



# **ADVOCACY**

Service Report January - April 2024

## 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

### When special consideration is neither special, nor consideration

In February, we were contacted by a student who had been approved for special consideration by Student Equity and Disability Services (SEDS) for a Mid Semester Test (MST) in a summer intensive subject.

The student had applied within one day of the MST, and the application was approved by SEDS the following day with advice that it had been sent to the faculty for a determination on the specific adjustment. Five days later, the student received another email from SEDS indicating that the student needed to contact the relevant subject coordinator for an adjustment.

The student duly made contact with the subject coordinator as well as the head tutor, who informed the student that there was a different process in place for special consideration for this particular subject. In fact, the faculty saw fit to give the student a dressing down for using the correct university process. The faculty apparently had its own, unauthorised process requiring students to apply directly to the teaching division within 2 working days of the MST. Under the rogue faculty policy, as six days had passed since the MST, the student was advised that the teaching division could not fulfil the request for special consideration despite it already being approved under the university policy by SEDS. This meant that, not only would a resit of the MST be denied, but that no adjustment *at all* would be provided, including a reweighting of the MST to the final exam. The faculty also requested confidential medical information that had already been provided to SEDS.

So, the student faced a situation where they had gone through the recognised central process for applying for special consideration, had the application approved (meaning the University acknowledged the student's ability to undertake the MST had been severely impacted by circumstances outside of their control), only to be told by the teaching division of the subject that they would not provide any adjustment to give effect to the approved special consideration.

We understand that in some subjects, the length of the teaching period and the timing of assessment tasks can be restrictive in terms of the type of special consideration adjustments that can be implemented, but this case was concerning for the fact that the faculty had its own unauthorised process which it used to block implementation of an approved university decision.

#### *Recommendations:*

We recognise that in some cases, localised faculty processes are required in order to manage issues efficiently and effectively, but this does not give licence to create and enforce policies or outcomes that are non-compliant with the overarching University policy. Special consideration matters can be particularly problematic, as the process is split between a central department responsible for assessing eligibility of applications, and faculties responsible for determining specific academic adjustments. There needs to be better communication and information flow between the key university departments which oversee and manage the special consideration process (and the governing policy), so as to minimise the occurrence of situations such as this one.

It is worth bearing in mind, these poor processes have capacity to exacerbate the very issues for which students need equitable accommodation and can ultimately actively harm the students to whom the university owes a duty of care.

## Students on placement: major impacts for minor issues

One of the objectives of the *Student Fitness to Practice Policy* is to *provide a framework for the management of risks and issues related to students undertaking professional practice activities, including placement, experiential learning or clinical work prior to, or during, a student's enrolment in a course or subject.*

Unfortunately, however, we often see instances where risks and issues on vocational placements are managed neither efficiently nor effectively. In one case during this period, after a complaint was made about a student from the Dental School, the student received a phone text message from their course coordinator in the morning to inform them that they had been summarily removed from their placement. No further information was provided in the message. Subsequently that afternoon, the student was advised via an email from the Academic Programs Manager that the matter had been referred to the Academic Registrar for consideration under the *Student Conduct Policy*.

The student tried to find out more information from the faculty regarding the nature of the complaint and the timeframe for an investigation but was unable to get any further details. It was not until two weeks later that the student received an invitation to a meeting with the Faculty Fitness to Practice Officer. This was only after the matter was remitted to the faculty by the Academic Registrar for consideration under the *Student Fitness to Practice Policy*. The meeting was described as 'informal', with the purpose of discussing and addressing the issues (complaints) that had been raised in an informal setting, and to create a learning plan to address the professional behaviours of concern.

The meeting occurred two and a half weeks after the student had been removed from placement, and it was then a further wait of over a week to receive follow-up advice. By the time the process had been completed, the student had missed four weeks of placement for conduct concerns that were deemed minor enough to be dealt with informally.

We understand that the necessity to provide a trauma-informed and victim-centric approach means when complaints are made about a student's conduct on placement, it is often imperative to remove the student from the placement immediately while an investigation can take place. However, once the student has been removed from the placement, they need to be properly supported while the investigation is conducted to ensure they do not suffer disproportionate detriment as a result of the university's actions.

### *Recommendation:*

Coincidentally, a Student Placements Working Group was established at the beginning of the year by the Office of the Academic Registrar, following a recommendation from a review into Student Placements conducted in 2023 by Student and Scholarly Services the Office of the Provost. This presents a timely opportunity to address the critical issues we see regarding support for students who face problems on professional placement, such as the need to have robust and efficient processes in place to deal with any issues that arise on a placement.

This should involve clear timeframes for progressing an investigation, safeguards to protect the respondent from disproportionate detriment before a final determination, and where possible, early identification of the severity of the incident(s).

## Putting the revocation-of-award cart before the right-to-appeal horse

In January 2023, a student in the Faculty of Architecture, Building and Planning faced allegations of academic misconduct relating to altered medical certificates. The incidents dated back to the previous year, and the student had completed their course and graduated before the allegations were raised. The allegations were upheld, and the penalties determined were fails for the subjects involved, a recommendation to University Council to revoke the student's award, and a recommendation to the Vice Chancellor (VC) to terminate the student's enrolment.

The Advocacy Service provided preliminary advice to the student on appealing the decision, subject to the VC providing their final outcome. We then did not hear from the student again until four months later in May, when they made contact to explain that they were still waiting for the final VC decision. On our advice, the student contacted the faculty and the Academic Secretary to seek an update and clarification on what was happening. The student subsequently received an unsigned response from the University Governance Team which stated that

*The University is still proceeding through the steps required in accordance with the Revocation of Awards Policy. (unimelb.edu.au). As the academic misconduct proceedings have concluded, no further input or involvement is required from you at this stage.*

The student assumed this advice to be correct, and waited for further communication, but reached out to us again in August as they had not heard anything further. At this point, when we became aware that the University considered the misconduct proceedings to be concluded, we advised the student to urgently write to the Academic Secretary and the VC to explain that they

had never received correspondence from the Vice Chancellor regarding the Misconduct Committee's recommendation to terminate their enrolment, and consequently had never been given the opportunity to appeal the decision. In other words, the academic misconduct proceedings had not in fact concluded, and University Council should not be considering the revocation of the award until the student had been able to exercise their right to appeal.

The day after we provided that advice, the student received a letter from the University Secretary notifying them that University Council had determined to revoke the student's award!

Accordingly, approximately 8 months from the time of the original decision, the University has yet to recognise and acknowledge that the student had not been given their chance to appeal, despite the issue being raised to the Academic Secretary and the VC. It is difficult to comprehend how this matter ended up with University Council making a determination on revoking the award, with no acknowledgement of the glaring procedural error.

Understandably, by now the student had completely lost faith in the University's ability to resolve the situation, to the point they sought legal assistance. In February 2024 – more than a year after the original decision of the Faculty Misconduct Committee – the student shared with us that they had received a "revised penalty outcome" from the faculty, as the matter had been remitted by the VC for reconsideration. The termination of enrolment was rescinded, and the revised penalty was a fail grade for the subjects, meaning the student could re-enrol to complete the outstanding subjects and graduate from their course.

#### *Recommendations:*

It is accepted that administrative oversights and procedural errors will occur from time to time, but where these issues do crop up, it is imperative that the University is able to swiftly acknowledge the matter and implement a process to get things back on track. There is no reasonable explanation for putting a student through a distressing ordeal for more than a year, especially when the procedural error was identified and raised with the University on several occasions some nine months prior.

## **Advocacy Service Statistics**

### **January - April 2024**

In January this year the Service moved to a new case management system. Consequently, the data provided in this report will not contain the usual year to year comparison. Some reporting is still under development and will evolve in subsequent reports.

Year to year comparison will resume in 2025.

## Primary Issue

Misconduct	141	26.81%
Special Consideration	108	20.53%
"Show Cause / Course Academic Progress (CAPC)	82	15.59%
Assessment and Grades	63	11.98%
Remission of Fees	47	8.94%
Student Support Services	21	3.99%
The standard of services at the university	20	3.80%
The Quality of Teaching	11	2.09%
RHD Supervision	10	1.90%
Advanced Standing or credit	5	0.95%
Selection Appeal	5	0.95%
RHD Progress	4	0.76%
Vocational Placement problems	3	0.57%
The Nature of Teaching or Assessment	3	0.57%
Course structure or changes	2	0.38%
Scholarship issues	1	0.19%
Student Complaint about another student	1	0.19%

## Distribution by graduate/undergraduate status

Undergraduate	299	48.54%
Graduate Coursework	206	43.20%
RHD	21	5.34%

## Primary issue by study type

Process	Graduate Coursework	RHD	Undergraduate
Assessment and Grades	57.14%	0.95%	65.71%
Misconduct	43.81%	3.81%	52.38%
"Show Cause / Course Academic Progress (CAPC)	31.43%		43.81%
The standard of services while accessing administrative support received by the university	28.57%	0.95%	49.52%
Special Consideration	15.24%		20.95%
Course structure changes	6.67%	3.81%	10.48%
Student Support Services	4.76%	0.95%	11.43%
The Quality of Teaching	2.86%		2.86%
Selection Appeal	0.95%	0.95%	4.76%
The Nature of Teaching or Assessment	0.95%		5.71%
Vocational Placement Problems	0.95%		3.81%
Scholarship issues	0.95%		2.86%
Student complaint about another student	0.95%	0.95%	1.90%
RHD Supervision	0.95%		0.95%
Remission of fees	0.00%	7.62%	7.62%

### Distribution by International/Domestic Status

Domestic	255	48.48%
International	246	46.77%
Not Specified	25	4.75%

### Primary issue by international or domestic status

Process	Domestic	International
Show Cause / Course Academic Progress (CAPC)	33.33%	66.67%
Misconduct	37.10%	62.90%
Special Consideration	41.18%	58.82%
RHD Supervision	50.00%	50.00%
Student Support Services	50.00%	50.00%
The Nature of Teaching or Assessment	50.00%	50.00%
The Quality of Teaching	50.00%	50.00%
Assessment and Grades	69.44%	30.56%
The standard of services at the university	100.00%	

### Cases By Faculty

Arts	24.76%
Science	21.36%
MDHS	14.56%
Business and economics	13.11%
Engineering and IT	7.77%
MSGE	6.31%
APB	4.37%
MLS	4.37%
VCA Music	2.43%
MBS	0.49%
The Florey Institute	0.49%

### Process by Faculty

	Misconduct	Special Consideration	CAPC	Assessment and Grades
Arts	38.10%	23.53%	26.32%	18.92%
Science	15.87%	32.35%	31.58%	21.62%
MDHS	11.11%	-	-	18.92%
Business and Economics	9.52%	11.76%	15.79%	21.62%
Engineering and IT	7.94%	5.88%	15.79%	8.11%
MSGE	4.76%	5.88%	10.53%	2.70%
APB	6.35%	14.71%	-	-
MLS	4.76%	5.88%	-	8.11%
VCA Music	1.59%	-	-	-
MBS	-	-	-	-
The Florey Institute	-	-	-	-

### Preferred method of contact with Service

Email	45.63%
In Person	24.27%
Phone	19.42%
Zoom	10.68%

### Commentary

This period 526 students were provided a service. The proportion of graduate to undergraduate students was 43.20% to 48.54% with just over 5% being higher degree by research students. During this period 48.48% domestic and 46.77% international students presented to the service. In this period, 28 students (5%) identified as living with a disability.

The primary presenting issue overall this period- representing just over a quarter of all presentations- were issues related to Misconduct, with special consideration comprising around one fifth of matters, followed by academic progress and assessment related matters the next most common presenting issues.

Most students requiring assistance for Misconduct related matters came from the faculties of Arts, Science and MDHS, 66% of these students were undergraduates and 67% were international students.

In respect of Special Consideration related matters 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.

About 5% of service users during this period identified as having a disability they wished to tell us about. ADHD was the most commonly identified, followed by more general descriptions such as 'neurodiverse', 'mental health', and 'chronic pain'. Other identified disabilities were obsessive compulsive disorder, adjustment disorder, anxiety, depression, dyscalculia, bipolar disorder, borderline personality disorder, being a carer for someone living with disability, persistent migraine disorder, and post-traumatic stress disorder.

The majority of students accessing the Service requested assistance via email. Around a quarter asked for in person appointments and the remainder were conducted via zoom or over the phone.

The next Advocacy Service report will cover the period May to August 2024 and will be available in mid-September 2024.

Paul Lewis-Hornsby

Team Leader, Advocacy Service

June 2024