

## Student Union Advocacy Service Report January - March 2017

### Introduction

This quarter features casework predominantly focused on appeals to the Academic Board in relation to CUPC decisions, academic misconduct, and Special Consideration determinations.

### Trends and Issues this Quarter

#### ***You Gotta Have Faith***

Notwithstanding that a large volume of Special Consideration applications are successfully processed every year at this University, we nevertheless observe a persistent and unfortunate ethos in relation to some aspects of the process. Increasingly it appears that one premise underpinning the special consideration process, particularly at the faculty stage, is a presumption that the process is widely undertaken by students in bad faith, is rife with abuse, that students are out to “game” the system, or are attempting “strategic behaviours”.

This is evidenced in a number of ways; from insensitive and disproportionate interrogations of students’ histories of illness, through the questioning of doctor’s credentials as a way of discrediting evidence, and adverse inferences of “doctor shopping”, when in fact students have been directed to get multiple pieces of evidence to support a review of their claim. We have also been troubled by suggestions during appeal hearings that a “track record” of interactions with special consideration is *prima facie* evidence of an abuse of process, rather than simply being consistent with suffering from a chronic illness. In this context, the University needs to be clear about the purpose of these lines of questioning. Simply establishing that a student has a chronic condition which requires accommodation from time to time is not a valid reason to find they are ineligible.

#### **Recommendation**

The University should undertake a review of attitudes among those charged with decision making. It may be that compassion fatigue or workload has fostered this attitude, and that there needs to be some rotation or refreshing of staff undertaking these difficult assessments.

In any event, where the documentation makes clear that an adjustment is warranted, there needs to be flexibility and initiative in assessing students’ circumstances, and then applying the relevant policy; whether it’s Special Consideration or an adjustment for ongoing issues.

#### ***When special is not special enough***

We saw a number of matters this quarter relating to applications for special consideration in relation to special assessment already granted as a result of a previous special consideration application – also known as “special on special”.

These matters have revealed a view from decision makers at SEDS, and in the determination of formal grievances – that the threshold for a second or subsequent application is higher than the first. Decisions related to subsequent applications for special consideration in relation to special assessment already granted have cited a requirement that the student’s circumstances must be different and more exceptional from the first application. The rationale appears to be that circumstances must be *different* in order to also be “exceptional”.

This shifts the focus to a requirement that the circumstances differ from the original condition, notwithstanding that the supporting documentation (including cases where there were separate letters from treating physicians) clearly and comprehensively explain that the student was not well enough to perform supplementary assessment as scheduled.

A student's attendance at a supplementary or special exam was held to be itself evidence that the student was not sufficiently incapacitated (despite the clear advice given to students that they should always attempt examinations if they possibly can). We also saw a decision citing the absence of hospitalisation as evidence the subsequent illness was not more exceptional than the original condition.

The theme of raising the threshold of severity for subsequent applications also appeared in the determinations of some formal grievances, where the term 'unique' was introduced as a threshold for eligibility.

The net effect of these decisions was generally to refuse an outcome to students who had remained affected by the condition requiring special consideration in the first place, or relapsed at the time special assessment was offered. Accordingly, those students simply failed the assessment, despite special consideration being granted in the first instance.

This has come about through what we regard as an erroneous interpretation of policy. We suggest by applying the usual methods of statutory interpretation, the construction of the provisions under ss 4.131 and 4.132 is quite clear. The two sections are grouped together under a single heading which indicates they should be read together. It is our belief that the intention of these sections is that one does not derogate from the other – in other words, if the conditions of 4.131 are not met, then 4.132 may still apply.

#### ***Further special consideration or assessment adjustments***

*4.131. Special consideration applications relating to a particular assessment task or variation to assessment for which special consideration has already been granted are only considered in exceptional circumstances and, in those cases, only once.*

*4.132. Where a student is unable to complete special assessments, the dean may withdraw the student from the subject and adjust their study plan accordingly.*

We are pleased to note that this interpretation was preferred in several Academic Board appeals which upheld the student's request for further special consideration.

#### **Recommendation**

Decisions should proceed on the footing that the policy requires only that the circumstances are exceptional, and this is defined exclusively with reference to the circumstances of the student. There is no definition in the policy which describes exceptional circumstances by reference to the circumstances of the previous application.

Consideration should be given to the proposition that the *exceptional* nature of the circumstances is in fact that the student remains sick at the time they have been offered a special assessment. Duration of illness can itself be exceptional, not just the type of illness.

#### ***Who is the appropriate representative of the decision being appealed?***

This quarter, in a number of special consideration matters which proceeded to appeal, we noted that staff from SEDS appeared as the representative providing information to the committee regarding the reasons for the decision being appealed, rather than the most recent decision maker (i.e. the Principal Advisor, Student Grievances and Complaints). Additionally, the response to the students' appeal submissions were provided by SEDS, and therefore did not relate to the reasons underpinning the formal grievance decision – which addressed the grounds for the formal grievance. This means the response to the appeal submission was silent on what was considered through the grievance stage. Some responses made mention of the fact that the student had included documentation that was not considered initially in the appeal submission, but provided no insight on whether this would have impacted the original decision made; and where this information was subsequently provided in the formal grievance, there was no information on how that new information was evaluated.

### **Recommendation**

Given that the formal grievance stage is established as an independent review of an original decision, and is the decision being appealed, it is appropriate that it is that the formal grievance determination, rather than the decision at first instance, which is represented at appeal.

### ***Informal Resolution – a very short road***

Where the internal reviewer at SEDS notes that they had not seen or considered documentation which had in fact been provided in the application for review, it would seem prudent that the student could draw the attention of the reviewer to the material they had overlooked and request it be considered in the light of that evidence. This was certainly the case this time last year. However, this quarter the review appears to be the end of the road for informal resolution, with students being directed that any further consideration of their case must be via pursuing a formal grievance.

For our Service this is extremely frustrating. Rather than a simple 'heads up' to SEDS that they had overlooked some documentation – with a review to a quick informal resolution of these sorts of procedural errors, we must assist students to compile a full formal grievance before the oversight can be remedied.

### **Recommendation**

Pointing students to the complaints and grievances process straight from any review of the initial decision is problematic; it unnecessarily complicates problems, delays simple resolutions, and shifts the burden to other parts of the process which are already under stress. There should be some method by which procedural oversights or other known issues material to the decision can be informally raised prior to the necessity to lodge a formal grievance.

Further, in the context of the revised service delivery model discussed below, diverting students to Advocacy at this point reduces the resources available to provide advice to students who are engaged in formal grievance processes where the process is being properly applied.

## **Changes to the Advocacy Service Delivery Model**

Every February the entire Service gets together off campus for a planning day to evaluate how we are tracking against the past year's strategic plan and KPIs, and to look toward the next 12 months. This year the focus was on how to improve responsiveness in the face of relentless demand, and how to provide a more nuanced and flexible approach to service delivery. The goal was to find a model which accommodates more than the former reactive, appointment-based casework paradigm.

In anticipation of this focus at planning day this year, late last year we introduced an extra question into our contact form to ascertain how many students actually preferred face to face appointment based contact in the first instance. We were not really surprised to find that only a very small proportion indicated that they want to see someone in person from the first contact. Further, those who did, preferred to be able to drop in when it suited them, rather than have to wait for an appointment.

On the strength of this, the service has begun trialling a new service delivery approach which has already improved our response times, allowed us to target more vulnerable or high needs students, as well as get some time to progress research and other projects which we have always struggled to get to.

The Service operates from a self-help paradigm, where we seek to empower and equip students to deal with their matter themselves via the provision of policy and strategic advice, and feedback. In some instances, such as for formal University hearings, we also provide advocacy and representation.

We see building students' capacity to negotiate the systems and processes involved in a University education, as part of that education.

To initiate contact, students can call us on (03) 8344 6546 – if the phone is not answered, they can leave a voicemail and we will return the call as soon as possible. Alternatively, they can attend a 10-15-minute consultation during our drop-in clinic between 2-4 PM Monday to Thursday at our offices on Level 3 Union House at the Parkville campus; or they can fill out our contact form on the website. This first contact allows us to provide immediate preliminary advice, and if necessary, to assess the best way to provide further assistance. Students are asked to provide detailed information regarding their issue, the steps they have taken to resolve it, and as much relevant documentation as possible to assist us to respond quickly and effectively. Relevant documentation may be letters that their faculty have sent, copies of emails or other correspondence, and/or support documents from a health care practitioner, psychologist or counsellor.

Students responding to a notice from the University, or submitting a complaint/grievance, are generally provided with preliminary advice via email in the first instance to assist them to begin a rough draft response or submission. We then review and provide feedback on their efforts over email in order to make best use of appointment times – usually to prepare for a hearing or other meeting.

We will be evaluating the new approach via our annual survey, and reviewing its efficacy at our mid-year service review meeting.

## **Statistics**

### ***January-March 2017***

306 students were provided a service resulting in 759 contacts with the service.

### ***January-March 2016***

226 students were provided a service resulting in 787 contacts with the service.

Additionally, the Advocacy website received just over 4500 page views this quarter. Due to the change this quarter in service delivery model, we received more than 500 hits to our contact form. Other popular pages included information on misconduct, grievances and complaints, special consideration, assessment disputes and volunteering opportunities.

### ***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. Additionally, this classification system aligns with the general methodology employed by the service in providing advice and problem solving support to students. Specifically, while students may express their issues in a multitude of ways, the primary issue is identified according to the policy or procedure by which the University provides possible resolutions.

January-March 2017

All Students			Graduate Coursework students			RHD students		
Course Unsatisfactory Progress Committee	134	43.51%	Course Unsatisfactory Progress Committee	42	48.28%	Supervision Problems	9	45.00%
Special Consideration	69	22.40%	Special Consideration	15	17.24%	Progress - HDR	5	25.00%
Academic Misconduct - Exam	14	4.55%	Academic Misconduct - Exam	4	4.60%	Student complaint about uni staff	1	5.00%
Supervision Problems	12	3.90%	Academic Misconduct - Plagiarism	4	4.60%	Student Admin - Enrolment problems	1	5.00%
Assessment Dispute	11	3.57%	Student complaint about uni staff	3	3.45%	Scholarship Issues	1	5.00%
Academic Misconduct - Plagiarism	10	3.25%	Admission - Selection Appeal	3	3.45%	Other	1	5.00%
Student Admin - Enrolment problems	9	2.92%	Assessment Dispute	3	3.45%	Course Unsatisfactory Progress Committee	1	5.00%
Academic Misconduct - Collusion	8	2.60%	Student Admin - Exchange	2	2.30%	Not Specified	1	5.00%
Student complaint about uni staff	7	2.27%	Student Admin - Enrolment problems	2	2.30%			
Admission - Selection Appeal	5	1.62%	Advance Standing Credit/RPL	2	2.30%			
Progress - HDR	5	1.62%	Academic Misconduct - Collusion	2	2.30%			
Advance Standing Credit/RPL	4	1.30%	Quality Teaching	1	1.15%			
Not Specified	3	0.97%	Vocational Placement Problems	1	1.15%			
Student Admin - Remission of Fees	3	0.97%	Student Admin - Remission of Fees	1	1.15%			
Vocational Placement Problems	2	0.65%	Supervision Problems	1	1.15%			
Incorrect Advice	2	0.65%	Incorrect Advice	1	1.15%			
Student Admin - Exchange	2	0.65%						
Academic Misconduct - Falsified docs	1	0.32%						
Bullying	1	0.32%						
Equitable Accommodation (SEAP)	1	0.32%						
Other	1	0.32%						
Quality Teaching	1	0.32%						
Scholarship Issues	1	0.32%						
Student Admin - Graduation	1	0.32%						
General Misconduct	1	0.32%						

January-March 2016

All Students			Graduate Coursework students			RHD students		
Course Unsatisfactory Progress	160	68.67%	Course Unsatisfactory Progress	35	59.32%	Progress - HDR	9	47.37%
Assessment Dispute	15	6.44%	Assessment Dispute	7	11.86%	Supervision Problems	5	26.32%
Special Consideration	11	4.72%	Student Admin - Enrolment problems	5	8.47%	Other	2	10.53%
Student Admin - Enrolment problems	9	3.86%	Special Consideration	3	5.08%	Student complaint about uni staff	1	5.26%
Not Specified	8	3.43%	Admission - Selection Appeal	2	3.39%	Scholarship Issues	1	5.26%
Admission - Selection Appeal	8	3.43%	Not Specified	2	3.39%	Assessment Dispute	1	5.26%
Supervision Problems	6	2.58%	Vocational Placement Problems	1	1.69%			
Advance Standing Credit/RPL	3	1.29%	Supervision Problems	1	1.69%			
Student complaint about uni staff	2	0.86%	Student complaint about uni staff	1	1.69%			
Scholarship Issues	2	0.86%	Advance Standing Credit/RPL	1	1.69%			
Progress - HDR	2	0.86%	Academic Misconduct - Plagiarism	1	1.69%			
Academic Misconduct - Plagiarism	2	0.86%						
Other	2	0.86%						
Vocational Placement Problems	1	0.43%						
Academic Misconduct - Falsified docs	1	0.43%						
Academic Misconduct - Collusion	1	0.43%						

### **Distribution by graduate/undergraduate status**

January-March 2017

Graduate	130	42.48%
Undergraduate	176	57.52%

January-March 2016

Graduate	85	37.61%
Undergraduate	141	62.39%

### **Distribution by International/Domestic Status**

January-March 2017

Domestic	173	56.54%
International	133	43.46%

January-March 2016

Domestic	150	66.37%
International	76	33.63%

### **Distribution of cases over all by Faculty/School – January-March 2017**

In order to make the following data more meaningful the relative weighting of faculties by enrolment has been included. While this is useful in partially normalising the data - it is not possible to draw conclusions as to *why certain* faculties may be over or under represented in presentations to this service. For example, high representation may reflect an active referral policy within that faculty or it may disclose certain procedural issues in that area. In relation to the consistent overrepresentation of Science students in this data – please refer to Appendix A – *Report on research regarding over representation of Science students in Advocacy Service Casework.*

	Number of cases and as a proportion of all cases.		Enrolments in the faculty as a proportion of students enrolled at university	Indication of relative representation in Advocacy casework
Faculty of Science	73	23.86%	12.20%	>>>
Faculty of Veterinary and Agricultural Sciences	22	7.19%	3.87%	>>>
VCA & Music	5	1.63%	6.12%	<<<
Faculty of MDHS	32	10.46%	17.73%	<<<
Law School	4	1.31%	4.69%	<<<
Faculty of Arts	37	12.09%	15.48%	<<
Faculty of Business and Economics	52	16.99%	17.88%	<
Melbourne School of Engineering	32	10.46%	11.05%	<
Melbourne Graduate School of Education	13	4.25%	5.67%	<
Faculty of Architecture, Building and Planning	16	5.23%	4.96%	=
Melbourne Business School (MBS)	8	2.61%	-	-



## Commentary

The proportion of graduate students presenting to the service has increased from the same quarter last year and it is roughly equivalent to the current student load data which shows graduate enrolments at around 47% of all students.

There were 173 domestic students and 133 international students seen in this period (compared with 150 to 76 in the same period last year). This represents a much more even split between domestic and international students than the equivalent quarter last year. This was especially clear in the breakdown of the CUPC data – which was almost half/half.

Course unsatisfactory progress continues to be the primary issue across all students at this time of year. Among graduate coursework students, special consideration, plagiarism, and examination misconduct constituted more than 20% of the presenting issues. The next most common matter concerned complaints about staff. This is the first time for a number of quarters that assessment disputes have moved from one of the top presenting issues. For research higher degree students, for the first time in five years, supervision problems eclipsed research progress as the most common presenting issue.

Assessment disputes eclipsed special consideration issues for the first time in many quarters. It is difficult to know if this represents some improvements with the new special consideration regime or an increase in problems with students' experience of grading – however time will tell if this is a trend worth further analysis.

Presenting students came from 11 schools and faculties. Science students continued to be the most frequently over-represented proportionate to their enrolment load. See *Appendix 1* of this report for a detailed examination of the over-representation of science students at our service.

### ***Course Unsatisfactory progress - By Faculty/School***

Faculty of Science	35	26.12%
Faculty of Business and Economics	34	25.37%
Melbourne School of Engineering	14	10.45%
Faculty of MDHS	10	7.46%
Melbourne Graduate School of Education	8	5.97%
Faculty of Veterinary and Agricultural Sciences	8	5.97%
Unspecified	7	5.22%
Faculty of Architecture, Building and Planning	6	4.48%
Faculty of Arts	5	3.73%
Melbourne Business School (MBS)	4	2.99%
Law School	2	1.49%
VCA & Music	1	0.75%

### ***Course Unsatisfactory progress – by Graduate/Undergraduate***

Undergraduate	86	64.18%
Graduate	48	35.82%

### ***Course Unsatisfactory progress – by International/Domestic***

Domestic	71	52.99 %
International	63	47.01%

**Special Consideration - By Faculty/School**

Faculty of Science	16	24.24%
Faculty of Arts	14	21.21%
Faculty of Business and Economics	10	15.15%
Melbourne School of Engineering	6	9.09%
Faculty of MDHS	6	9.09%
Faculty of Veterinary and Agricultural Sciences	5	7.58%
Faculty of Architecture, Building and Planning	4	6.06%
Law School	2	3.03%
Unspecified	2	3.03%
Melbourne Business School (MBS)	1	1.52%

**Special Consideration – by Graduate/Undergraduate**

Undergraduate	43	64.18%
Graduate	24	35.82%

**Special Consideration – by International/Domestic**

Domestic	38	56.72%
International	29	43.28%

**Examination Misconduct – By Faculty/School**

Faculty of Business and Economics	5	35.71%
Graduate School of Business and Economics	2	14.29%
Melbourne Business School (MBS)	2	14.29%
Unspecified	1	7.14%
Faculty of Architecture, Building and Planning	1	7.14%
Faculty of Arts	1	7.14%
Faculty of Science	1	7.14%
Melbourne School of Engineering	1	7.14%

**Examination Misconduct – by Graduate/Undergraduate**

Undergraduate	10	71.43%
Graduate	4	28.57%

**Examination Misconduct – by International/Domestic**

Domestic	7	50.00%
International	7	50.00%

**Supervision Problems - By Faculty/School**

Faculty of MDHS	4	33.33%
Faculty of Science	3	25.00%
Faculty of Arts	3	25.00%
Melbourne Graduate School of Education	2	16.67%

**Supervision Problems – by Graduate/Undergraduate**

Graduate	5	55.56%
Undergraduate	4	44.44%

**Supervision Problems – by International/Domestic**

Domestic	9	75.00%
International	3	25.00%

The next Advocacy Service report will cover the quarter April to July 2017 and will be available in early August 2017.

## Research regarding over representation of Faculty of Science students in Advocacy Service Casework

### Background

During the course of 2016, the Advocacy Reference Group noted the over representation of students enrolled in the Faculty of Science in the Advocacy Service's Quarterly Service Report statistics. Accordingly, the Chair of the Reference Group requested further exploration of the possible causes for this phenomenon, and present a report to the second meeting of 2017.

The data regarding presentation of students by faculty of enrolment is normalised by indicating the proportion of students from that faculty presenting to the Service, against the proportion of students enrolled in that faculty as a percentage of overall enrolments.

The table below represents the factor by which students enrolled in the Faculty of Science were over represented in presentations to the Advocacy Service in the relevant quarter.

Quarter	Casework proportion	Proportion enrolled	Factor of over representation
1/2013	20.78%	10.74%	2
2/2013	13.51%	10.74%	1
3/2013	21.54%	11.21%	2
4/2013	23.75%	11.21%	2
1/2014	28.38%	11.21%	3
2/2014	10.08%	11.21%	1
3/2014	33.55%	11.21%	3
4/2014	17.39%	11.21%	2
1/2015	27.17%	12.62%	2
2/2015	18.84%	12.62%	1
3/2015	31.57%	12.62%	3
4/2015	11.98%	12.62%	1
1/2016	34.25%	12.62%	3
2/2016	14.14%	12.62%	1
3/2016	31.57%	12.62%	3
4/2016	24.47%	12.20%	2
1/2017	23.86%	12.20%	2

From this summary it is clear that in 12 of the preceding 17 quarters, Science students were over represented by a factor of two to three.

### Methodology

To drill down and attempt to determine causality for this phenomenon, we undertook two main methods of enquiry. Firstly, we examined the table above for correlations or patterns which might bear further investigation. We also collected extra information from students in the course of general casework intake during the months of October, November and December 2016. Specifically, we collected data regarding the specific subject to which the presenting problem related from 486 contacts, and this forms a snapshot of casework from which the following analysis is provided.

### Findings

An analysis of the above table for discernible patterns between quarters, and the degree of over representation did indicate some (albeit slightly irregular) correlations. The occurrences of presentation which were on or close to parity with enrolment load tended to be the second quarter each year (with one exception in 2015 where it also occurred in the fourth quarter). The casework in these quarters tends to focus on assessment issues, particularly special consideration, grade disputes, and academic misconduct.

The most significant discrepancy between presentation and enrolment load - up to three times as many students from science than the proportion of overall enrolment –*always* occurred in quarters 1 and 3. This is highly significant as these two quarters take in the CUPC and CUPC appeal hearing periods. Cross referencing with the breakdown of faculties represented by common presenting issue – supports a high correlation between Science as the most represented faculty in CUPC matters.

Quarter	Most populous issue	Faculty
1/2013	CUPC	Science
2/2013	Special Consideration	Arts
3/2013	CUPC	Engineering / Science
4/2013	CUPC	Science
1/2014	CUPC	Science
2/2014	Special Consideration	Science & Business / Economics
3/2014	CUPC	Science
4/2014	CUPC	Science
1/2015	CUPC	Science
2/2015	Special Consideration	Science / ABP/MSD
3/2015	CUPC	Science
4/2015	CUPC	Engineering
1/2016	CUPC	Science
2/2016	Special Consideration	Arts
3/2016	CUPC	Science
4/2016	CUPC	Science
1/2017	CUPC	Business & Economics

With respect to the subject based snapshot data from the last quarter of 2016 - of the 23% of casework involving Science students - over half were Course Unsatisfactory Progress (CUPC) matters, a quarter were special consideration disputes, around 15% involved a form of academic misconduct (collusion, exam or plagiarism) and the remaining 10% were made of assessment disputes, supervision issues, staff/quality of teaching and selection related matters. Moreover, while students from the Faculty of Science were the most highly represented – at 23% of all casework - Science subjects were specifically identified as the critical issue in only 9% of the matters which centred on particular subjects.

Testing the hypothesis that certain Science subjects may be correlated with (and possibly causally related to) the high presentation of Science students at the service – we found that MAS10007 *Linear Algebra* was one of the most common science subjects – representing 4% of all presenting subjects for the period. However, ELEN90066 *Embedded System Design*, an Engineering subject, and the Business and Economics subject ECON10004 *Introductory Microeconomics* each also accounted for 4% of presenting subjects. Ultimately, all were eclipsed by ECON10003 *Introductory Macroeconomics*, which came in at 5% of the total. This does not reflect a significant correlation between Science subjects and presentation at the Advocacy Service.

### Conclusion

I would not like to over-state the rigour of this ‘research’, and consequently it would not be safe to express definitive conclusions about any of this analysis. However, in the interests of avoiding the clichéd ‘this just needs more research’ trope – I will venture some speculative conclusions (while noting this does bear further investigation).

There is insufficient data to support the hypothesis that specific science subjects are the culprit for the over representation. However, there is a stable correlation with CUPC matters, and this is worth investigating further. On the data analysed, there is nothing obvious to suggest why there should be proportionately more science students seeking assistance from the Service in relation to CUPC matters than students from other faculties. To this end, we will need to collect further data regarding the subjects involved in CUPC matters, which can then be cross-referenced with demographic data, and the status of the process (advice/hearing/appeal) to ascertain whether there is any discernible cause. It would also be useful to obtain data from the University regarding relative numbers of students from each faculty in the CUPC process.