

Student Union Advocacy Service Report October - December 2016

Introduction

In line with the University's coursework cycles, demand on the service typically peaks in the final quarter of the year, as it takes in an assessment period involving special consideration applications, assessment disputes, and academic misconduct allegations, as well as the beginning of the Course Unsatisfactory Progress season. Accordingly, the October-December Quarter is always extremely busy for the Service; and this last quarter has been no exception – continuing to outstrip all previous demand.

Trends and Issues this Quarter

Issues of note this quarter were the dramatic increase in academic misconduct allegations, and (of course) special consideration disputes.

Exam Misconduct explosion

In first semester, we saw precisely no cases of examination misconduct. In the same quarter in 2015, the service assisted 11 students facing examination misconduct allegations. This quarter – there were no fewer than 62 students presenting for assistance in responding to examination misconduct allegations. An increase of more than 460%.

We are of the view that the increased allegations are a result of a deliberate change of practice to examination supervision, with a zero-tolerance approach to any and all suspected breaches of exam rules; rather than being indicative of a surge in dishonesty among students.

We understand the University's motives - having regard to recent media reports which have real potential to affect the University's reputation, as well as a shift over time in student perceptions of the importance of compliance with University rules and regulations in examinations. However, after reviewing a large volume of allegations we began to believe the initiative exhibited hallmarks of a knee jerk moral panic, rather than a considered, carefully conceived strategy.

The problem appears to lie in the allocation of insufficient resources to accomplish this approach fairly and reasonably. Invigilators are employed to observe and report – 'invigilate' comes from the Latin which literally means 'to keep watch'. Invigilators are not equipped to make authoritative determinations regarding the significance or otherwise of what they report. Their role is merely to determine *prima facie* whether behaviour or activities are non-compliant or there is a reasonable suspicion they may be a breach of the rules.

For this reason, we do not expect invigilator reports to evidence nuanced or sophisticated decision making – only detection and recording. This will necessarily lead to reports of every potential breach, no matter how minor. In a number of cases, students reported to us that the invigilator had apologised that they were required to make a report, but apparently reassured the students it would be unlikely to proceed to an allegation, given the breach was so marginal.

However, those students did in fact face formal allegations and most were penalised with mark deductions at least. We are of the view that in a number of these cases, there was no intermediate step involving a decision maker with sufficient authority and experience to properly assess *prima facie* whether the conduct reported met the required threshold to proceed formally. We also saw a number of cases that were simply frivolous or trivial proceed to hearings, only to be dismissed.

Recommendation

There needs to be a level of decision making between the reporting function of the on-site invigilators and a full formal committee. Additionally, we recommend consideration of new provisions under the Regulations to allow a report of extremely minor breaches to result in a caution letter of a general nature to students suspected of breaches. This would send the appropriate warning to careless students while avoiding the extreme distress and disruption many students and their families experienced by the formalisation of *de minimis* breaches.

Invigilators should be clearly briefed that they are not permitted to speculate on the potential outcomes of their reports when notifying students of suspected breaches.

More Misconduct Misfires

There were a few other issues last quarter in relation to misconduct matters worthy of brief mention.

Some faculties continued to refer to the repealed statute 13.1 and inoperative penalties in their allegation notices. This may seem trivial, however bearing in mind that presumably the message the University wishes to send to students is that they should always take due care, sloppy administrative mistakes are not on message, and tend to foster perceptions of hypocrisy with students.

In some cases, faculties opted only to send a screen shot of the invigilator report from the database, rather than a scan of the original hand completed Exam Incident Report. The scan of the original report includes time of the incident and some other details not listed in the database. This is significant because it may be relevant to support a student account, e.g. where the student maintains the incident occurred in reading time rather than during exam and the report also evidences this.

Finally, we saw several cases where invigilators confiscated notes which were in fact allowed under the exam rules. Those actions were subsequently reversed on advice from academic staff, but only after there had been significant disruption. In such cases we hope that the impact on students is properly taken into account when grading the papers.

There are Reasons behind all Decisions¹

The explanations (if any) of the reasoning behind outcomes in misconduct cases communicated to students in outcome notices continue to lack sufficient detail. However, in the absence of clear reasons for the selection of a penalty, it is often difficult for us to determine the relative merit of an appeal. Students must demonstrate grounds for an appeal, and where no meaningful reason for a penalty is provided, it is often a matter of speculation as to whether a severe penalty is proportionate due to some aggravated circumstances for example, or arguably manifestly harsh.

Recommendation

Committees should make express their basis for selecting one penalty over another possible penalty in outcome notices.

Special Consideration

We are happy to report a slight decline in the presentation of matters relating to special consideration: this time last year over 16% of presenting issues related to special consideration whereas this quarter it was closer to 14%.

We are very pleased to see more thorough reasons provided for negative special consideration decisions. This both helps us to advise students on the merits of seeking review, and also makes it much easier to present a complaint via coherent and compelling arguments, which ultimately assists the reviewer to see quickly the issue or facts in dispute.

However, more transparent communication of reasons also sometimes discloses some rather unusual applications of logic in the decision-making process. For example, a conflation of a students' *capacity* to withdraw from subjects, with their *decision* to withdraw. Some reasons for ineligibility indicate that the decision maker regards a decision to withdraw from a subject in a timely way necessarily invalidates a subsequent request for late withdrawal from another subject in the same semester. Notwithstanding that a student may legitimately *decide* to withdraw from a subject for one particular reason, and remain enrolled in others. The fact of a timely withdrawal has no relevance at all if, after the last date to withdraw, the student becomes too unwell to complete the remaining subjects.

We have also continued to see a range of decisions by faculties which suggest a very uneven and inconsistent application of the guidelines. This is evidenced by a number of complaints featuring applications across two faculties - where one faculty has granted the application and the other has refused it. It is plausible that this might occur due to differences in inherent academic requirements. However, the reasons given in these cases relate to an interpretation of the eligibility guidelines rather than academic concerns. We have also seen decision making which indicates a clear movement of goalposts. For example, one faculty cited ineligibility because the student had not demonstrated that they were unable to withdraw prior to the last date to withdraw without academic penalty. The student subsequently sought and presented

¹ Jaime Tenorio Valenzuela

documentation from their health care practitioner which accounted for this. In response, the decision maker then cited ineligibility because the student had not applied for a late withdrawal within three days of the last assessment. Again, the student sought and presented further evidence to account for this. The decision maker maintained the application was ineligible, this time because the student had previously withdrawn (in a timely way) from a different subject earlier in the semester, which the decision maker took to be evidence of a capacity to withdraw from the other subjects at that time.

Recommendation

Decisions should be carefully checked to ensure they are not tainted by cognitive biases or logical fallacies which produce unfair and indefensible outcomes. Additionally, to avoid 'moving the goalposts' all relevant reasons for a decision should be presented at the time the decision is made.

Programmes this Quarter

Exam Support Stall at Royal Exhibition Building

The stall sells water, assorted stationary, tissues and lollies for a nominal fee. Additionally, students may borrow approved calculators and clear plastic bags for their pens etc. 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. Volunteers do two hour shifts, answering a range of questions, providing directions on the location of facilities, and referral to the Advocacy Service to discuss issues such as special consideration and academic misconduct.

This quarter 3256 students accessed the services provided at the stall.

The Advocacy Service is ever grateful for the support of examination administration and the staff at the Royal Exhibition Building who make this initiative possible.

Peer Support Programme at Course Unsatisfactory Progress Meetings

This quarter 197 students were assisted by 18 peer support volunteers.

The PSP attracts volunteers via an advertising campaign using the Student Portal, posters, the Student Union web site and word of mouth. We train a cohort of between 15 and 20 volunteer students every semester. Only students in their second year or beyond are eligible. Training is compulsory and is conducted over a full day. The training provides the volunteers with a solid overview and context for the academic progress review procedures conducted across the University, including the requirements of procedural fairness and the statutory role of the support person in this process. Additionally, the training informs the volunteers about the university's support services and provides practical experience and development of skills required to approach, support and interact with students who are very stressed or even distressed.

The PSP is coordinated by the Student Services Officer who manages the day-to-day rostering and support of volunteers.

Student Governance Initiative - training for student members of Misconduct Committees

On 17 November 2016, the Service, in collaboration with the Academic Secretary and the delegate of the Academic Registrar, delivered training to current and incoming UMSU student representatives participating as members of academic and general misconduct committees, at both original and appellate levels.

The training covered a range of principles underpinning good administrative decision making in this context, including the requirements of procedural fairness, the principles of proportionality and consistency, and mitigating or aggravating factors in issuing penalties.

The training was supported by a handbook - the Handy Guide to Good Decision Making on Discipline Committees. Please get in touch with the service if you would like a hard copy. Electronic versions are available here: <http://umsu.unimelb.edu.au/need-help/advocacy/research-publications/>

Statistics

Comparative data

This quarter 613 students were provided a service resulting in 1140 contacts. In the same quarter last year, the service saw 198 students which resulted in 876 contacts with the service. The primary focus of casework at this time of year is coursework assessment and course unsatisfactory progress. This included assistance by peer support volunteers to 197 students attending Course Unsatisfactory Progress Committee meetings in December.

Additionally, the Advocacy website received 8192 unique page views this quarter – over 3000 more than the same time last year. There were over 1500 unique views on CUPC, more than 1000 on misconduct, and almost 900 unique page views on special consideration among other issues.

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 generally identified according to the policy or procedure by which the University provides possible resolutions.

October–December 2016

All Students			Graduate Coursework students			RHD students		
Course Unsatisfactory Progress Committee	298	48.61%	Course Unsatisfactory Progress Committee	49	39.52%	Progress - HDR	12	48.00%
Special Consideration	88	14.36%	Special Consideration	16	12.90%	Supervision Problems	6	24.00%
Academic Misconduct - Exam	62	10.11%	Academic Misconduct - Plagiarism	12	9.68%	Course structure/changes	2	8.00%
Assessment Dispute	40	6.53%	Academic Misconduct - Exam	11	8.87%	Student Admin - Enrolment problems	1	4.00%
Academic Misconduct - Plagiarism	32	5.22%	Assessment Dispute	8	6.45%	Special Consideration	1	4.00%
Progress - HDR	12	1.96%	Vocational Placement Problems	6	4.84%	Other	1	4.00%
Academic Misconduct - Falsified docs	9	1.47%	Student Admin - Remission of Fees	4	3.23%	Assessment Dispute	1	4.00%
Supervision Problems	9	1.47%	Academic Misconduct - Falsified docs	4	3.23%	Academic Misconduct - Falsified docs	1	4.00%
Academic Misconduct - Collusion	8	1.31%	Student Admin - Enrolment problems	2	1.61%			
Student Admin - Enrolment problems	7	1.14%	Advance Standing Credit/RPL	2	1.61%			
Admission - Selection Appeal	7	1.14%	Academic Misconduct - Collusion	1	0.81%			
Vocational Placement Problems	6	0.98%	Admission - Selection Appeal	1	0.81%			
Student Admin - Remission of Fees	5	0.82%	Not Specified	1	0.81%			
Other	5	0.82%	Equitable Accommodation (SEAP)	1	0.81%			
General Misconduct	4	0.65%	General Misconduct	1	0.81%			
Advance Standing Credit/RPL	3	0.49%	Incorrect Advice	1	0.81%			
Course structure/changes	3	0.49%	Quality Teaching	1	0.81%			
Not Specified	3	0.49%	Student complaint about uni staff	1	0.81%			
Discrimination	3	0.49%	Supervision Problems	1	0.81%			
Quality Teaching	2	0.33%	Discrimination	1	0.81%			
Student Admin - Exchange	2	0.33%						
Student complaint about uni staff	2	0.33%						
Equitable Accommodation (SEAP)	2	0.33%						
Incorrect Advice	1	0.16%						

October–December 2015

All Students			Graduate Coursework students			RHD students		
Course Unsatisfactory Progress	69	34.85%	Course Unsatisfactory Progress	32	42.67%	Supervision Problems	4	40.00%
Special Consideration	32	16.16%	Academic Misconduct - Plagiarism	19	25.33%	Progress - HDR	3	30.00%
Academic Misconduct - Plagiarism	29	14.65%	Special Consideration	9	12.00%	Student complaint about uni staff	1	10.00%
Assessment Dispute	21	10.61%	Vocational Placement Problems	3	4.00%	Scholarship Issues	1	10.00%
Academic Misconduct - Exam	10	5.05%	Student complaint about uni staff	3	4.00%	Course structure/changes	1	10.00%
Supervision Problems	6	3.03%	Assessment Dispute	3	4.00%			
Student complaint about uni staff	6	3.03%	Supervision Problems	2	2.67%			
General Misconduct	4	2.02%	Course structure/changes	1	1.33%			
Vocational Placement Problems	3	1.52%	Academic Misconduct - Falsified docs	1	1.33%			
Progress - HDR	3	1.52%	Academic Misconduct - Exam	1	1.33%			
Scholarship Issues	3	1.52%	Academic Misconduct - Collusion	1	1.33%			
Academic Misconduct - Falsified docs	3	1.52%						
Course structure/changes	2	1.01%						
Admission - Selection Appeal	2	1.01%						
Student Admin - Enrolment problems	2	1.01%						
Academic Misconduct - Collusion	1	0.51%						
Student Admin - Remission of Fees	1	0.51%						
Other	1	0.51%						

Distribution by graduate/undergraduate status

October–December 2016

Graduate	186	30.34%
Undergraduate	427	69.66%

October–December 2015

Graduate	89	47.85%
Undergraduate	97	52.15%

Distribution by International/Domestic Status

October–December 2016

Domestic	435	70.96%
International	178	29.04%

October–December 2015

Domestic	119	63.98%
International	67	36.02%

Distribution of cases over all by Faculty/School – October - December 2016

In order to make the following data more meaningful the relative weighting of faculties by enrolment has been included. This allows a more accurate comparison of how faculties are represented by issues presenting to the service. It is also relevant to note that it is not possible to draw from this data why faculties may be over or under represented. For example, high representation may reflect an active referral policy within that faculty or it may disclose certain procedural issues.

	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 MDHS	47	7.67%	17.73%	<<<
Law School	11	1.79%	4.69%	<<<
Faculty of Arts	72	11.75%	15.48%	<<
VCA & Music	20	3.26%	6.12%	<<
Faculty of Business and Economics	95	15.50%	17.88%	<<
Melbourne Graduate School of Education	29	4.73%	5.67%	<
Faculty of Science	150	24.47%	12.20%	>>>
Melbourne School of Design (and ABP)	46	7.50%	4.96%	>
Faculty of Veterinary and Agricultural Sciences	28	4.57%	3.87%	>
Melbourne School of Engineering	74	12.07%	11.05%	==
Melbourne Business School (MBS)	7	1.14%	-	-
Not yet admitted	1	0.16%	-	-
Unspecified	32	5.22%	-	-

Commentary

The breakdown of graduate to undergraduate students was 186 to 427 (compared with 89 to 97 for the same period last year).

There were 435 domestic students and 178 international students seen in this period (compared with 138 to 102 in the same period last year). Further breakdowns against presenting issues are detailed below.

The primary presenting issues overwhelmingly related to course unsatisfactory progress which represented almost 50% of the case work. Special consideration, examination misconduct and assessment disputes were the next most common issues. It is worthy of note that plagiarism case work has doubled this quarter compared to the same quarter last year. This reflects a much more aggressive invigilation approach this exam period (see Trends and Issues above).

Presenting students came from 11 schools and faculties with undergraduate students from the Faculty of Science the most frequently represented. For the same period last year, it was the Faculty of Arts with the highest representation.

Students from the Faculty of Business and Economics, followed by the Melbourne School of Engineering were the next most frequent users of the service. Course Unsatisfactory Progress matters were primarily responsible for the large numbers of students from these faculties.

Special consideration matters were also concentrated disproportionately in the Faculty of Science with the next most represented faculty - Arts with half that number. Arts was followed closely by the Faculty of Business and Economics and Engineering and Architecture, Building and Planning.

As noted in the Issues and Trends section above, Exam Misconduct featured heavily in our casework last quarter. The majority of matters arose in the Faculty of Business and Economics with the Melbourne School of Engineering also well represented.

Assessment disputes were concentrated in the Faculty of Arts, with the majority of complainants being domestic undergraduate students.

Course Unsatisfactory progress - By Faculty/School

Faculty of Science	100	33.56%
Faculty of Business and Economics	43	14.43%
Melbourne School of Engineering	33	11.07%
Faculty of MDHS	22	7.38%
Faculty of Arts	20	6.71%
Melbourne School of Design (& ABP)	19	6.38%
Melbourne Graduate School of Education	17	5.70%
Faculty of Veterinary and Agricultural Sciences	17	5.70%
Unspecified	13	4.36%
VCA & Music	9	3.02%
Melbourne Business School (MBS)	3	1.01%
Law School	2	0.67%

Course Unsatisfactory progress – by Graduate/Undergraduate

Undergraduate	219	73.49%
Graduate	79	26.51%

Course Unsatisfactory progress – by International/Domestic

Domestic	223	74.83%
International	75	25.17%

Special Consideration - By Faculty/School

Faculty of Science	24	27.27%
Faculty of Arts	12	13.64%
Unspecified	10	11.36%
Faculty of Business and Economics	9	10.23%
Melbourne School of Engineering	9	10.23%
Faculty of Architecture, Building and Planning	9	10.23%
Faculty of MDHS	5	5.68%
Melbourne Graduate School of Education	3	3.41%
Law School	3	3.41%
Faculty of Veterinary and Agricultural Sciences	2	2.27%
VCA & Music	1	1.14%
Melbourne Business School (MBS)	1	1.14%

Special Consideration – by Graduate/Undergraduate

Undergraduate	61	69.32%
Graduate	27	30.68%

Special Consideration – by International/Domestic

Domestic	57	64.77%
International	31	35.23%

Exam Misconduct - By Faculty/School

Faculty of Business and Economics	33	43.55%
Melbourne School of Engineering	16	19.35%
Faculty of Science	5	8.06%
Unspecified	3	4.84%
Faculty of Architecture, Building and Planning	2	3.23%
Faculty of MDHS	2	3.23%
Faculty of Arts	1	1.61%

Exam Misconduct – by Graduate/Undergraduate

Graduate	11	17.74%
Undergraduate	51	82.26%

Exam Misconduct – by International/Domestic

Domestic	37	59.68%
International	25	40.32%

Assessment Disputes - By Faculty/School

Faculty of Arts	10	25.00%
Faculty of Architecture, Building and Planning	5	12.50%
Faculty of Science	4	10.00%
Faculty of Veterinary and Agricultural Sciences	4	10.00%
Unspecified	3	7.50%
Faculty of Business and Economics	3	7.50%
Faculty of MDHS	3	7.50%
Law School	2	5.00%
Melbourne School of Design	2	5.00%
VCA & Music	2	5.00%
Melbourne Business School (MBS)	1	2.50%

Assessment Disputes – by Graduate/Undergraduate

Graduate	15	37.50%
Undergraduate	25	62.50%

Assessment Disputes – by International/Domestic

Domestic	34	85.00%
International	6	15.00%

Liaisons and involvement with the University Community

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:

04-Nov-16	Advocacy met with the Progress Team to discuss the upcoming CUPC meetings and Peer Support Program.	Training Rooms, Union House
17-Nov-16	Misconduct Committee Training for Student members on Misconduct Committees.	Training Room 1

If you would like to arrange a time for Advocacy staff to speak at your staff meeting or other liaison opportunity, please get in touch.

The next Advocacy Service report will cover the quarter January to March 2016 and will be available in early April 2017.

Phoebe Churches
Manager, Advocacy & Legal
January 2017