MPA submission on the imposition of APC conditions*

The objects of Monash University[1] include a commitment that students will be treated fairly in an environment that is supportive and fosters learning, recognises student diversity and provides "programs and services in a way that reflects principles of equity and social justice".[2]

It is the aim of these submissions to address the imposition of conditions on students who are subject to the unsatisfactory progress provisions in Part 4 of the Monash University (Academic Board) Regulations. ("the regulations").

Role of the MPA

As part of its representative role the MPA looks at University processes and where an area of concern is identified, provides feedback to the relevant decision-making entity.

Regulatory Framework

Clause 30(1)(a) of the regulations empowers faculty deans to impose conditions "on a student's continuing enrolment". In the event a student is referred to an academic progress committee,[3] *conditions* [italics added] may also be imposed.[4] ("APC process")

Failure to comply with a condition(s) is one of the triggers for the academic progress process.[5]

Issue

The APC process makes no specific allowance for students to make submissions about conditions. However, it does not expressly exclude the possibility.

Recommendations

1. After a hearing has taken place:

   To initiate a process (and form) allowing for students to make formal applications for the varying of conditions in special circumstances.

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[1] Monash University Charter
[2] *Monash University Act 2009* section 5(g)
[3] Under clause 30(1)(b) & clause 30(3)
[4] under cclause 32(5)(a)
[5] under clause 31(1)

2. Underline During a hearing

Initiate a process (once the APC has made a decision to allow a student to continue with their course and imposed conditions) to provide an opportunity to students (after consulting with their support person) to make a submission on the conditions.

Case studies

Student 1

- The student was called up for an APC hearing but failed to lodge a Student Response Form due to being in China and unable to access Gmail.
- She was excluded by the APC in absentia.
- She arrived in Australia in March unaware of exclusion.
- The student applied to the Dean for a rehearing on exceptional circumstance grounds.
- The Dean allowed her to continue without a rehearing but imposed conditions.

The student had to pass all four units in semester 1 and only if all units were successfully completed could she enrol in four units in semester 2. If she failed any unit(s) she was only permitted to enrol in 3 units. (18 credit points). In addition, the student had to meet with the course adviser.

When the student received the Dean's letter with conditions, six weeks had elapsed since the start of semester. The student had not attended classes for six weeks as she had been excluded. She did not have access to Moodle until she lodged an appeal.

This made passing 4 units very difficult, especially for a student who was already at risk.

The student met with her course adviser who advised her to take intermission. She did. She also applied for an extension of COE because by this time semester 2 was about to start.

In this case the conditions were actually unworkable, and the student could not comply from the start.

In this case the faculty agreed to vary the conditions upon request from the student.

Student 2

- The student had a solid academic record when personal problems intervened.
- She received an early warning letter together with the condition that she only enrol in 18 credit points. This meant she would need an additional six months to course complete.
- The student was confident she would pass all 4 units, and needed to complete quickly in order to return home urgently to care for her grandfather.
- A condition was imposed without giving the student an opportunity to be heard.

In this case the student wrote a letter to the faculty explaining her circumstances and the faculty agreed to allow her to continue with a full load. The student course completed successfully.

Student 3

- The student received a notice of referral and hearing for second round APC hearings.
- She submitted a detailed student response form and was notified of the panel's decision without attending a hearing.
- The following conditions were imposed on her enrolment: *must enrol in and pass foundation units in 2017; must reduce load to 2 units in semester 1&2 2017; must attend Learning Skills in the Library; and must attend the Leap into Leadership Online (LILO) program through the HUB (Formerly the SMART program.)*

The student was not happy with the first two conditions. She wrote to the APC Chair requesting that the panel reconsider those two conditions. She felt confident she would pass 4 units in semester 1. She also showed that she lacked the finances to allow her to extend her course by six months, making it improbable that she could course complete.

The Chair agreed to vary the first two conditions allowing enrolment in 3 units instead of two. The student was happy with the compromise.

Natural Justice and the APC hearing process

Procedural fairness is enshrined in the Monash University regulatory framework. In the existing APC process students are not given an opportunity to make a case concerning conditions. At an APC hearing the student presents their case by focusing on:
1. the circumstances that led to poor academic progress; and
2. the ways in which they intend to improve their performance; and
3. an explanation of how their circumstances have improved so as to not impede their progress in the future.

It would not be appropriate at this point for the student to make submissions about the imposition of conditions because the panel has not yet decided whether the student is allowed to continue with their course.

Once the APC has made a decision to allow a student to continue with their course and imposed conditions, the student ought to be given an opportunity (after consulting with their support person) to make a submission on the conditions.

The MPA appreciates your consideration of this matter.