy of the University's administrative efficiencies over the rights of students to be treated equitably.

These changes would serve only to make students' academic lives even harder.

For example – the proposal to prevent special assessment being offered after the subsequent semester commences is unnecessary because there already exists discretion to do so if this would cause unreasonable hardship to the University. The difference is that under the current policy, the decision should be made having regard to the student's equity needs and then balancing those against the feasibility for the Faculty to accommodate those adjustments. This is in conformity with Equal Opportunity law. The threshold of unreasonableness under disability discrimination legislation is where an adjustment has a very high cost, and/or will cause great disruption.

The proposal to withhold results until a student has elected to sit special assessment or not is not required to prevent "gaming the system" as a student must apply for special consideration within four days of the affected assessment and therefore prior to finalisation of results in all but very exceptional cases. Therefore, where a student has already been assessed as eligible for special assessment, adding the extra burden of making an uninformed decision about sitting the special assessment or not is redundant, and simply introduces potential to distort the integrity of the assessment, not enhance it.

### **Disproportionate impact on already vulnerable students**

As UMSU noted in our 2019 submission to proposed policy changes to Special Consideration, it is students who are already facing significant barriers, who stand to lose the most. In the current context of COVID-19 and pervasive health issues among the population, the University is proposing to further disadvantage the very students for whom the system *and the process* of special consideration needs to be designed.

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<sup>1</sup> Under Anti-discrimination legislation only an adjustment that requires a disproportionately high expenditure or disruption it is likely to be unreasonable.

*I have had significant mental health challenges throughout my university experience. I have struggled with anxiety on and off and was hospitalised for trying to commit suicide at the age of 18. Coming to unimelb at 19 I still had to deal with all the trauma that came with what I experienced at 18. Special consideration allowed me to continue studying and allowed me to complete my undergrad degree. Changing the “fit to sit” rules would have significantly impacted my ability to study. 1/4 people will have mental health issues, students who live out of home and are in financial hardship feel these effects more than any others. Changing these rules will do nothing to help University retention rates or student welfare. They serve to punish students experiencing difficulties rather than support them.*

*(UMSU Special consideration survey September 2019)*

The *National Tertiary Student Wellbeing Survey 2016* jointly undertaken by Headspace and the National Union of Students, found that tertiary students reported “high levels of psychological distress and symptoms of mental health problems” negatively affecting their studies. The report notes that “a substantial two-thirds (67.3%) of students rated their mental health as only fair or poor, which compared with a much lower 39.3% who negatively rated their physical health”.<sup>2</sup> More concerning still, the survey found “an alarming 35.4% of students reported thoughts of self-harm or suicide affected their studies”.<sup>3</sup> In this context, notwithstanding the University’s clear duty of care to its students, there is robust evidence that the proposed changes risk increasing levels of harm to a significant proportion of those students.

*These changes, and the University of Melbourne's entire treatment of students more generally, highlight a systemic distrust of student's intentions, and perpetuates alienation and disenfranchisement in students, a demographic whom are amongst the highest in anxiety, depression and similarly disabling mental health disorders that are directly affected and will be exacerbated by these changes.*

*(UMSU Special consideration survey September 2019)*

In making changes to special consideration the University needs to consider the impact that the application of that process will have on the students who need to access it. It is clear that the proposed changes to special consideration process are, in and of themselves, a cause of anxiety and concern for students. If students view the process that is intended to provide them with flexibility and support due to circumstances out of their control as hostile to their interests, this completely compromises Special Consideration’s capacity to fulfil its primary purpose.

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<sup>2</sup> *National Tertiary Student Wellbeing Survey 2016* p 19.

<sup>3</sup> *Ibid.*

*The proposed changes simply to not consider the nuanced and complicated situation students can be in and are particularly unfair to neuro-diverse students, students with ongoing mental health issues and students in difficult home situations where their situation can change unexpectedly and have large impacts on their performance.*  
(UMSU Special consideration survey September 2019)

## How to evaluate the efficacy of the proposed changes without an evidence base

In UMSU’s experience of public policy consultation, the establishment of clear rationales supported by evidence for the proposed changes is a fundamental aspect of the methodology. A rationale allows the consultation process to test the efficacy of the proposed solution to the problems identified in the rationale, and allows evaluation of whether the changes reflect a bottom up approach which ensures the lowest impact changes – just those sufficient to resolve the identified problem – are employed.

*I'd be super interested to see the 'evidence' backing up the uni's claim that students are abusing Special Consideration.*  
(UMSU Special consideration survey September 2019)

Evidence-based policy making is hardly a novel concept, underpinning as it does most modern public policy approaches. The Chairman of the Productivity Commission until 2013, Gary Banks puts it like this:

All policy effectively is experimentation. But that does not mean flying blind—we still need a good rationale or a good theory. Rationales and theories themselves can be subjected to scrutiny and debate, and in a sense that constitutes a form of evidence that can give some assurance about the likely outcomes. Importantly though, all policy experiments need to be monitored and evaluated and, over time, corrected or terminated if they turn out to be failures.<sup>4</sup>

In precisely the same way the last round of proposed changes were presented without an evidence base, a rationale or theory based on sound evidence is conspicuous by its absence in this proposed policy change. On the contrary, the changes remain grounded in hostile narratives and anecdote at best. The President of the Academic Board has only explained the proposal as prompted by the minority of Board Members who were disappointed the previous changes were voted down. There is no other basis for these amendments with which to evaluate the efficacy or need for the changes.

Significantly, this “evidence” is all grounded upon University staff perceptions. UMSU has reason to wonder, if feedback can be so powerful an influencer of policy change, why UMSU’s feedback for over a decade with respect to urgently required policy and process changes to the current special consideration approach have fallen on such barren ground.

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<sup>4</sup> Gary banks, *Challenges of evidence-based policy-making* <<https://www.apsc.gov.au/challenges-evidence-based-policy-making>>.

## A Solution looking for a Problem

It should be unnecessary to point out at an esteemed research institution, that this process should start with the University establishing, via evidence and data, the actual problems that need to be solved. Any proposed changes to policy should be a response that connects the problem, the data and the solution. Consultation should be targeted at assessing the validity and effectiveness of this nexus. This necessarily means that the data on which the University relies also needs to be made available.

UMSU notes that its feedback in relation to special consideration has been provided to the University via multiple processes of review, policy consultation in late 2019 and through its Advocacy Service reports since 2012. Significantly, these reports and submissions are grounded in the data generated by the Advocacy Service which establishes a longitudinal picture of students' experience of the special consideration process.

## Conclusion

UMSU does not share the University's view that students are self-interested gamers of "the system". We do acknowledge the significant resources required to appropriately address equity matters using best practice principles. Accordingly, neither does UMSU take the view that academic and professional staff should unduly bear overwhelming administrative burdens. On the contrary, we believe the best value will be delivered when staff have full capacity to deal patiently and sensitively with students, making sound and fair decisions. For a University whose Vice Chancellor has recently stated aspirations to become a "top-flight world university",<sup>5</sup> showing leadership with exemplary equity practices is the least we might expect.

*I think it's easy (for the Uni leadership) to forget that universities are service providers and that their students are the customers and should be treated as such (this simply reaffirms their arrogance and mistrustful mindset) and realise that we pay to be here because we believed that we were going to be provided with a quality experience.*

*(UMSU Special consideration survey September 2019)*

## Changes we would like to see

*It's already terrible, I was in an incredibly vulnerable place and it was the worst slap in the face to have to fight to prove how unwell I was AFTER I had already submitted a legitimate HPR that detailed my mental health struggles.*

*(UMSU Special consideration survey September 2019)*

UMSU has been consistently calling for changes to special consideration for more than a decade. This has been documented via the quarterly reports of our Advocacy Service and in submissions to

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<sup>5</sup> *Strategy 2030 Discussion paper* <<https://staff.unimelb.edu.au/strategy-planning/strategy-2030>>.

various University reviews. We direct the reader to UMSU's response to changes to the *Assessment and Results* policy proposed late last year.

In summary, the primary change required is a transformation of University culture and the way in which it views students. The proposed changes to special consideration rest significantly on a narrative that says that students are not to be trusted; that students who are asking for help should be viewed with suspicion. Whether students are engaging in "strategic behaviours" or "gaming the system" this narrative persists in the **absence of any supporting evidence** because it has become an ingrained component of University culture. Moreover, UMSU believes that wellbeing strategies must be embedded in teaching and learning practices and argue that implementing the framework recommended by the University's own Centre for the Study of Higher Education would be a great place to start.<sup>6</sup>

Until the University can demonstrate it has implemented and evaluated these strategies to improve student wellbeing, and efforts to constrain access to appropriate academic adjustments appear very cynical.

To be effective, the University's approach to providing support to students needs to be grounded in good faith, and a lived commitment to student wellbeing and success.

In addition to our concerns with the proposed changes which we have set out above – UMSU would like to see the following changes introduced to improve the existing policy:

## Recommended Policy Changes

### Recommendation One

Implement the proposed changes which UMSU supports.

- *Section 4.1 Purpose of assessment.*
- *Section 4.123A which defines the purpose of special consideration.*

### Recommendation Two

Ensure all provisions are consonant with the proposed statement of purpose of special consideration at s. 4.123A.

- *Provisions should not have the effect of creating barriers to enabling students to demonstrate their level of attainment of intended learning outcomes.*

### Recommendation Three

Do not implement the proposed changes which UMSU opposes.

- *Reject the changes to s. 4.139.*
- *Reject the addition of s. 4.139 (A).*
- *Reject the changes to s. 4.140.*
- *Reject the addition of s. 4.140A. Reject the addition to s. 6 Roles and Responsibilities giving the dean unfettered discretion to ignore a student's circumstances.*

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<sup>6</sup> *A Framework for Promoting Student Mental Wellbeing in Universities* < [http://unistudentwellbeing.edu.au/wp-content/uploads/2016/11/MCSHE-Student-Wellbeing-Framework\\_FINAL.pdf](http://unistudentwellbeing.edu.au/wp-content/uploads/2016/11/MCSHE-Student-Wellbeing-Framework_FINAL.pdf)>.

## Recommendation Four

### **Make explicit the method by which the duration of extensions must be calculated.**

Extensions should be applied such that the extension commences from the *end* date of incapacity set out in the documentation and runs for the period of the incapacity. Currently extensions are often applied to cover the duration of the incapacity alone, rather than extending the time to complete work by the period the student was unfit.

## Recommendation Five

### **Make explicit the deadlines and dates which are frequently invoked to disallow requests.**

For example, the “hard deadline” for Alternative Exam Arrangements (AEAs) needs to be made clear in policy and listed on the “key dates” section of the Uni Website and the Dates and Times section of subjects in the Handbook.

## Recommendation Six

### **Make explicit the extra period of time provided to obtain and provide supporting documentation.**

The current policy does not reference extra time for students to obtain and provide documentation in support of their special consideration application. A minimum of five days should be allowed in the policy.

## Recommended Process Changes

In line with our previously stated recommendations, set out in the UMSU Response to the *Melbourne Student Experience Enhancement Project Green Paper*, and UMSU’s submission to the 2019 policy consultation, we continue to urge the University to take action on these chronic process concerns.

## Recommendation One

### **The University should invest significant resources in the support of student wellbeing and commit to a proper case managed approach to vulnerable complex needs students.**

While the overall demand for processing of special consideration applications is being met, the quality of the responses to some applicants is often less than adequate. This is especially evident in the processing of serious disadvantage and complex cases. This approach can have serious material and health consequences on already vulnerable students. For these reasons we believe that the University needs to address this deficit in its approach to students with serious disabilities by adopting a proper case management approach to these applicants, committing sufficient ongoing staff resources, training and evaluation to this end.

## Recommendation Two

### **The University should provide sufficient resourcing to enable sound administrative decision making.**

A significant volume of complaints regarding the administration of special consideration are a result of poor administrative decisions. Decisions are often unduly fettered by rigid, black letter adherence to policy, where compassion and discretion is warranted.

The current system with SEDS as a single access point with too few staff to manage the volume of transactions is woefully insufficient. Similarly, since the Business Improvement Program restructured faculty administration, professional staff in Academic Divisions experience extreme workload pressure as the volume of special consideration applications and academic adjustment plans increase with student awareness of the support available. This has resulted in the reduction of complex discretionary decision making to formulaic, rigid rule-based approaches which have no regard to

evidence or specific circumstances, let alone the University's duty of care. This approach both fails students and delivers poor outcomes for the University at large; shifting the burden to the central complaints and appeals processes (which are also poorly resourced).

Strengthening administrative decision-making processes to ensure the proper exercise of discretion thereby taking a more compassionate and less simplistic approach to the assessment of special consideration will go a long way to alleviating the distress and exacerbation of circumstances experienced by many students and their families.

### **Recommendation Three**

**The University should take a properly student-centred approach to special consideration end-to-end and bring its processes into proper compliance with the Disability Standards for Education.**

The application process for special consideration is opaque from the start, categorised by a lack of transparency in how and why decisions are made, and with some applications bounced between processes on technical grounds until unpublished deadlines have passed and applications can no longer be considered.

The University should commit to enhanced consultation with students about academic adjustments to reach a mutually beneficial outcome where the adjustments are reasonable and meet the particular needs of the student.

### **Recommendation Four**

**Improved education for academic staff regarding how to balance the competing priorities of equitable adjustments and inherent academic requirements.**

In some academic divisions there remain fundamental misapprehensions regarding the meaning of equity, the University's obligations under the Disability Standards for Education, and its duty of care to its students. This results in push back on eligibility decisions, foot dragging on outcomes, and an impoverished educational experience for the student.

Greater awareness and familiarity with equity principles and disability discrimination legislative obligations among academic staff will go some way to alleviating the burden on students to advocate for academic adjustments when the student is already unwell.