



# **ADVOCACY**

Service Report April - June 2018



## Introduction

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

Nevertheless, although the Quarterly Service Report was originally commissioned by the ASRG as an accountability measure, it has also served to ventilate student experiences of processes within the relevant parts of the University. Over time, the circulation of the Report grew to encompass a good cross section of the University Community, establishing strong communication channels for feedback and issues management between relevant stakeholders. We hope to continue to expand and consolidate these channels, and invite interested University staff to contact the Service directly to collaborate on responses to the issues identified in the Report.

## Data and 'Anecdota'

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

During this quarter our casework was focused on special consideration matters, assessment disputes, and academic misconduct allegations. These are the usual sorts of issues presenting at this time of year, and, with the exception of an increase in matters pertaining to falsified medical documents, there was nothing out of the ordinary to note. During this quarter the Service identified some faculties experiencing confusion, and making procedural errors in the course of misconduct processes, and a welcome shift to a more consistent application of the principle of proportionality in serious misconduct matters.

### Deficient Notices and Process Confusion

We observed a number of problems with the implementation of misconduct processes this quarter.

#### Faculty 1

One case concerned a faculty which was clearly completely unfamiliar with the correct procedures. The allegation notice was deficient: without any evidence in support of the allegation; with incorrect instructions on the required timeline for first student response (they were given seven days instead of 10); and the hearing had already been scheduled in the allegation notice to occur within the 10 days allowed for an initial response. All of which amount to a serious breach of procedural fairness.

Unfortunately, that was not all, the faculty then conducted an academic misconduct hearing - nominally under *Student Academic Integrity Policy* - but with an improperly constituted committee omitting the student member, and with an extra staff member instead. Subsequently, notwithstanding that the accused student was already enrolled, the outcome notice referred to a withdrawal of offer under the *Selection and Admission Policy* (which is an *ultra vires* outcome under the *Academic Board Regulations*), and did not contain the required instructions on how to appeal. Even after the faculty was directed by the Academic Secretary to rehear the matter and to conform with penalties available under the misconduct regulations and policy, the committee was convened again, this time allowing the student to continue in the course.

## Faculty 2

In another anomalous process, a faculty received a large number of invigilator reports identifying potential academic misconduct at the end of the examination period in 2017. The faculty delayed hearings as it was an administratively busy period, and there had been staff turnover in the area. The students were advised by email that their marks would be withheld, pending formal processes early in the new year.

The students heard nothing until late May 2018, when a number began approaching the Service for advice on their withheld results. Upon contacting the Academic Programs Office in the faculty, we were advised that they intended contacting those students that afternoon, to invite them to hearings already organised for the following morning. The Service subsequently alerted the faculty to the error and the correct timelines for notice in relation to misconduct processes, and the allegation notices were reissued with the correct notice. This did not remedy the fact that the hearings were held outside of the allowed timeline of 20 working days after the deemed receipt of the allegation notice. In that context, it is worthy of note, that should students lodge appeals from such botched procedures, it would be reasonable to ask that the whole allegation be dismissed.

## Faculty 3

A different faculty emailed students facing examination misconduct allegations with a very confusing notice on 22 June (noting deemed receipt the following day 23 June). The notice stated that the students had 10 days to provide an initial response, included hearing dates inside that 10-day period, and erroneously instructing the students that their written submissions were due 5 days later. The same notice also cited penalties from the statute repealed in 2016.

## Recommendation

All staff responsible for administration of misconduct matters must be properly familiar with the relevant timelines. Templates used for allegation notices should be reviewed for incorrect timeline information. Staff convening committees should work backwards from the relevant deadlines afforded to students to respond when setting down hearing dates.

## Welcome (to) proportionality

We are happy to note a change to approach by both the Academic Board Appeals Committees, and in some cases at faculty hearings, to penalties for students who have submitted fraudulent medical documents. As we noted in the last Quarterly report, many of the students we had assisted earlier in the year had their enrolments terminated, with those outcomes upheld on appeal, even where there were clearly mitigating circumstances, and there were plausible arguments that the students had done so unwittingly.

However, while we welcome this change in approach, having proper regard to the principles of proportionality and accepting the naïveté of these students, it does leave us concerned that those students who were heard earlier in the year have been treated unfairly.

Additionally, we have seen one case recently where the facts in issue were very similar to some of those appeals which were subsequently upheld, but where the Board declined to consider the appeal, dismissing it on the papers without a hearing. That student is considering asking the Ombudsman Victoria for a review of the University's decision.

## Programmes this Quarter

### *Exam Support Stall*

Training was provided to 26 volunteers who staffed the Exam Support Stall during the examination period. A total of 2228 students received a service from the stall over the three weeks of exams. Volunteers complete two hour shifts, and set up and put away the marquee and table every day. Equipment is stored in the Royal Exhibition Building.

Volunteers answer a range of questions; provide directions on the location of facilities, and referral to discuss issues such as special consideration and academic misconduct. Those involved report that students appreciate the programme - at a time when many students need extra support because they are stressed and anxious.

The volunteers at the stall provide on-site information, advice, referral and support to students who sit exams at the Royal Exhibition Building in Carlton during the exam period (2-3 weeks in both June and November). The stall gives away water and clear plastic bags for pens and pencils, and sells assorted stationary, tissues and lollies for a nominal fee. Given the water is the single most requested item at the stall, we have been working on a way to provide water in reusable clear containers; however, negotiations with the Royal Exhibition Building to allow a water cart on site have not been fruitful so far. Signs are displayed reminding students not to inadvertently take their study notes or any unauthorised materials into the venue with them. The stall also has information about the Advocacy Service; an exam tips information card and information on other University services.

## Advocacy Service Statistics

### Comparative data – April - June 2018

This quarter 305 students were provided a service resulting in 952 contacts. In the same quarter last year, the service saw 238 students resulting in 544 contacts.

Additionally, the Advocacy website received over 9500 page views this quarter – which is an astonishing increase of more than 4000 views over the same period last year. The most popular pages were about misconduct, special consideration and assessment disputes.

## Distribution by primary issue

The primary issue is generally identified as the university process to which the student's main concern or problem relates. Data is classified in this way because it provides a standardised and more meaningful breakdown which may be useful for tracking policy trends amongst other things.

April- June 2018

All Students			Graduate Coursework students			RHD students		
Special Consideration	65	21.31%	Special Consideration	22	18.80%	Progress- HDR	14	56.00%
Assessment Dispute	39	12.79%	Assessment Dispute	15	12.82%	Supervision Problems	2	8.00%
Academic Misconduct- Plagiarism	33	10.82%	Academic Misconduct- Plagiarism	13	11.11%	Student complaint about uni staff	2	8.00%
Academic Misconduct- Exam	31	10.16%	Course Unsatisfactory Progress Committee	13	11.11%	Not Specified	2	8.00%
Academic Misconduct- Falsified docs	22	7.21%	Academic Misconduct- Exam	11	9.40%	Selection Appeal	1	4.00%
Course Unsatisfactory Progress Committee	20	6.56%	Academic Misconduct- Falsified docs	9	7.69%	Scholarship Issues	1	4.00%
Progress- HDR	14	4.59%	Student Admin- Remission of Fees	5	4.27%	Research Ethics	1	4.00%
Incorrect Advice	10	3.28%	Other	5	4.27%	General Misconduct	1	4.00%
Other	9	2.95%	Academic Misconduct- Collusion	4	3.42%	Assessment Dispute	1	4.00%
Student complaint about uni staff	8	2.62%	Vocational Placement Problems	4	3.42%			
Academic Misconduct- Collusion	7	2.30%	Incorrect Advice	3	2.56%			
Not Specified	7	2.30%	Student complaint about uni staff	3	2.56%			
Selection Appeal	6	1.97%	Course structure/changes	2	1.71%			
Student Admin- Remission of Fees	6	1.97%	General Misconduct	2	1.71%			
General Misconduct	6	1.97%	Not Specified	1	0.85%			
Vocational Placement Problems	4	1.31%	Selection Appeal	1	0.85%			
Student Admin- Enrolment problems	3	0.98%	Student Admin- Enrolment problems	1	0.85%			
Supervision Problems	3	0.98%	Student Admin- Exchange	1	0.85%			
Student Admin- Exchange	2	0.66%	Supervision Problems	1	0.85%			
Course structure/changes	2	0.66%	Discrimination	1	0.85%			
Equitable Accommodation (SC Rego)	2	0.66%						
Scholarship Issues	2	0.66%						
Bullying	2	0.66%						
Research Ethics	1	0.33%						
Discrimination	1	0.33%						

## April- June 2017

All Students			Graduate Coursework students			RHD students		
Special Consideration	55	22.82%	Special Consideration	17	14.05%	Progress- HDR	12	40.00%
Assessment Dispute	31	12.86%	Assessment Dispute	14	11.57%	Supervision Problems	7	23.33%
Course Unsatisfactory Progress Committee	29	12.03%	Course Unsatisfactory Progress Committee	13	10.74%	Not Specified	3	10.00%
Academic Misconduct- Exam	29	12.03%	Academic Misconduct- Exam	13	10.74%	Scholarship Issues	2	6.67%
Academic Misconduct- Plagiarism	24	9.96%	Academic Misconduct- Plagiarism	12	9.92%	Other	2	6.67%
Progress- HDR	12	4.98%	Progress- HDR	8	6.61%	Student complaint about uni staff	1	3.33%
Other	10	4.15%	Other	8	6.61%	Student Admin- Enrolment problems	1	3.33%
Supervision Problems	9	3.73%	Supervision Problems	6	4.96%	Intellectual Property Dispute	1	3.33%
Vocational Placement Problems	6	2.49%	Vocational Placement Problems	6	4.96%			
Student Admin- Enrolment problems	5	2.07%	Student Admin- Enrolment problems	5	4.13%			
Student Admin- Remission of Fees	5	2.07%	Student Admin- Remission of Fees	4	3.31%			
Academic Misconduct- Collusion	5	2.07%	Academic Misconduct- Collusion	3	2.48%			
Not Specified	4	1.66%	Not Specified	3	2.48%			
General Misconduct	3	1.24%	General Misconduct	2	1.65%			
Scholarship Issues	3	1.24%	Scholarship Issues	2	1.65%			
Advance Standing Credit/RPL	3	1.24%	Advance Standing Credit/RPL	2	1.65%			
Academic Misconduct- Falsified docs	2	0.83%	Academic Misconduct- Falsified docs	1	0.83%			
Equitable Accommodation (SC Rego)	2	0.83%	Equitable Accommodation (SC Rego)	1	0.83%			
Student complaint about uni staff	2	0.83%	Student complaint about uni staff	1	0.83%			
Admission- Selection Appeal	1	0.41%						
Intellectual Property Dispute	1	0.41%						

## Distribution by graduate/undergraduate status

### April- June 2018

Graduate	161	52.79%
Undergraduate	144	47.21%

### April- June 2017

Graduate	121	50.21%
Undergraduate	120	49.79%

## Distribution by International/Domestic Status

April- June 2018

Domestic	186	60.98%
International	119	39.02%

April- June 2017

Domestic	174	72.20%
International	67	27.80%

## Commentary

The proportion of graduate to undergraduate students was 52.79% to 47.21% (compared with 50.21% to 49.79% for the same period last year). This very consistent figure shows graduate students are slightly over-represented proportionate to their enrolment load which shows graduate enrolments at around 47% of all students. During this period 60.98% domestic and 39.02% international students presented to the service, last year in the equivalent quarter we saw 72.20% domestic students to 27.80% international students. This is a significant increase – with almost the entire increase in this quarter (over 2017) attributed to international students, making them significantly overrepresented. Looking at the breakdowns by issue below it is clear that this over representation appears to derive from matters related to examination misconduct – suggesting the University should urgently address awareness of examination rules among the international student cohort.

The primary presenting issue this quarter was special consideration, as is usual for a quarter featuring final assessment. Our data includes all processes related to special consideration, from advice on applications, through reviews and formal grievances to Academic Board Appeals. After special consideration matters, assessment disputes, plagiarism, examination misconduct, and significantly – academic misconduct involving fraudulent documents were the next most common issues.

The proportion of students with special consideration issues remained roughly the same as in the same period in 2017, as did assessment disputes, examination misconduct presentations reduced slightly, while academic misconduct related to the presentation of fraudulent documents represented over 7% of presentations this quarter, whereas in this quarter in 2017 we did not see any of these matters.

Special Consideration matters predominantly involved assistance with drafting and lodging formal grievances disputing the initial determination, with almost half involving initial applications, around a third involving internal reviews, and the balance related to appeal at the Academic Board. The reasons for applications, comprised both physical and mental health problems, and where the applications had been denied due to lateness, insufficient evidence or where no appropriate action was deemed. The majority of Special Consideration related matters involved students enrolled in the Faculty of Science, with Arts and Business and Economics following closely.

Around half of the assessment disputes involved informal assessment reviews with the examiner for reasons including problems with the conduct of assessment, and allegations of bias. There were also a number of presentations related to formal requests to the Head of Department for re-marking on similar bases, and procedural grievances regarding conduct of assessment. Almost a third of Assessment Disputes arose in the Faculty of Arts, followed by MDHS. The disputes were evenly spread between graduate and undergraduate students.

Finally, Examination Misconduct matters related to either the possession of unauthorised materials (such as notes, mobile phones, or calculators) or other breaches of examination rules, such as writing before or after the permitted exam time. These matters came predominantly from Science, Business and Economics, and Engineering.

As usual, the report concentrates on the top four issues for the quarter; however, further breakdowns against other primary issues and against various demographics are available on request.

### Special Consideration - By Stage of Process

STAGE	REASON	Total
Application	Mental Health	7
	Physical Health	1
	Late Application	18
		<b>26</b>
Internal Review	Insufficient grounds	10
	Late Application	5
		<b>15</b>
Formal Grievance	Deemed Insufficient Grounds	10
	Late Application	6
	Deemed No Appropriate Action	5
	Mental Health	2
		<b>23</b>
Appeal	Late application	1
Total Special Consideration Matters		<b>65</b>

### Special Consideration – by Faculty

Faculty of Science	15	23.08%
Faculty of Arts	12	18.46%
Faculty of Business and Economics	10	15.38%
Not Disclosed	7	10.77%
Melbourne School of Design (AB&P)	5	7.69%
Faculty of MDHS	5	7.69%
Melbourne School of Engineering	4	6.15%
Melbourne Graduate School of Education	4	6.15%
Melbourne Business School (MBS)	2	3.08%
VCA & Music	1	1.54%

### Special Consideration – by Graduate/Undergraduate

Undergraduate	41	63.08%
Graduate	24	36.92%

### Special Consideration – by International/Domestic

Domestic	39	60.00%
International	26	40.00%



### Assessment Disputes- By Stage of Process

STAGE	REASON	Total
Informal/assessment review with examiner	Conduct of Assessment	13
	Allegation of Examiner Bias	5
		<b>18</b>
Formal request for remark	Conduct of Assessment	11
	Allegation of Examiner Bias	3
	Admin Error	3
		<b>17</b>
Formal Grievance	Conduct of Assessment	4
Total Assessment Dispute Related Matters		<b>39</b>

### Assessment Disputes – by Faculty

Faculty of Arts	12	30.77%
Faculty of MDHS	8	20.51%
Melbourne School of Engineering	4	10.26%
Melbourne School of Design (AB&P)	4	10.26%
Not Disclosed	4	10.26%
Faculty of Business and Economics	3	7.69%
Not Yet Admitted	1	2.56%
Melbourne Law School	1	2.56%
Melbourne Graduate School of Education	1	2.56%
Faculty of Veterinary and Agricultural Sciences	1	2.56%

### Assessment Disputes – by Graduate/Undergraduate

Graduate	19	51.28%
Undergraduate	20	48.72%

### Assessment Disputes – by International/Domestic

Domestic	29	74.36%
International	10	25.64%

## Examination Misconduct - By Stage of process

STAGE	REASON	Total
Formal/Committee Hearing	Breach of Exam Rules	10
	Unauthorised Materials	10
		<b>20</b>
Informal/Educative	Breach of Exam Rules	1
	Unauthorised Materials	1
		<b>2</b>
Unspecified		9
Total Exam Misconduct Related Matters		<b>31</b>

## Examination Misconduct – by Faculty

Faculty of Business and Economics	7	22.58%
Melbourne School of Engineering	7	22.58%
Faculty of Science	6	19.35%
Not Disclosed	3	9.68%
Faculty of Arts	2	6.45%
Faculty of Veterinary and Agricultural Sciences	2	6.45%
Melbourne Business School (MBS)	2	6.45%
Faculty of MDHS	1	3.23%
Melbourne School of Design (AB&P)	1	3.23%

## Examination Misconduct – by Graduate/Undergraduate

Undergraduate	18	58.06%
Graduate	13	41.94%

## Examination Misconduct – by International/Domestic

Domestic	11	35.48%
International	20	64.52%

### Academic Misconduct – Fraudulent Medical Documentation - By Stage of process

STAGE	REASON	Total
Formal/Committee Hearing	Termination of Enrolment	8
Academic Board Appeal	Termination of Enrolment	10
	Suspension – 1 Semester	1
Unspecified		2
Total Fraudulent Doc Related Matters		22

### Academic Misconduct – Fraudulent Medical Documentation – by Faculty

Faculty of Business and Economics	8	36.36%
Melbourne Business School (MBS)	3	13.64%
Melbourne School of Design (AB&P)	3	13.64%
Not Disclosed	2	9.09%
Faculty of Science	2	9.09%
Melbourne School of Engineering	2	9.09%
Faculty of MDHS	1	4.55%
Melbourne Graduate School of Education	1	4.55%

### Academic Misconduct – Fraudulent Medical Documentation – by Graduate/Undergraduate

Undergraduate	13	59.09%
Graduate	9	40.91%

### Academic Misconduct – Fraudulent Medical Documentation – by International/Domestic

Domestic	5	22.73%
International	17	77.27%

### Public Advocacy and University Liaisons

The service is always keen for opportunities to speak to staff at the University to demystify our role and explain the services we provide and how we can work together to further student interests.

Staff in the Advocacy Service liaised with the University Community in the following ways over the period:

Date	Description	Location
27-Apr-18	Presented on scope of Advocacy Service and best referral protocol to Student Service Representatives as part of their induction as new staff at Stop 1.	Stop 1

The next Advocacy Service report will cover the quarter July to September 2018 and will be available in early October 2018.

Phoebe Churches

**Manager, Advocacy & Legal**

**July 2018**