

## **MPA submission in response to Discipline and APC decisions to suspend or exclude students who failed to respond to Notices of Referral and/or Notices of Allegation in Semester 1/2017**

### Overview

The objects of Monash University include a commitment to provide programs and services in a way that reflects principles of equity and social justice.<sup>1</sup> The postgraduate population at Monash is constituted of around 40% international students. Fee paying international students bring more than \$550 million in fees to Monash.<sup>2</sup> Many of these students are in the Faculty of Business and Economics and are predominantly from China

In the first week of the academic year 2017, four international students from China contacted the MPA requesting support and advice because the students had, upon return to Australia, discovered they had been:

- Excluded; or
- Suspended; or
- failed unit/course.

None of the students had responded to the faculty's notices. All four students were Chinese nationals and all were extremely anxious and distressed. No student was able to access their Gmail account and no student was aware of the adverse decisions until their arrival in Australia at the start of semester 1, 2017. All four students missed the appeal deadline.

### Reasons for failing to access Monash Google Mail accounts

- denied access in China (Great Firewall of China); or
- failing to divert email and/or check it.

### Consequences

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<sup>1</sup> Monash University Act (2009) S.5(h)

<sup>2</sup> Monash University Annual Report 2016 pg. 66

- In order to comply with visa conditions, all international students must be enrolled and full time, failing which they have to return home (unless they can make a special case);
- All four student accounts were encumbered, creating complications with the appeal process.

### Case details

#### Student 1 (Excluded)

A Master of Professional Accounting student was excluded in-absentia by APC. He passed 33% of units in academic period. The Notice of Exclusion was dated early March, 2017. The student reported having access denied to his Monash Gmail while away in China. He had returned home December 2016.

The *Monash University (Academic Board) Regulations* allow students that have not responded to the APC process to request a re-hearing by lodging a written request to the Dean within 20 working days of the decision to exclude<sup>3</sup>. MPA advised the student to lodge a letter to the Dean requesting a re-hearing.

Receiving an additional warning of the adverse actions prior to the summer break may have prevented the student from failing to respond to the APC process and help avoid expenses of travel and accommodation for the upcoming semester.

#### Student 2 (Suspended zero marks for three units)

Student received Notice of Allegation (discipline) by email end of 30 November 2016. Student had left Australia prior to this date. Allegations, accessing Moodle during three exams. Hearing was conducted in-absentia on 14<sup>th</sup> of December. The student failed most of the semester units.

After returning from China, the student accessed WES to enroll and was encumbered.

An additional attempt to reach the student who had not responded to the allegations may have prevented the student from expensive travel expenses and accommodation arrangements. Upon receiving this information, the student was very upset. The student never responded to emails after the consultation with the MPA and the outcome of this case unknown.

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<sup>3</sup> Monash University (Academic Board) Regulations S.34(2)

Student 3 (*Suspended & zero for the unit*)

It was alleged that the student accessed Moodle during an exam. The student denied any responsibility for cheating claiming that it was a friend that had accessed his Moodle account. The Notice of Allegation was sent on 1<sup>st</sup> of December, the hearing took place on 15<sup>th</sup> of December.

The student reported having been denied access to Gmail in China. The student was suspended for semester one and received a mark of zero for the unit.

The student missed the appeal date due to being unable to access the Notice of Decision and was not aware of the disciplinary action until visiting MPA at the beginning of semester 1, 2017.

Student 4 (*Mark of zero for the exam*)

The student was emailed a Notice of Allegation with details of the meeting with a Responsible Officer. The allegation concerned going overtime at an exam. Student did not respond to the notice.

The student had no access to Gmail in China. There were mitigating circumstances and the student had a good defence.

The penalty meant a delay in course completion and having to leave her child with an acute medical condition with grandparents in China.

MPA's concerns

1. The MPA is concerned that emails communicating APC and discipline related information to students that are overseas leads to very unfair decisions. The panels have no information from the student as the student is unaware of the proceedings and has not had an opportunity to be heard. The process ends up being punitive for the student's non-response and not the actual matter which triggered the process in the first place.
2. There is an added burden on faculty resources when students write to the Dean requesting extensions or appeals.
3. The MPA also understands that the University's reputation may suffer due to proliferation of negative comments by international students on social media.

4. The MPA is aware that the *Monash University Student Charter* places the onus on students to manage their studies which includes checking their email accounts. MPA appreciates that as adults students need to be responsible for their own affairs. However, an inability or a failure by a student to meet their administrative obligation has dire consequences as outlined above, which are disproportionate to the breach.
5. It is the view of the MPA that had the above 4 students had an opportunity to attend their hearings or even lodge an appeal, the consequences would not have been as serious as they were. This is particularly relevant for students who were positively prevented from access to their accounts by Chinese laws.
6. Postgraduate students make many sacrifices to come to Monash. The fees are high, getting used to local conditions is difficult as is the language and the isolation. International students who come to the MPA report they have expectations they will be treated fairly, even if they do something wrong, intentionally or inadvertently.
7. The MPA fears a scenario where a student who has been excluded may have their eCOE/visa cancelled before/while transiting back to Australia to resume their studies, potentially resulting in being refused entry into the country, without knowledge of this having occurred. Besides the financial cost to the student, this would dramatically curtail their ability to address the university and appeal the exclusion. The MPA acknowledges liability concerns are a matter for the University.

### Recommendations

- whenever Monash University proposes to take adverse action against international students during the summer or winter break, the University consider additional ways of reaching students. This may include current practice of emailing as well sending out correspondence to their permanent overseas address or contacting students using their international telephone number or sending out periodic global emails to remind students to check their emails while overseas and highlighting the implications of failing to check.
- send correspondence to an alternative email address, if available in Callista. Attempt to move student hearings (those who do not respond) to round 2 hearings.
- contact students before the start of summer or winter semester and advise of any formal process or adverse action taken against them during the break.