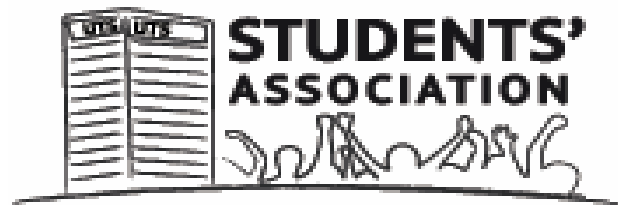


University of Technology Sydney Students' Association

Submission to the Senate Inquiry into the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009

February 2009

Submitted electronically to: eewr.sen@aph.gov.au



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UTS SA SUBMISSION:

The purpose of this submission is to comment on the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009, and the attached draft guidelines on Student Services and Amenities Fees, and Student Services, Amenities, Representation and Advocacy.

A University of Technology Students Association: Background

- 1 UTS SA is the universal representative organisation of approximately 30,000 students at all campuses of the University of Technology Sydney. In our 43-year history we have a proud tradition of facilitating progressive campaigns and activism, making real gains for students on campus and in the wider community as well as providing essential and meaningful services to the UTS community. UTS SA is an independent, democratic representative organisation, run by students for students.
- 2 The Students' Representative Council is the peak decision-making body of the organisation comprised of 23 councillors, proportionately elected representatives that are elected at UTS SA's annual elections held in October. The SRC sets the strategic direction, makes major decisions affecting the Association and directs office bearers.
- 3 UTS SA's mission is to represent, advance and protect the interests of all students at the University of Technology Sydney. Voluntary Student Unionism has had a severe impact on the Association's ability to fulfil its mission.

B Comment on the Student Services, Amenities, Representation and Advocacy Guidelines (including Benchmarks and Protocols)

- 4 Representation and advocacy remain two of the essential services students should have access to whilst at University; this is reflected in the *Student Feedback Survey UTS 2006*. Collective representation is a highly significant benefit of universal membership of student organisations, as it allows all students, regardless of age, background, ability and gender, equal access to essential services such as advocacy, representation and participation in the University community.
- 5 Advocacy and casework services are amongst those that are crucial to campus community life and individual student success. Students are referred to the UTS SA for advocacy assistance and advice by the University itself through a number of different policies and procedures, including the *UTS Coursework Assessment Policy & Procedures Manual* (p.

45) and the *Policy on Handling Student Complaints* (p.4). UTS SA is also referred to by the University through written notifications (for example, exclusion notices which advise individual students to seek assistance in appealing through the Students' Association) and through various UTS website pages (for example, UTS SA is referred to under the Student Administration website for students seeking assistance in responding to misconduct allegations).

- 6 The University's own rules and procedures guarantee students due process in resolving misconduct issues, disputes about results, and other education issues. The Students Association, in providing independent advice and assistance, strengthens the University's commitment to a fair and equitable system.
- 7 Furthermore, the recent changes to the *Education Services for Overseas Students* (ESOS) legislation which require that international students have access to a contact officer in their Faculty and a compliance officer, and strict procedural requirements under the National Code have increased the University's obligations to students, which in turn places a greater burden on the advocacy and casework services offered by the Students Association.
- 8 Research proves that students prefer independent, advocacy services to assist with appeals and academic grievances than any provided by the university itself, as these were perceived as independent or unbiased¹. Thus an independent advocacy service, as outlined in *National Student Representation and Advocacy Protocols*, must not be beholden to the University in any way, whether through direct reporting mechanisms, or through conditional funding.
- 9 Furthermore, independent student advocacy and representation services are also part of the university's own risk management strategy, as student advocacy organisations are at the forefront of assisting to resolve many complaints and grievances in the first instance. In the current highly litigious environment, without a trustworthy, independent advocacy service, students can and have escalated issues to an external process which can ultimately impose hefty costs on the university.
- 10 An independent advocacy and representative service also ensures that broader, systemic university and higher education issues are monitored. Caseworkers/education researchers (student association advocacy staff), who undertake individual advocacy and grievance handling, are also charged with auditing the University and highlighting any arising global

¹ Please see research undertaken for Student Grievances and Discipline Matters project: <http://www.scu.edu.au/schools/law/index.php/26/>

student issues. They work in conjunction with elected student representatives across faculties and across the University to conduct research, contribute to policy discussions and suggest solutions on systemic problems that arise within the University and the Higher Education sector at large; this alliance enhances elected student representatives' lobbying and campaigning skills, as well as informing and updating casework.

- 11 Under the *National Student Representation and Advocacy Protocols*, there is no mandatory partnership between elected student representatives and independent advocacy services; such a partnership is a necessary and effective way to safeguard students' rights and interests. The Protocols require a Higher Education provider (HEP) to: *"provide adequate and reasonable support resources and infrastructure for elected student representatives to carry out their functions on behalf of enrolled students"*.
- 12 However there is no obligation on the part of the HEP to allow elected representatives access to up-skilling, training, education and advocacy assistance to allow them to fulfill their elected roles; 'reasonable support resources and infrastructure' could be interpreted as providing the student with a 'pigeon-hole' to collect university mail, or a university e-mail address, instead of genuine and comprehensive resourcing. For example, currently, the UTS Students Association caseworkers provide much of the resourcing required by elected student representatives; such an arrangement should be strengthened and not diminished.
- 13 These independent, equitable services are therefore entrenched as crucial elements of a tertiary education and are vital to a world class University system in Australia. As stated by the Australian Vice Chancellors' Committee:

*"In every university there are essential services and facilities that are provided for students which are both an important element in the social and cultural life of universities and a part of the education process. Such services are often provided by student organisations, some of which have existed for many years, and are considered to be an integral part of university life."*²
- 14 Maintaining an independent, transparent advocacy service separate to other student amenities, (such as sports and recreation, food and beverage outlets), which are essential for a vibrant campus culture but *not* integral for

² AVCC, (2004) *Student Organisations: A Policy Paper* as accessed through http://www.avcc.edu.au/content.asp?page=/policies_programs/student_organisations/index.htm

a positive academic experience, is also paramount.

- 15 At UTS, the representation and advocacy services are provided by the Students Association, whilst the UTS Union offers other services such as sporting and fitness facilities, food and beverage outlets, and social and networking opportunities. This separation of services ensures that both independent academic advice and advocacy, as well as social, sporting and recreational services, are equally prioritized, rather than one being diminished or subsumed by the other. Both should be funded by the proposed student services and amenities fees, rather than being left to the discretion of the individual university.

C Recommendations:

The UTS Students Association supports the reinstatement of fees for vital student services, including representation and advocacy, and applauds the development of the National Access to Services Benchmarks and the National Student Representation and Advocacy Protocols. However, in support of the above commentary, the UTS Students Association strongly urges the government to strengthen the proposed Bill by adopting the following two recommendations:

Recommendation 1:

That the following subsection be removed from the proposed Bill:

19-67(3) However, the Student Services, Amenities, Representation and Advocacy Guidelines cannot require a provider to fund an organisation of students, or of students and other persons.

Recommendation 2:

That the following subsection be removed from the proposed Bill:

19-67(4) Subsection 19-65(1) does not apply in relation to the Student 17 Services, Amenities, Representation and Advocacy Guidelines.