



ADVOCACY

Service Report September - December 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

The Ouroboros Protocol: Allow AI to detect ... AI ...*

In 2023, Turnitin introduced an AI detection feature known as the 'Turnitin AI detector,' designed to assist educators in determining whether a student's submission was original or generated, in whole or in part, by artificial intelligence. As the use of this tool became more widespread across the university during 2023 and early 2024, we observed a significant increase in academic misconduct cases presenting to the Service. These cases predominantly reflected a strict, zero-tolerance approach to suspected use of generative AI in students' work. Students facing allegations during this initial phase were frequently subjected to onerous penalties, largely based on the findings of the Turnitin report alone. This approach appeared to be out of step with the [public facing information](#) for students on the university website which implies a more nuanced approach.

In any event, things changed quite rapidly in that space between January 2023 when Turnitin rolled out its detection tool, and March 2023 when it published acknowledgement of the risk of false positives using the tool. However, this seemed slow to flow through to the academic integrity approach taken by many academic areas across the University. However, by the latter part of 2024 the Service started to see a shift towards giving students greater benefit of the doubt when it came to suspected AI use.

A major problem with AI related misconduct allegations is that there seldom is any "evidence" other than the Turnitin report. The Turnitin platform itself cautions that the "false positive rate is not zero ... the instructor will need to apply [their] professional judgment, knowledge of [their] students, and the specific context surrounding the assignment". This would obviously make reliance on the 'evidence' of the AI Detector alone problematic, although that was largely the University's approach to that time.

Fortunately, in this period, we began to see a more balanced approach to these allegations, with committees returning outcomes reflecting an acknowledgement that the only evidence supporting the allegations was the Turnitin report and giving weight to first time offences due to inexperience and taking a more educative approach with penalties, such as resubmission.

Unfortunately, there remain concerns with an excessive reliance on disciplinary over educative approaches, and duration of the former, in some cases there being more than six weeks between the student's submission of assessment and the notice of academic misconduct.

**AI was used to generate this heading.*

Recommendations

In our view, there are still many allegations of AI related misconduct being formalised on the basis of a Turnitin report alone. While we recognise these must be determined on a case-by-case basis, we believe uncritical escalation of these matters represents a missed opportunity to provide a positive and timely educative intervention for students, rather than a purely disciplinary approach.

MAHMOUD'S HALL – Prometheus in Appeal Purgatory: Zeus wasn't on the panel, but his vibe was undeniable

*Cry, Muse, for justice delayed in the council of sages and silence,
Wherein young scholars are summoned by scroll, not oracle's whisper.*

Apologies, but the retelling has evoked the epic proportions of a true Greek tragedy.

In mid-August, the students found to have committed misconduct for the May protest in the Arts West Building submitted appeals against the Student Discipline Committee (SDC) decisions. They received responses to these appeals in mid-September. We had assisted the students with their appeal submissions, citing all four grounds available under the *Student Appeals Policy*:

- (a) A procedural irregularity occurred (which may include that the student has not received a fair hearing in all the circumstances)
- (b) there is new information that could not reasonably have been provided at the time of the original decision, and that would probably have affected the decision or any penalty imposed;
- (c) the decision was manifestly wrong; and/or
- (d) the penalty imposed was manifestly excessive, inappropriate or not available in the circumstances.

The arguments in support of those grounds included:

- Formal disciplinary action was disproportionate to the actions of the students and unprecedented for such allegations.
- That the University had relied on invalid evidence obtained in breach of the *Privacy Act*.
- Considering the large number of students and staff that entered and exited the building during the protest action, the decision to target a small number constituted arbitrary and capricious action against those individuals.
- Breaches of procedural fairness, in that the SDC refused to consider arguments in relation to the reasonableness or otherwise of the direction to leave the building which was central to one of the two allegations upheld.
- That an Occupational Health and Safety report which had been completed by authorised Health and Safety Representatives during the protest action, and which did not find safety risks, was not considered by the SDC and there was no objective evidence that the building was unsafe.
- That being punished for an act of peaceful protest was manifestly excessive and inappropriate.

As with the initial Student Discipline Committee (SDC) proceedings, the Advocacy Service submitted a memorandum to the University Secretary outlining the grounds upon which the appeals were based. In summary, the support memorandum focused on two key elements, arguing that the appeals should be upheld on the following basis:

- That the SDC's refusal to consider arguments in relation to the reasonableness or otherwise of the direction to leave the building was a procedural irregularity.
- That those arguments should be considered new information and provide a basis for an Appeal Panel to overturn the findings of the SDC.
- That there was a lack of logically probative evidence supporting the SDC's finding that the students improperly used University property, facilities or services.
- That no evidence was adduced by the University that the VC, as the relevant decision maker, took the Victorian Charter of Human Rights and Responsibilities (the Charter) into consideration when making the directions upon which the findings had been substantiated, and that this was compelling *prima facie* evidence that the direction of the VC was in fact unreasonable in this context.

The appeals were eventually met with a Notice to Partially Disallow. The only ground the University Secretary determined should proceed was that there was a procedural irregularity, specifically on the limited question of whether the students were afforded a reasonable opportunity to be heard before the SDC on the question of whether the direction issued by the VC to leave the building was reasonable.

On the remaining three grounds, and for each separate argument that set out in the appeal submissions, the University Secretary gave specific reasons for disallowing those grounds. When an appeal is disallowed, students have five working days to provide further relevant information or arguments for final reconsideration. Accordingly, we submitted further arguments addressing the reasons for disallowing those grounds.

In late October, the students received the "Response to Notice of Partial Disallowance", which stated that although the University Secretary disagreed with the arguments made under the other grounds, in the interests of efficiency, the appeals would nevertheless proceed on all grounds. Ah efficiency.

The appeals were heard in late November. A central line of inquiry during the hearings focused on what direct evidence the SDC had relied upon to substantiate the existence of safety issues in the building. Specifically, when the original allegations were issued by the Office of the Academic Registrar, the referral document cited an Occupational Health and Safety (OHS) inspection, purportedly conducted by university staff during the protest activities. The inspection allegedly identified several safety hazards, including damage to infrastructure and obstructions affecting emergency exits and fire safety equipment. However, the OHS report mentioned in the referral document was not itself provided, despite being a material piece of evidence. When we requested that a copy of the report be shared with the students in the interests of procedural fairness, the Academic Registrar clarified that what had been referred to as a "report" was actually the summary information published on the University's communications webpage titled "Conflict in the Middle East and Activism on Campus". The Registrar also confirmed that the SDC would only be reviewing that summary and that was no formal OHS document or report.

The appellants awaited the Appeal Panel's determination in the wind down to year's end. On 4 December they received correspondence from the Appeal team, although this was not notice of the appeal outcome. Instead, the Panel advised that, to support its deliberations, it had requested a copy of the University's OHS "report." This was the "report" we had been previously advised was only the information published on the "Conflict in the Middle East and Activism on Campus" webpage. That we were surprised by this turn of events is somewhat of an understatement.

The students were further advised that, in order to ensure procedural fairness, they would now be provided with a copy of the report and were invited to provide additional information in relation to the report within three working days.

With the permission of the students, the Advocacy Service wrote to the Chair of the Appeal Panel with the following questions:

- Why were we previously advised that this report did not exist?
- If the report did exist at the time, why had it not been provided to and considered by the original decision maker (the SDC) whose decision is under review by the Appeal Panel?
- Given it was not considered by the original decision-maker, what weight will the Appeal Panel give to the report in respect of its scope to review the original determination and findings of the SDC?
- Can the Panel confirm that the new Report will be considered alongside the OHS report produced by the Health and Safety Representatives adduced by the appellants in the SDC hearing covering materially the same issues?
- Why has the report been altered to remove the "Created" and "Modified" dates in the document's metadata meaning it was not possible to verify the authenticity of the report and its time of creation?

In respect of the last question, we were advised that author's name has been redacted due to fear of reprisal. There was no basis provided for redaction of the creation and modification dates. Accordingly, a substantive question remained unresolved regarding the integrity of this report.

In response to the new document, the Service provided a memo on behalf of the appellants highlighting our concerns with the authenticity of the report and the fact that the Academic Registrar and the SDC had previously advised that there was no report other than the information posted on the University's website in May. We also noted in response to the new document, that university management continued to allow unfettered access to the occupied building for several days after this report was purportedly produced. This contradicted the assertion that the VC's direction to leave the building was made in direct response to the report. We further submitted that the findings in the report regarding safety were comprehensively contradicted by the health and Safety Representatives' OHS inspection and report which was conducted and produced at the time of the protest action. Finally, we argued again that the Appeal Panel should give appropriate weight to the protection afforded by the Charter setting out the right to peaceful protest.

We did not receive a direct response to the memo. On 23 December, late on the afternoon of the final day before the University was to close for the end-of-year break, the students received the appeal outcomes.

Recommendations:

We acknowledge that differing ideological perspectives can sometimes lead to heightened tensions, and that some individuals may find protest action confronting. However, a diversity of views must be considered in the context of the University's objects of 'promoting critical and free enquiry, informed intellectual discourse and public debate within the University and in the wider society'.¹

We maintain that the students implicated in the misconduct allegations were motivated by sincere moral and ethical convictions, intentions which should not be subject to disciplinary action. Moreover, the University has historically both championed and celebrated peaceful protest by students on this campus, and in the absence of actual impropriety or malfeasance, we believe that the students were penalised for exercising a right that is protected by the *Victorian Charter of Human Rights and Responsibilities*.

Perhaps more unfortunate, is that both the students directly affected by the disciplinary process, and the many who witnessed and were aware of it, have now formed a negative view of the university's position in relation to human rights. Not only has this process eroded student trust, but this disciplinary action is clearly intended to have a chilling effect on legitimate debate and peaceful protest on campus.

The University continues to claim respect and support for students' freedom of expression and the right to peaceful assembly; however, this is not the lived experience of those students subjected to disciplinary processes, nor their families, and nor the large community of people who have watched the process unfold. We believe it has caused reputational damage to the University and should not be repeated.

In this context we recommend that the University urgently takes genuine steps to ensure that students' freedom of expression and the robust exchange of ideas is encouraged and viewed as an integral component of university life, even when it involves peaceful protest and civil disobedience which may cause disruption or discomfort to some people.

¹ [Section 5](#) of the *University of Melbourne Act 2009* (Vic).

Advocacy Service Statistics

September - December 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	44.31%
Assessment and Grades	33.74%
Special Consideration	28.46%
"Show Cause / Course Academic Progress (CAPC)	15.85%
Not Sure	15.45%
Student Support Services	2.44%
The standard of services received	2.44%
The Nature of Teaching or Assessment	0.81%
Computer and IT Infrastructure	0.41%
RHD Supervision	0.41%

Distribution by graduate/undergraduate status

Undergraduate	193	54.37%
Graduate Coursework	148	41.69%
Not Applicable	7	1.97%
RHD	7	1.97%

Primary issue by study type

Process	Graduate Coursework	RHD	Undergraduate
Misconduct	39.41%		60.59%
Assessment and Grades	42.99%		57.01%
Special Consideration	36.84%	1.05%	62.11%
Not Sure	49.06%	3.77%	47.17%
"Show Cause / Course Academic Progress (CAPC)	27.63%	10.53%	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%
Computer and IT Infrastructure	50.00%		50.00%
RHD Supervision		100.00%	

Distribution by International/Domestic Status

Domestic	167	47.04%
International	188	52.96%

Primary issue by international or domestic status

Process	Domestic	International
Misconduct	41.28%	58.72%
Special Consideration	48.54%	51.46%
Assessment and Grades	44.32%	55.68%
"Show Cause / Course Academic Progress (CAPC)	51.28%	48.72%
Student Support Services	50.00%	50.00%
The standard of services by the university	100.00%	0.00%
The Nature of Teaching or Assessment	50.00%	50.00%
Computer and IT Infrastructure	0.00%	100.00%
RHD Supervision	100.00%	0.00%

Cases By Faculty

Science	83	23.31%
Arts	75	21.07%
FBE	49	13.76%
MDHS	49	13.76%
FEIT	41	11.52%
ABP	22	6.18%
Education	15	4.21%
VCA	11	3.09%
MLS	6	1.69%
MBS	5	1.40%

Process by Faculty

	Misconduct	Assessment and Grades	Special Consideration	"Show Cause / Course Academic Progress (CAPC)
Arts	22.94%	22.89%	27.14%	17.95%
FEIT	22.94%	8.43%	2.86%	
Science	17.43%	14.46%	28.57%	35.90%
MDHS	10.09%	13.25%	10.00%	28.21%
ABP	9.17%	6.02%	7.14%	
FBE	7.34%	20.48%	14.29%	10.26%
VCA	5.50%	1.20%	2.86%	0.00%
MBS	2.75%	1.20%		2.56%
Education	1.83%	8.43%	4.29%	5.13%
MLS		3.61%	2.86%	17.95%

Preferred method of contact with Service

Email	50.99%
In Person	20.28%
Zoom	14.65%
Phone	14.08%

Commentary

This period 355 students were provided a service. The proportion of graduate to undergraduate students was 41.69% to 54.37% with 2% being higher degree by research students. During this period 47.04% domestic and 52.96% international students presented to the service. In this period, 53 students (15%) identified as living with a disability.

The primary presenting issue overall this period- representing 44% of all presentations- were issues related to misconduct, followed by around a third of presentations related to assessment and grades, over a quarter regarding special consideration and academic progress matters at just over 15%.

Most students requiring assistance for misconduct related matters came from the faculties of Arts, Engineering and FBE, around 55% of these students were undergraduates and 59% were international students.

In respect of assessment and grades related matters students from the faculties of Arts, FBE and Science made up the majority of presentations, with the same number of undergraduate and graduate students seeking help and approximately 10% more international than domestic students.

About 15% of service users during this period identified as having a disability they wished to tell us about. ADHD remains consistently the most commonly identified, followed by descriptions such as 'mental health', and 'autism'. Other identified disabilities were anxiety, depression, dyslexia, concussion, and post-traumatic stress disorder.

Around half of the students accessing the Service requested assistance via email. Approximately a fifth asked for in person appointments and the remainder were conducted via zoom or over the phone in equal numbers.

The next Advocacy Service report will cover the period January to April 2025 and will be available in mid-June 2025.

Paul Lewis-Hornsby

Team Leader, Advocacy Service

February 2025