

# MADVOCACY



## Introduction

The Advocacy Quarterly Service Report was originally commissioned by the University's Advocacy Service Reference Group (ASRG) — a group set up to oversee the service contract via which the Service was funded between 2012 and 2017. The Quarterly 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 encompass 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 'Anecdata'

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**

The recent trend back towards more "normal" service continued during this period, and as a result the more common casework matters such as special consideration, course academic progress, assessment disputes, and academic misconduct allegations were predominant during this period.

However, during this time we did see a classic COVID related instance of the University inadvertently inducing panic among some of the student population, some troubling actions (or actually inactions) in relation to the new *Sexual Misconduct Prevention and Response Policy*, and some strange decisions around Special Consideration outcomes.

## Special Consideration but without the consideration

We were contacted by a student after release of results in December 2021, when they unexpectedly learned that they had failed an exam and were shocked to receive advice from the faculty that the fail was because they had not uploaded their online exam. This led to a drawn out process where they applied for Special Consideration (technical), were initially knocked back due to applying late (despite having no way of knowing there was a problem with their submission until results were released), and were rejected again on review due to insufficient evidence (even though they were able to view their exam paper after submission, indicating that the submission error had occurred after they had submitted). This made it effectively impossible for them to evidence the technical disruption in the way the process required. The whole process is predicated on a very narrow definition of a technical problem, which excludes a range of legitimate claims.

Fortunately, after providing some further information, the application was reconsidered and deemed eligible, passing it onto the Faculty for a decision on the most appropriate adjustment.

On 11 January the student was notified that they had been awarded a special exam, to be sat in the February special exam period. Understandably, however, the student's preference was to have their original exam paper accepted and graded, given the fact that the approved Special Consideration was in effect an acknowledgement that the technical error had occurred *after* submission, and the student had in fact completed the exam within the standard exam time.

SEDS advised that they could request a review of this adjustment decision through the formal channels, or contact the Faculty directly with their queries.

The student wrote to the faculty to request that their original exam be marked instead of requiring them to study for and resit the exam. The student explained that it was the technical disruption which prevented the exam submission (not a failure to complete the assessment), and they were able to prove that the file had not been modified in any way since the day of the exam. In response, the faculty explained that they "did give your case consideration, however it was the Faculty decision that no exam can be accepted more than 30 minutes after the exam deadline. Therefore, the only outcome available is to offer you a special exam."

So, even though there was no longer any dispute that the student had submitted a completed exam paper on the day, and that it was only a technical disruption which prevented it going through, the Faculty took the view that grading the exam at this point would mean they were accepting the submission more than 30 minutes after the exam deadline. On the back of that rationale, the student faced the prospect of having to sit another exam, some three months after the conclusion of the teaching period in which they UMSU ADVOCACY SERVICE QUARTERLY REPORT JANUARY – April 2022



studied the subject.

Still dissatisfied with the situation, the student requested a review of the decision, where they argued that their exam was in fact not submitted after the 30 minute deadline, and would have been accepted but for the "file content error" that had now been recognised as beyond their control. They further argued that rejecting their request solely on the basis of the general 30 minute rule failed to consider the exceptional nature of their circumstances; that the circumstances warranted consideration of what is a reasonable outcome in such a circumstance; that their situation should be considered with appropriate academic discretion as to the integrity of the assessment task in question given the objective evidence that the exam they submitted at the time had not been altered since, and so remained a true reflection of their academic capacity at the time they sat it.

About a week later, SEDS communicated to the student that the Faculty had reviewed their original decision, and agreed to allow the original exam paper to be marked as normal.

A great outcome in the end, but one that we believe could- and should- have been reached much sooner.

#### Recommendation:

Good administrative decision-making involves the ability to determine when strict adherence to policy/rules may not adequately address the unique circumstances of a particular case, and in such cases discretion and logic should be applied. This is only one example of many that we see across the University where a rigid approach to decision making lacks the nuance and flexibility required to produce fair outcomes.

#### The Great Vaccination Validation Panic of 2022

In the very last week before the 28 February commencement of semester 1 (and unfortunately without providing a heads up to UMSU), the University decided to send notifications (or as many students experienced it: anxiety inducing warnings) advising that they would be banned from attending campus and deallocated from their classes if they had not properly validated their vaccination status.

It's fair to say the UMSU switchboards lit up.

All of a sudden, a large volume of students (especially international students) were at risk of losing their place in classes less than a week from the commencement of semester. University communications also warned that students risked an allegation of General Misconduct should they be found on campus without the requisite validation. Just in case it wasn't enough to send large swathes of students into a panic on the eve of the semester, why not throw in a threat of disciplinary action too!

And it wasn't just the students who were panicked. We were also in contact with a number of academic and professional staff across the University who communicated their significant concerns about their faculty's capacity to manage the situation.

In the rush of contacts to UMSU, there were some common concerns arising, especially among the international cohort. At the time the University informed students of the requirement to validate their vaccination status, the relevant documentation could only be submitted onshore in Australia, as it required verification from an Australian medical professional. This created two levels of anxiety, firstly because many international students – through no fault of their own- were not due to arrive in the country until the final days before 28 February, and secondly due to the difficulties involved with getting appointments with a suitable medical professional at short notice.

After raising our concerns and seeking urgent advice from the University to help inform our advice to students (including asking why the decision to deallocate unvalidated students from 25 February was communicated at such short notice), we were advised rather casually that the requirement to be vaccinated to be on campus had been in place since the original announcement from the VC on 27 September 2021, and that the action to de-allocate was being implemented in that context.

Nothing to see here.. move along... business as usual...

Apparently, the simple advice that students would be required to be double vaccinated to attend campus in 2022, should have been sufficient for students to extrapolate that this would involve a validation process that required the submission of evidentiary documents to an Australian Government authority with verification from an Australian medical professional, and that failure to complete this validation process would result in deallocation from classes and possible disciplinary action. So, notifying students of those validation requirements a few days before commencement of 2022 – and the threat of being deallocated from classes-should not have been surprising nor a cause for concern.

The University did agree to clarify the advice around coming to campus (advising that unvalidated students could attend Stop 1 for assistance with the process) and there was also a change to the onshore submission requirement for international students (allowing them to submit the paperwork prior to arrival). These steps no doubt helped to mitigate the potential harm for students who were rushing to get their vaccination status validated, but the extremely late notice of the validation requirements, and the consequences for not meeting them, meant that much damage had already been done.



#### Recommendation:

Good communication starts with understanding your audience. Student Experience Survey scores reflect a consistent lack of awareness or care about how students experience the university's communications. A little more consideration for the impacts on the student body of such sudden high stakes announcements would be prudent. Also, some consultation and communication with your friendly Student Union prior to the announcement could have gone a long way.

#### Lessons in how not to handle student concerns about sexual misconduct

In late February, just a few months after the introduction of the *Sexual Misconduct Prevention and Response Policy*, we were contacted by a number of distressed students from one Faculty who were harbouring significant concerns and misgivings about the return to campus of a student who had been previously suspended for sexual harassment.

Not least among their concerns was the manner in which many of them learned that this student would be returning to their cohort. In the lead up to commencement of classes for the new year, students received an invitation to a meeting to discuss "...the year ahead, goals you might have or want to set, working together, things that compel you..." However, upon arrival at the meeting, it quickly became apparent that the true purpose of the meeting was to notify the cohort of the return of this particular student. Due to the poorly planned nature of this briefing, the previously suspended student walked in mid-briefing.

Unsurprisingly this caused reactions of shock, distress, anxiety, and fear among the unsuspecting cohort, many of whom had direct or indirect experience with this student in the past. This led to numerous complaints being made to the highest levels of Faculty and outreach to the Safer Community Program (SCP). The eventual solution from the Faculty was to engage an external "specialist workplace behaviour change company" to run some workshops, however, the students understandably felt that this did not address the primary issue, and that overall the Faculty's responses were too focused on the rights of the returning student and not focused enough on the rest of the cohort's safety.

The reports we received from students about the workshops were mostly underwhelming, particularly due to the fact that they did not do anything to address the concerns that the students were raising about feeling safe to engage with their studies in a supportive environment. The inability of the university to understand or engage with student safety concerns conflicts with theories of traumainformed care that highlight the need for safety first before healing can begin.

As the immediate concerns remained unaddressed, some students were compelled to escalate their concerns to the Academic Registrar via the formal Grievance process. These complaints detailed the reasons they continued to feel unsafe, and the significant impact the situation was having on their mental health and wellbeing. Some students who had sought assistance from SCP reported that they were cautioned against including information in a Grievance that related to how the Faculty was handling the process and their continued concerns around safety.

The students were desperately trying to get the university to understand that the impending return to classes of this student posed a serious threat, and they were distressed by the prospect of being put in a situation where further trauma was possible. Unfortunately, the Academic Registrar's response focused on explaining how details of further incidents would need to be provided before further action could be taken. The complainants were referred for individual support to SCP to manage any threat or risks presented by the situation. Affected students indicated that this approach failed to address the cohort's immediate concerns for their safety. Objectively it would seem that the response fell well short of the University's commitments under the *Sexual Misconduct Prevention and Response Policy* to providing trauma-informed responses and "taking positive action to prevent sexual misconduct in all its forms".

The Academic Registrar responses left complaints ambiguously open by inviting students to contact them again if there were any new behaviours of concern. These responses were confusing and contributed to the "quasi-investigative" status of students, where students felt compelled to collate evidence and act as "investigators." Throughout the process students expressed deep frustration at university responses. For students who were victim/survivors of sexual assault and harassment these poor responses led to a sense of institutional-betrayal and exposed them to re-traumatisation.

Eventually, after continued agitation from the cohort, the student was removed from campus and alternative study arrangements were put in place for semester one. This resolution allayed the concerns of the cohort (at least in the short term), but considerable distress was caused along the way.

#### Recommendation:

These are obviously complicated and fraught situations, but that is the very reason why there needs to be better resourcing and training to effectively implement the principles and objectives of the *Sexual Misconduct Prevention and Response Policy*. If the University is going to make good on their commitment to maintaining leading practice in preventing and responding to sexual misconduct, this experience would suggest there is still some way to go. For example, there has been little consideration given to how the university should respond to bystander complaints despite the policy encouraging bystanders to report incidents of sexual assault and harassment.

Further, the University has not considered the community impacts of sexual assault and harassment and the need for the implementation of sensitive and responsive re-entry processes. Sexual assault and harassment has a ripple effect on communities —



especially for those students and staff who are first responders. This is especially true for courses which have small and tight-knit cohorts. Without taking steps to address community harm there is little chance of successful reintegration and behaviour change of perpetrators.

## **Advocacy Service Statistics**

#### Comparative data - January - April 2022

This period 437 students were provided a service resulting in 1503 contacts. In the same period last year, the service saw 427 students resulting in 1330 contacts.

While these numbers are again significantly less than the peak of 646 contacts that we received at the chaotic beginning of the pandemic in 2020, it is interesting to note that the numbers for this period of 2022 and 2021 remain significantly higher than the pre-pandemic 2019 numbers (355 contacts).

Even though life has returned to some semblance of normality, and there has been a significant return of on-campus classes and activities, the early signs are that demand on the service will continue to be at higher levels than pre-pandemic times. We have continued to observe a higher number of complex cases which require more extensive and ongoing assistance, while this period of 2022 also saw very significant increases in cases of Academic Misconduct relating to plagiarism and exams, which often involve more ongoing assistance as the student navigates their way through the initial hearing process as well as the appeal stage. On top of that, the Great Vaccination Validation Panic accounted for a large number of contacts that would not otherwise have been necessary.

Additionally, the Advocacy website received more than 8,500 page views this period (about 1500 fewer than the same time last year), with the most popular pages being our contact page, assessment dispute guidance, CAPC advice, misconduct information and special consideration. These website stats are generally heading downwards from the crazy peaks of the 2020-21 Covid period, which is to be expected, and the numbers for the period covering this report are broadly consistent with the numbers from the same period in 2019.

#### 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.

Previously, the majority of our casework presented via either our contact form or through our drop-in service. However due to the shift to remote service delivery, students have found us through a variety of other sources, many of which are not optimised to collect the usual base data which is routinely collected via our contact form or drop-in service. This includes data on students' faculty, award level (including graduate or undergraduate status) and whether they are a domestic or international student. We have done our best to collect these demographics wherever possible, however the sheer volume and urgency of many contacts has meant that our demographic data is in many cases not as detailed as usual. We have also taken advantage of the reach of our social media channels to provide advice and these contacts may also be lacking in the usual detail. This makes reporting along on graduate/undergraduate and domestic/international lines problematic in this report.



## January- April 2022

All Students			Graduate Coursework students			RHD students
Course Academic Progress			Course Academic Progress			
Committee	107	24.49%	Committee	22	20.37%	Progress - HDR 7 46.67%
Special Consideration	58	13.27%	Enrolment problems	12	11.11%	Supervision Problems 5 33.33%
COVID-19	39	8.92%	COVID-19	10	9.26%	General Misconduct 1 6.67%
Academic Misconduct -						Course Academic
Plagiarism	36	8.24%	Special Consideration	10	9.26%	Progress Committee 1 6.67%
Enralment problems	20	6.86%	Academic Misconduct -	8	7.41%	Not Specified 1 6.67%
Enrolment problems  Academic Misconduct - Exam	30 29	6.64%	Plagiarism	7	6.48%	Not Specified 1 6.67%
Academic Misconduct - Exam	29	0.04%	Assessment Dispute Vocational Placement	,	0.46%	
Assessment Dispute	27	6.18%	Problems	6	5.56%	
Selection Appeal	16	3.66%	Other	4	3.70%	
			Academic Misconduct -			
Remission of Fees	14	3.20%	Exam	4	3.70%	
Academic Misconduct -		2.222/	C INC		2.700/	
Collusion	14	3.20%	General Misconduct	4	3.70%	
General Misconduct	11	2.52%	Remission of Fees	4	3.70%	
Progress - HDR	7	1.60%	Student complaint about uni staff	3	2.78%	
Student complaint about uni						
staff	7	1.60%	Scholarship Issues	2	1.85%	
Vocational Placement Problems	6	1.37%	Selection Appeal	2	1.85%	
			Special Consideration			
Sexual Harassment	6	1.37%	(Ongoing)	2	1.85%	
Supervision Problems	6	1.37%	Academic Misconduct - Collusion	2	1.85%	
Special Consideration (Ongoing)	4	0.92%	Not Specified	1	0.93%	
Scholarship Issues	3	0.69%	Graduation	1	0.93%	
Student complaint about			Student complaint about			
another student	3	0.69%	another student	1	0.93%	
Othor	2	0.469/	Academic Misconduct -	1	0.039/	
Other	2	0.46%	Falsified docs	1	0.93%	
Graduation Advance Standing Credit / RRI	2	0.46%	Supervision Problems	1	0.93%	
Advance Standing Credit/RPL	2	0.46%	Incorrect Advice	1	0.93%	
Academic Misconduct - Falsified docs	2	0.46%				
Incorrect Advice	2	0.46%				
Quality Teaching	1	0.23%				
Exchange	1	0.23%				
Course structure/changes	1	0.23%				
Academic Misconduct - Other	1	0.23%				



# January – April 2021

All Students			Graduate Coursework students*			RHD students*		
Special Consideration	59	13.82%	Special Consideration	42	21.76%	Progress- HDR	4	30.77%
Assessment Dispute	48	11.24%	Assessment Dispute	27	13.99%	Supervision Problems	3	23.08%
Covid 19	46	10.77%	Academic Misconduct- Plagiarism	23	11.92%	Enrolment Problems	1	17.69%
Academic Misconduct- Plagiarism	45	10.54%	Course Academic Progress Committee	15	7.77%	Special Consideration	1	7.69%
Course Academic Progress Committee	38	8.90%	Covid-19	14	7.25%	Selection Appeal	1	7.69%
Enrolment problems	25	5.85%	Academic Misconduct- Collusion	12	6.22%	Scholarship Issues	1	7.69%
Academic Misconduct- Exam	23	5.39%	Student Admin – Enrolment Problems	10	5.18%	COVID-19	1	7.69%
Academic Misconduct- Collusion	22	5.15%	Academic Misconduct- Exam	8	4.15%	Course Structure/changes	1	7.69%
Selection Appeal	20	4.68%	Selection Appeal	7	3.63%			
Remission of Fees	16	3.75%	Other	6	3.11%			
Other	15	3.51%	Vocational Placement Problems	5	2.59%			
Incorrect Advice	10	2.34%	Remission of Fees	4	2.07%			
Student complaint about uni	7	1.64%	Incorrect Advice	4	2.07%			
Advance Standing Credit/RPL	7	1.64%	Student Complaint about Uni staff	2	1.04%			
Vocational Placement Problems	6	1.41%	Supervision problems	2	1.04%			
Exchange	5	1.17%	Fitness to Practice (FTP)	1	0.52%			
Supervision Problems	5	1.17%	Academic Misconduct - Other	1	0.52%			
					0.52%			
Progress HDR	4	0.94%	Advance Standing Credit/RPL	1				
Course structure/changes	4	0.94%	Bullying	1	0.52%			
Academic Misconduct - Other	3	0.70%	Course Structure - Changes	1	0.52%			
General Misconduct	3	0.70%	Discrimination	1	0.52%			
Quality Teaching	3	0.70%	Cross Institutional Enrolment Denied	1	0.52%			
Special Consideration (Ongoing)	2	0.47%	Not Specified  Special Consideration (Ongoing)	1	0.52%			
D. III :	_	0.470/	General Misconduct	4	0.500/			
Bullying	2	0.47%	Quality Teaching	1	0.52%			
			Exchange					
Scholarship Issues	2	0.47%						
Student Complaint about another Student	2	0.47%						
Cross-Institutional enrolment denied	1	0.23%						
Discrimination	1	0.23%						
Student Admin- Graduation	1	0.23%						
Academic Misconduct – Falsified Docs	1	0.23%						
Fitness to Practice (FTP)	1	0.23%						



#### Distribution by graduate/undergraduate status

January – April 2022

Graduate	157	35.93%	157
Undergraduate	265	60.64%	265
Not specified	15	3.43%	15
January – April 2021			
Graduate	206	48.24%	50.31%
Undergraduate	221	51.76%	49.69%

#### Distribution by International/Domestic Status

January – April 2022

Domestic	179	40.96%	179
International	173	39.59%	173
Not specified	85	19.45%	85
January – April 2021			
Domestic	200	31.01%	41.15%
International	286	44.34%	58.85%
Not specified	159	24.65%	

#### **Commentary**

The proportion of graduate to undergraduate students was 35.93% to 60.64% (compared with 48.24% to 51.76% the same period last year). This represents a rather striking continuation of the increase in percentage of undergraduate students contacting the service. In recent times, much of this has been attributed to the overrepresentation of undergraduate students contacting about their concerns that the WAM adjustment was discontinued in the first half year of 2021, and then the return of WAMnesty in second half year 2021. However, it is also apparent that this rise in undergraduate representation relates to the significant increase in misconduct matters, especially in plagiarism allegations and exam misconduct. It is not surprising that inexperienced undergraduate students are more likely to find themselves facing allegations of this kind, but it is also directly linked to the introduction of online exams and the problems associated with observing students in the online exam context – we have assisted many students facing allegations related to their conduct in online exams where the evidence has been worrying speculative.

During this period 40.96% domestic and 39.59% international students presented to the service, broadly continuing the recent trend back to a more even split on these numbers. Across 2020 and much of 2021, International students were significantly overrepresented in the COVID-19 related matters, which is unsurprising given the massive impacts of travel restrictions and the financial burden on international students caused by the crisis. In more recent times, however, there has obviously been a significant decrease in these types of enquiries, reflected in the figures.

The primary presenting issue overall this period- representing nearly 25% of all matters- were issues related to Course Academic Progress. Now that the process for reviewing student academic progress is back to normal, and Covid related enquiries have dropped off (down to 8.92% of enquiries), it is unsurprising that CAPC matters top the list again for this period. The next most common issue related to Special Consideration (another return to more normal figures), and after that the most common matters related to academic misconduct (plagiarism and exam) and enrolment problems.

Assessment Disputes, Selection Appeals, Remission of Fees and Academic Misconduct (Collusion) were the next most common issues.

Interestingly, in the period January to April 2022, we received 11 contacts relating to allegations of General Misconduct, as compared to just 3 during the corresponding period in 2021. This could be an interesting area to watch.



## **COVID-19** related matters by Reason

Vaccination verification	15	38.46%
WAM concerns	5	12.82%
Technical Consideration	5	12.82%
LOA/Student Visa	4	10.26%
Vaccine mandate	3	7.69%
Return to Campus	3	7.69%
Online teaching quality	3	7.69%
Enrolment Problem	1	2.56%

## **Course Academic Progress Assistance - By Stage of process**

STAGE	REASON	Total
First Attendance	Mental Health	21
	COVID related	5
	Physical Health	2
	Failure to Obtain Hons grade	1
		29
Second Attendance	Mental Health	21
		21
Third Attendance	Mental Health	1
Appeal	Restriction on enrolment	28
	Termination of enrolment	19
	Suspension of enrolment	5
		55
Ombudsman Vic	Suspension of enrolment	1
		107

## Course Academic Progress – by Graduate/Undergraduate

Undergraduate	50	46.73%
Graduate	57	53.27%

## Course Academic Progress – by International/Domestic

Domestic	47	47.96%
International	51	52.04%



## Special Consideration- By Stage of Process

STAGE	REASON	Total
Application	Late Application	14
Internal Review	Unhappy with particular outcome	14
	Deemed insufficient grounds	5
	Late Application	3
	Deemed no appropriate outcome	1
		23
Formal Grievance	Deemed insufficient grounds	10
	Late Application	5
	Unhappy with particular outcome	2
		23
Appeal	Unhappy with particular outcome	4
Total Special Consideration Matters		58

## Special Consideration – by Graduate/Undergraduate

Undergraduate	44	64.71%
Graduate	24	35.29%

## Special Consideration – by International/Domestic

Domestic	40	68.97%
International	18	31.03%

## **COVID** Issues - By Reason

Vaccination verification	15	38.46%
WAM concerns	5	12.82%
Technical Consideration	5	12.82%
LOA/Student Visa	5	12.82%
Vaccine mandate	3	7.69%
Return to Campus	3	7.69%
Online teaching quality	3	7.69%

## COVID issues – by Graduate/Undergraduate

Graduate	14	35.90%
Undergraduate	25	64.10%

## COVID issues – by International/Domestic

Domestic	16	41.03%
International	18	46.15%
Unspecified	5	12.82%

The next Advocacy Service report will cover the quarter May to August 2022 and should be available in late-October 2022.

# Paul Lewis-Hornsby



Team Leader, Advocacy

