



ADVOCACY

Service Report May - August 2024

Introduction

The Advocacy Service Report was originally commissioned by the University's *Advocacy Service Reference Group* – a group set up to oversee the service contract via which the Service was funded between 2012 and 2017. The Service 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 include 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 primarily 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.

A quick note on what the various process categories include.

Misconduct	Covers breaches of university rules, regulations and policies, including academic Integrity breaches (e.g., plagiarism, collusion, Gen AI misuse) and general misconduct (e.g., harassment and sexual misconduct, disruptive behaviour, and protest activities).
Special Consideration	a request made by a student for adjustments to assessment or academic requirements due to short-term, serious, and unforeseen circumstances that impact their ability to complete or perform in assessments. Additionally, we currently include ongoing adjustments under this category as the casework frequently overlaps.
"Show Cause / Course Academic Progress (CAPC)	Involves students who are not meeting academic progress requirements and must "Show cause" why they should not be excluded by submitting a formal explanation and supporting evidence.
Assessment and Grades	Concerns related to marking errors, problems with the conduct of assessment, feedback on assessment, and requests for re-marking or review of grades.
Remission of Fees	Requests to have course fees refunded or waived primarily due to withdrawal after census date due to illness or hardship. Increasingly this area overlaps with special consideration as the Student Equity and Disability Services (SEDS) seek to remove assessment of late withdrawal (after final date to withdraw) requests from their responsibility and pass it to the Fees Team.
Student Support Services	Includes issues or feedback about Counselling and Psychological Support Services, the University health Service, SEDS, Fees, Academic Skills Unit, and Stop 1.
The standard of services by the university	Covers general service quality, such as administrative support from IT services, LMS, Library access, and other campus facilities.
The Quality of Teaching	Concerns about effectiveness of teaching and learning, engagement and accessibility of academic staff, subject delivery methods, and the use of learning technologies.
RHD Supervision	Relates to Research Higher Degree (RHD) students and includes supervisor availability and support, access to resources or labs, supervisor feedback frequency and quality, and research guidance.
Advanced Standing or credit	Involves recognition of prior learning, transfer credits from other institutions, and disputes over credit allocation.
Selection Appeal	Used when a student believes they were unfairly denied admission or selection into a course or program.
RHD Progress	RHD students facing university concerns about milestone reviews, delays in research or thesis progress.
Vocational Placement problems	Issues with internship or placement arrangements.
Course structure or changes	Concerns about changes to course content or delivery, prerequisite changes, and course availability.
Scholarship issues	Includes delays in payment, eligibility disputes, and revocations of scholarships.
Student Complaint about another student	Covers primarily interpersonal issues such as bullying or harassment, or other breaches of university policy by students

Trends and Issues

Trauma uninformed

Applications for remission of fees are progressed under the *Higher Education Support Act* which specifies a 12-month limitation period for applications, unless there are exceptional circumstances. In March 2024 a student sought assistance from the Advocacy Service to obtain a waiver from the time limit to apply. The student was a victim-survivor of chronic intimate-partner violence.

The fees team assessed the student's application and determined that, although they met the substantive criteria for fee remission under the legislation, they had not demonstrated that they were unable to apply within the 12-month limitation period. The rationale was that the student was able to enrol in and complete subjects during this time, and consequently the 'administrative task' of applying for fee remission was within their capacity.

In our view, this did not evidence a trauma-informed approach to a victim-survivor of intimate partner violence. We were shocked that the fees team were unwilling to differentiate between the completion of "an administrative task" and the obvious re-traumatisation involved in requiring a victim-survivor to recount their experience through a university process.

The outcome notice stated that in assessing an application for a waiver of the application period, "consideration is given to what was "possible", that is, what may be done by the student within the 12-month application period. The submission of an application for fee remission is an administrative task, as is enrolling/withdrawing from subjects." The student had managed to maintain their enrolment and pass a number of subjects during the timeframe in question, so in explaining the decision to deny the waiver application, the outcome went on to state that "It is considered that completing administrative enrolment/re-enrolment tasks and successfully completing subjects including submitting assignments, within the fee remission application period demonstrates your ability to complete an administrative task within that time."

The Advocacy Service does not share the view that reliving significant trauma by providing personal statements and supporting documentation for an application for fee remission is a simple administrative task, akin to enrolling and re-enrolling in subjects. At this point the student's access to fee remission in special circumstances was effectively blocked by the Fees Team.

Mindful of the potential for re-traumatisation, we collaborated with the Safer Community Program (SCP) to avoid having the student directly re-engage with the Fees Team. With the students' consent, we provided the relevant information to SCP, who shared our view that the response from Fees was not trauma-informed and therefore inappropriate. It was decided that the best course of action was to contact Student Equity and Disability Services to pursue late withdrawals via a special consideration application for the student, which would then support a subsequent further fee remission application.

Unfortunately, SEDS' position was that the student should go directly to the Fees Team.

With the bureaucratic circle rapidly closing, the SCP opted to escalate the matter directly to leadership in Students and Scholarly Services (SASS) which oversees both Fees and SEDS. Unfortunately, the response from SASS was the same as SEDS; that the student should contact the Fees Team directly to dispute their decision.

Given these responses, and the fact that some four weeks had passed since the student first contacted us (and four months had passed since the initial decision from the Fees Team), it was clear that more direct intervention was required, so the Advocacy Service contacted SASS leadership to raise our concerns referencing the Education Ministers' Action Plan Addressing Gendered-based Violence in Higher Education, released just a few months earlier. We cited the following statement (emphasis added):

A whole-of-organisation approach must first be underpinned by trauma-informed response systems to ensure safety and support for students and staff in response to any type of violence. This includes responding to disclosures, reports and conducting disciplinary processes; ongoing support and safety planning mechanisms, including while disciplinary processes are underway; establishing referral pathways to relevant services; and expert-led response training for staff and students. It also includes the provision of specific expert-led training for staff on responding to disclosures and reports about gender-based violence, including sexual harassment.

After this intervention, the application was promptly reconsidered, and the waiver and remission of fees were approved for the student within days.

Recommendations:

As clearly set out in the Education Minister's action plan, a whole-of-organisation approach is required to ensure that victim-survivors are properly supported by staff who have received expert training in trauma informed response. Additionally, we recommend a comprehensive audit of all student-facing processes to ensure they are undertaken in an appropriately trauma-informed way.

MAHMOUD'S HALL

Was this the moment when the right to peaceful protest on campus was extinguished?

In April 2024, protest encampments calling for universities to divest from the State of Israel were established at more than 170 institutions globally, including Australian campuses in Sydney, Canberra and Adelaide. The global protests were described as "perhaps the most significant student movement since the anti-Vietnam campus protests of the late 1960s".

In mid-May 2024, after a month of passionate yet peaceful protest around campus, an autonomous group of protesters involved with the encampment that had been set up on South Lawn initiated a sit-in at Arts West, in an attempt to get the University to have meaningful discussions around divestment from the State of Israel. Similar protest action globally had resolved with a number of universities across the world cutting ties or factoring human rights into their investment decisions.

Encouraged by these global successes, the protesters renamed the building "Mahmoud's Hall", in memory of Mahmoud Alnaouq, a 25-year-old Palestinian student killed in the war on Gaza, who had accepted a scholarship to study in Australia, with a Master of International Relations at the University of Melbourne being his first preference.

The University agreed to come to the negotiating table to discuss greater transparency around the University's funding arrangements, before finally agreeing to disclose research grants following a similar resolution at the University of Sydney on 23 May.

It was in the context of these ongoing negotiations between the parties, that a core number of students opted to remain in the building in a peaceful form of civil disobedience. The situation escalated when the Vice Chancellor cancelled classes in the building and demanded that the protesters leave, based on a claim that the protest was unreasonably disruptive and made the space unsafe for others.

The protesters chose to stay for several reasons. They disagreed with the characterisation of their actions as disruptive and unsafe, asserting they were involved in a well-established tactic of nonviolent civil disobedience. Additionally, as active negotiations with the University were ongoing; they understood their actions were regarded as a legitimate form of protest protected by the Victorian Charter of Human Rights and Responsibilities.

Following several days of protest, the University and demonstrators reached a resolution, officially ending the sit-in.

The drama for 21 of those students was just beginning, however.

Approximately one month later, a small proportion of the students who had taken part in the protest received formal allegations of general misconduct, accusing them of failing to comply with a reasonable direction or request from a senior officer (the VC) and alleging interference with and/or improper, reckless or unsafe use of university property, facilities or services.

The evidence in support of the allegations included still photos taken from CCTV footage in the building, and records of the student's Wi-Fi usage during the days of the sit-in. After a number of students lodged privacy complaints, the Office of the Victorian Information Commissioner has initiated a formal investigation.

As part of the students' response to the allegations, the Advocacy Service drafted a memorandum of support for consideration by the Student Discipline Committee (SDC). In summary, the support memo argued that the allegations should be dismissed on the following bases:

- The action constituted peaceful protest, protected under the Victorian Charter of Human Rights and Responsibilities.
- The actions taken by the University to prevent students from participating in peaceful protest were unreasonable, unnecessary, unjustified and disproportionate.
- The protest concluded peacefully and by negotiation.
- There were no allegations of violence, threats or intimidation.
- The protest action involved one space on a large campus, and consequently did not undermine the capacity of individuals to participate in university activities or compromise the University's ability to fulfil its obligations to provide a safe environment for staff, students and visitors.
- The Vice Chancellor referred to the outcome as a 'peaceful resolution'; however, the inclusion of disciplinary action against students who participated in the protest brought into question the consistency between the University's stated commitment to a negotiated outcome and its subsequent actions.

The SDC hearings were held in July, in a building off campus, with the University employing a conspicuous security presence. Students facing the SDC were individually escorted by security officers into the hearings. The arrangements were purportedly in response to planned protest actions in support of the students facing allegations, however the students attending their hearings found it intimidating and prejudicial – and felt it was indicative of the university regarding them as a security risk before they had even been heard.

Most of the students provided written submissions in advance of the hearings, arguing in respect of the first allegation that the 'reasonable direction' to leave the building was not in fact reasonable in the circumstances, and in response to the allegation that they had interfered with and/or improperly, recklessly or unsafely used university property, facilities or services, that no evidence of this had been adduced.

At the commencement of the hearings, the SDC advised that they would not hear arguments in relation to the reasonableness or otherwise of the direction to leave. This represented a refusal to hear the students in relation to a matter at the heart of the first allegation. Further to this, the SDC stated that in relation to the second allegation, they were not prepared to consider arguments in respect of “unsafe” or “reckless” use of the building but would only consider alleged “improper” use.

Rather than clearly demonstrating that students were given a fair opportunity to respond to the allegations and that the SDC’s decision was based solely on the evidence presented, the process appeared to reflect a predetermined direction, raising concerns about the impartiality of the proceedings.

The majority of the allegations were upheld, with formal reprimands imposed as penalties.

A number of appeals from these outcomes were submitted in mid-August and are currently awaiting decisions.

Advocacy Service Statistics

May - August 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	37.88%
Special Consideration	23.76%
Assessment and Grades	17.17%
"Show Cause / Course Academic Progress (CAPC)	12.20%
The standard of services received	2.57%
Student Support Services	2.25%
The Quality of Teaching	1.77%
The Nature of Teaching or Assessment	1.44%
RHD Supervision	0.64%
Computer and IT Infrastructure	0.32%

Distribution by graduate/undergraduate status

Undergraduate	336	54.11%
Graduate Coursework	254	40.90%
RHD	20	3.22%
Not Applicable	11	1.77%

Primary issue by study type

Process	Graduate Coursework	RHD	Undergraduate
Misconduct	39.41%		60.59%
Assessment and Grades	44.70%	0.76%	55.30%
Special Consideration	39.67%	6.61%	59.50%
"Show Cause / Course Academic Progress (CAPC)	27.63%		61.84%
The standard of services by the university	50.00%		50.00%
Student Support Services	50.00%		50.00%
The Quality of Teaching	63.64%		36.36%
The Nature of Teaching or Assessment	55.56%		44.44%
RHD Supervision		100.00%	0.00%
Computer and IT Infrastructure	50.00%		50.00%

Distribution by International/Domestic Status

Domestic	291	46.71%
International	312	50.08%
Not Specified	20	3.21%

Primary issue by international or domestic status

Process	Domestic	International
Misconduct	42.80%	57.20%
Assessment and Grades	50.38%	49.62%
Special Consideration	49.18%	50.82%
"Show Cause / Course Academic Progress (CAPC)	53.95%	46.05%
The Nature of Teaching or Assessment	100.00%	0.00%
The standard of services by the university	56.25%	43.75%
Student Support Services	42.86%	57.14%
The Quality of Teaching	54.55%	45.45%
Computer and IT Infrastructure	50.00%	50.00%
RHD Supervision	25.00%	75.00%

Cases By Faculty

Arts	197	31.62%
Science	128	20.55%
FBE	75	12.04%
MDHS	67	10.75%
FEIT	55	8.83%
APB	40	6.42%
Education	26	4.17%
MLS	20	3.21%
VCA	11	1.77%
MBS	4	0.64%

Process by Faculty

	Assessment and Grades	Misconduct	Special Consideration
Arts	26.85%	46.38%	15.46%
FBE	22.22%	8.94%	9.28%
Science	16.67%	15.74%	34.02%
MDHS	12.04%	7.66%	7.22%
FEIT	4.63%	8.94%	12.37%
MLS	4.63%	0.85%	6.19%
ABP	3.70%	4.68%	10.31%
Education	3.70%	4.26%	4.12%
VCA	3.70%	2.13%	1.03%
MBS	1.85%	0.43%	-

Preferred method of contact with Service

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

Commentary

During this period, 623 students were provided a service. The proportion of graduate to undergraduate students was 40.90% to 54.11% with just over 3% being higher degree by research students. During this period 46.71% domestic and 50.08% international students presented to the service. In this period, 65 students (10%) identified as living with a disability.

The primary presenting issue overall this period- representing just under 40% of all presentations- were issues related to misconduct, with special consideration comprising around a quarter of matters, followed by just under a fifth related to assessment and grade related issues and academic progress matters at just under 10%.

Most students requiring assistance for misconduct related matters came from the faculties of Arts, Science and FBE, 60% of these students were undergraduates and 57% were international students.

In respect of Special Consideration related matters students from the faculties of Science, Arts, Engineering and FBE made up the majority of presentations, with almost twice the number of undergraduate students seeking help and roughly equal numbers of international and domestic students.

About 10% of service users during this period identified as having a disability they wished to tell us about. ADHD was the most identified. Other commonly identified disabilities included anxiety, depression, sensory impairments and panic disorder.

Most 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 September to December 2024 and will be available in mid-February 2025.

Paul Lewis-Hornsby

Team Leader, Advocacy Service

September 2024