

Dilemmas of dissent

International students' protest, Melbourne 2006/2007

Paul Rodan

Central Queensland University

International students in Australia are not usually identified with protest. However, a cohort of such students at one university campus was prepared to undertake robust public protest over alleged academic mistreatment in 2006/2007, eschewing conventional internal mechanisms for the resolution of such problems. Subsequent developments revealed much about government and media attitudes and the dilemmas posed for institutions in crafting an appropriate response.

This article concerns an outbreak of public protest over academic issues by international university students in Melbourne in 2006/2007 and the reaction which ensued. Student protest is hardly a novel phenomenon. For a long time, university students and dissent have been virtually synonymous, with Australian demonstrations probably reaching their peak during the Vietnam and conscription era of the 1960s and early 1970s. More recently, protest has been less in evidence, with apparently fewer participants and fewer issues. While matters of war and peace seem to retain a core constituency, recent manifestations of student dissent have often focussed on more local and arguably self-interested causes such as tuition fees and voluntary student unionism.

However muted protest may have become, it has been even less visible among Australia's growing population of full fee paying international tertiary students. This is relatively easily understood. These students are effectively 'visitors' and even if interested in the causes espoused by their Australian peers, prudence dictates a minimal risk policy in terms of a focus on study and avoidance of any untoward encounters with authority. In relation to the latter point, those from totalitarian or authoritarian regimes may be especially cautious.

Realistically, any protest focus for an international student seems more likely to relate to their status as consumers rather than as political critics. In this context, the regulatory framework prescribes a good deal of protection so that students are taught what was advertised, by suitably qualified staff in appropriate premises with quality facilities, all this being backed up by specialist student services and a transparent system of grievance and appeal (National Code, 2007).

Given that the overwhelming majority of international students study in classes with Australian students, Commonwealth-supported and fee-paying, most matters of potential grievance would relate to the cohort as a whole, not just to international students. Hence, if teaching were regarded as inadequate or facilities second rate, discontent could be expected from all quarters, although an argument might be mounted that fee-payers (especially perhaps older adults) will be more vociferous than their subsidised colleagues. Granted, there may be some issues of insensitive service provision or even discrimination against international students, but few such charges have made it into the higher education public arena. Either such cases are rare, or they are adequately dealt with in-house, or both. Then again, there may be a reporting problem.

However, one institution, Central Queensland University (CQU), has attracted prominence for a different approach to teaching international students, and while this has been successful in attracting large numbers (and thus, obviously, revenue), recent experiences have demonstrated that this model also brings with it a vulnerability when students adopt the persona of disgruntled customers. Through an arrangement with a private partner, C Management Services (itself half owned by CQU at the time) which manages the campuses (and employs the staff), CQU offers its academic programmes to international students at central business district (CBD) sites in Brisbane, Sydney and Melbourne, and on the Gold Coast. From the outset, curriculum design and subject coordination were controlled by CQU staff located at Rockhampton, with international campus staff effectively delivering the 'academic product' as transmitted from central Queensland. Any consultation with the international campus staff on content, design or assessment was dependent upon the collegiality (or otherwise) of the relevant CQU academic.

While some international students attend CQU's regional campuses, the overwhelming majority of CQU international students undertake their studies far away from central Queensland at Australian International Campuses (AICs). Moreover, the number of fee-paying Australian students at these locations is very modest at around ten per cent: the campuses can be accurately described as specialist international student sites.

In February/March 2007, public protests by international students at CQU's Melbourne International Campus attracted sustained negative publicity, culminating in criticism of the University by the relevant State Minister who then 'ordered' an audit of the campus, pursuant to the regulatory role of state governments under the Commonwealth/State agreement governing the provision of educational services to international students. To understand how this state of affairs was reached, it is necessary to provide some background and context.

The Melbourne campus opened in early 1997 and grew rapidly, reaching an enrolment figure of over 2000 by the end of 2001. In common with the trend across the sector, a sizeable proportion of this growth was generated by migration-related demand, an aspect which has aroused controversy and critical comment (Birrell and Healy, 2008). In these early years, students gravitated towards information technology-related programmes which were among those that offered

the surest route for Australian permanent residency. In terms of country of origin, the sub-continent was easily the most heavily represented, followed by the People's Republic of China. Other nations such as Indonesia, Vietnam and Thailand also had respectable numbers.

In what might be called the 'IT years', it was the Sydney campus of CQU (opened in 1994) which provided the occasional media headline, while life at Melbourne proved comparatively uneventful. In 2001, an unfortunate incident when an absent lecturer was not replaced in a timely fashion in Sydney was cited by students who protested about the subsequent high fail in the subject in question. A similar protest ensued in 2002 when a high fail rate in a Master of Information Systems subject provoked intense student reaction, with some students driving to Rockhampton to confront the Vice-Chancellor. Matters were not helped when a series of flawed addition of marks by CQU were revealed in the student consultation process.

These Sydney incidents highlighted the willingness of students to undertake direct protest action (street demonstrations, threats of hunger strikes, media contact) when aggrieved by academic or administrative outcomes. Ethnic solidarity and ease of communication at a CBD location combined to facilitate rapid reaction once a problem was seen to arise. Electronic and print media can more conveniently physically access a CBD site than one in the inner or outer suburbs. 'Normal channels', as used by Australian students, were bypassed in favour of direct protest action. It could be argued, as delicately as possible, that the students in question tended to come from 'protesting' cultures, where dramatic gestures (such as threats of hunger strikes) are virtually *passé*. Banners and shouting are often not enough.

Campus staff contended that bona fide students were joined by opportunistic types who had attended few classes and done minimal work, but who hoped to manipulate their way to a cheap pass. The impotence of the student association to act as a representative conduit for the advocacy of views to campus management was also highlighted.

In addition to cultural factors, the permanent residency phenomenon looms large in any analysis of the students' behaviour. For many, immigration was the driving force in selecting a course as, under government regulations, successful completion in an area of designated 'skills shortage' (such as by now Accounting, previously IT) would help the graduate secure permanent residency in Australia. Hence, failure and

exclusion represented more than the threat of an early return 'home': they would signal the end of the immigration 'dream'. In this context, it is perhaps easier to understand a more robust reaction to academic failure than would ensue from Australian students.

In early 2006, the focus of protest turned to the Melbourne campus, the catalyst being the fail rate in the subject Taxation Law within the Master of Accounting program. The students in question proved adept at generating sympathetic publicity. Print media quoted the student allegations in detail, with the tag 'cash cow' (*The Age*, 22 March 2006) quickly gaining currency. The most startling claim was that CQU deliberately failed students in order to extract more revenue for repeat enrolments. This assertion, which, if true, would have had to involve a coalition of unlikely conspirators across various campuses, was supported by no evidence, yet was reported uncritically by journalists.

CQU attracted even less sympathy from the local ABC radio talkback host, Jon Faine. He gave the newly appointed Executive Dean of CQU's Business and Information Technology Faculty a torrid time, while conducting a soft and uncritical interview with two of the protesting students, in which every claim was accepted as valid. (ABC 2006)

Faine's conduct highlights a dilemma for academic managers. While disgruntled students can access electronic media and say whatever they want, privacy and decency considerations preclude institutions from rebutting false claims. By way of illustration, a student may attract sympathy for claiming they attended all classes, submitted assignments, bought the text book and had only one unit left to complete their degree. One or more of these claims may be false, but the institution is powerless to correct the record. Hence, one of the more unfortunate conclusions from this experience was a realisation that it is not possible to rely on the professionalism of so-called professionals.

In the light of student protest, subsequent internal inquiry suggested that there was sufficient uncertainty in terms of advice to students to warrant sympathetic treatment for the students in question. This took the form of a liberalised approach to the provision of remarks, supplementary examinations, and a free repeat of the course for those needing it.

At the height of the controversy, the State Minister for Education, Lynne Kosky, made an unusual intervention when she suggested that non-Victorian providers like CQU should 'focus on their own backyard' (*The Age*, 24 March 2006). In a State claiming to be part of

the global economy, this seemed an oddly parochial response. Victorian universities themselves by now had interstate and international campus locations, and other state governments did not seem alarmed by an influx of interstate and international providers. Indeed, the South Australian government provided generous financial assistance to overseas universities to set up in Adelaide. Moreover, Ms Kosky's government had expressed no reluctance in accepting the dollars which CQU's CBD presence brought to the local economy (Sidiropolous 2007).

The Minister also initiated a compliance audit of CQU, conducted by Professor W G (Kit) Carson, Chair of the Minister's Higher Education Advisory Committee. On his site visit, Carson explored the qualifications of academic staff and exam markers, library resources, student support facilities and student accommodation capacity. The key section of his report read as follows:

Based on the discussion with CQU-MIC [Melbourne International Campus] key executives and on the information provided at the site visit, Prof Carson was satisfied that, with reference to the allegations recently reported in the media, the University was not in breach of the ESOS Act and the National Code (Carson, 2006, p. 4).

If CQU thought that the clean bill of health provided by the audit would serve to strengthen its position in future conflicts, it was to be mistaken, as developments in March 2007 would demonstrate. What becomes clear, in retrospect, is that the events of March 2006 had provided a template for subsequent student protest.

In March 2007, disgruntled students again took to the streets and media with a raft of allegations against the Melbourne campus, involving the Master of Accounting unit Issues in Management Accounting. Of 400 candidates, 178 failed to reach the pass mark, with 122 of those graded as eligible for a supplementary examination (Carson, 2007, p. 3). This failed to assuage the feelings of the aggrieved students, who asserted their entitlement to a conceded or terminating pass, a 'right' which was a matter of contention due to confusing communication from the University as to whether such was available for postgraduate students. Accounting was a demanding discipline, especially for second language English students some of whom, motivated by immigration considerations, lacked an intrinsic interest in the subject matter (see Jackling, 2007). While fail rates between 30 and 40 per cent were not unknown

in some units, the rate in this instance was uncharacteristically high. (For comment on fail rates in Accounting in another university, see Burch, 2008, p. 15.)

The students also claimed that they had been examined on untaught material, teaching was inadequate and that study materials were out of date. On this occasion, the students extended their protest activities beyond those of the previous year, with demonstrations outside the CBD office of the Department of Immigration and Citizenship (conveniently located a block from the campus), on the steps of the Victorian Parliament and ultimately outside the office of the Victorian Higher Education division in Treasury Place. The Treasury Place activity was something of a masterstroke, as it attracted the attention of the new Minister for the higher education portfolio, Jacinta Allan.

As in 2006, Kit Carson was commissioned to undertake another investigation of the Melbourne campus. On this occasion, Michael Scorgie, a Monash University academic manager, assisted with the inquiry. Given the wider range of complaints, a more far-reaching exercise ensued, this being reflected in a thirteen page report, compared with four pages in 2006. Allegations of unfair examination questions were not sustained and marking was seen as adequate. However, as mentioned above, CQU had left itself vulnerable due to a confusing web site entry on the pass conceded/pass terminating question and this was, not unfairly, criticised. While Carson recommended that CQU consider conceded and terminating passes for affected students, the University held its ground on this, citing academic quality and relative fairness to previous cohorts of students. The more prudent political course may have been to give way, but by taking what it saw as a stand for standards, CQU left itself open to what now followed.

Carson's most significant observation, which reflected some of the communication and coordination difficulties over a fifteen hundred kilometre distance, was the following:

I recommend that CQU review its distribution of academic and organisational responsibilities between Rockhampton and the Melbourne campus, with a view to balancing centralised control against local autonomy. (Carson, 2007, p. 13)

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Seeking to highlight the review's rejection of the most substantive allegations, Melbourne staff distributed edited highlights of the report dealing with those points. However, this was apparently viewed as deceptive and provocative by the Minister who made public criticisms of CQU (*The Age*, 31 March 2007) and then ordered a full audit of the campus. At this point, it should be stressed that the Minister continued to make herself unavailable to meet senior CQU staff, a treatment which it is unlikely would have been accorded to the leadership of local Victorian universities.

The full audit was led by Professor Kwong Lee Dow, distinguished education academic and former Vice-Chancellor of the University of Melbourne. Other panel members were experienced higher education reviewers Roger Peacock

and the Reverend Dr Harold Pidwell. The group commenced activity in early June and conducted extensive visits and interviews at the Rockhampton, Melbourne and Sydney campuses, finally reporting in early August. The report was made public later that month. (Lee Dow, 2007)

The report was a sophisticated and finely nuanced document, the broader commission allowing a much deeper analysis than that which the narrower Carson inquiries had been able to develop. While issues of web site accuracy and library holdings attracted the now routine (and disproportional) critical attention of *The Age* (24 August) and the ABC's Jon Faine, the report included considerable commendation for the Melbourne campus' support of students and growing scholarly culture. However, Lee Dow also astutely identified the critical teaching/learning issue arising from the complex Rockhampton/international campus relationship.

This concerned 'pedagogical issues between the academic leadership of CQU and staff at the CQU Australian International Campuses that leave the potential for a recurrence of student dissatisfaction and further questioning of CQU-MIC bona fides.' The report continued:

... these vulnerabilities seem to be rooted in the process of curriculum development and assessment that do not adequately take into account the characteristics and expectations of student cohorts that CQU actively attracts to its international campuses. (Lee Dow, 2007, p. 8)

For a considerable time, the vast majority of CQU's Accounting enrolments had been international students, mostly located at Sydney and Melbourne. In the second term of 2007, 96 per cent of CQU's Master of Accounting students were enrolled at the international campuses. Certainly, the University faces a challenge in incorporating the international teaching experience into the development of syllabi, the course materials and assessment regime, and the sequencing of delivery. However, at the time of writing, subject 'teams', comprising Rockhampton and international campus academic staff, were undertaking a review of units with just that mandate in mind.

Mention was made above of a culture of protest amongst some student groups, and the ease with which such protest could be organised, and publicised, in tight CBD premises. In passing, one might observe that the location also proved convenient for RMIT and La Trobe University student agitators who, according to Melbourne campus staff, added their fuel to the fire. It is suggested that, in agreeing to grant students a free repeat course after the 2006 incidents, CQU unwittingly created a template for further trouble. Protest leaders could reach the conclusion that CQU would capitulate thereafter if sufficient pressure was applied. The accusation that students

were examined on untested material became the starting point, with the grievances becoming a virtual shopping list in 2007. Regrettably, as noted by Lee Dow, the state government's own office failed in not advising students to process many of these claims through CQU's internal grievance procedures (Lee Dow, 2007, p. 9).

Where an educational institution promotes a positive and high quality customer service culture, there is the constant danger that 'customers' will see everything, including academic standards, as negotiable. All too often, students with borderline fail marks seek a pass, not on any academic grounds, but on the same basis as one might haggle over a price in an eastern bazaar. Dealing with an (arguable) cultural orientation to regard 'no' as merely the start of negotiations, institutions will pay a price if they fail to emphasise that negotiation stops at the classroom door.

Melbourne campus' experience with media treatment of the protests was both disillusioning and educational. As both the 'new chum on the block' and an interstate provider, it was possibly naïve to expect comparable treatment to that afforded the locals. For most media players, their first knowledge of CQU's presence in Melbourne was possibly when the 'troubles' emerged - not an auspicious introduction, and likely to have created a preconceived bias against the campus as further issues emerged.

Given longstanding accusations of 'soft-marking' in the international student industry, it was possibly surprising that CQU's defence of academic standards secured virtually no traction, perhaps reflecting the university's minnow-like profile and location in what is accepted as the national pecking order. An exception to this was a Department of Education, Science and Training official, Fiona Buffinton. Testifying at a Senate committee hearing which touched on the CQU case, she observed that 'the fact that a number of them fail

if they have not met the required standard is actually upholding the quality of courses in Australia' (Senate 2007, p. 95).

Back in Melbourne, student accusations were taken at face value, no matter how implausible, such as the accusation that students were deliberately failed in order to extract

more revenue. Typically, detailed CQU rebuttals, as provided for print media, were glibly presented along the lines of 'CQU denied all claims'. Moreover, ostensibly desperate actions such as threats of hunger strikes were reported as if the mere threat demonstrated the validity of the students' claims. Cultural factors relevant to such gestures and the permanent residency-desperation nexus received virtually no attention, to the considerable discredit of the media concerned.

It cannot be proved, but a suspicion exists that ideological hostility to universities' involvement in the international student industry may have been a factor at play. If so, this might explain the predilection of certain media figures to side instinctively with the aggrieved students. Within Victorian Labor Government circles, it is equally arguable that this perception might have been relevant. In an age when the 'left' seems to have abandoned much of its previous dogma, antipathy to

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private education provision remains an article of faith for some, leaving CQU's then commercial partner (C Management Services) vulnerable. In that context, CQU's recent buyout of the private partner within CMS (making it a 100 per cent CQU-owned company) might augur well for a less troublesome relationship with government.

In conclusion, perhaps the most significant consequence of this saga has been the legitimisation of direct representation to government as an acceptable form of international student protest about essentially academic matters. This is not to predict an outbreak of comparable action at other, more established, providers, although one should note the alleged role of external, peak body student association agitation in the events described above. The events also serve as a reminder of the possibly underestimated role of state governments in regulating higher education. Under a Commonwealth/State agreement, institutions are required to secure state government endorsement to offer academic programs to international students and for those operating in more than one state, this can be onerous as application and documentation requirements are not identical. Given that state governments make little or no financial contributions to universities, it is understandable that institutions might approach this relationship through gritted teeth. It is also likely that such institutions may emerge as enthusiastic supporters of a single (Commonwealth) centralised approach to such matters, consistent with the apparent philosophy of the Rudd Government.

Professor Paul Rodan is Director, Intercultural Education Research Institute, CQUniversity, and a member of the AUR Editorial Board.

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