

# De Minimis

Tuesday, 3 May 2016

Volume 9, Issue 9

www.deminimis.com.au

## Are University Rankings Leading to Student Exploitation?



University of Technology was named among the best young universities in the world by the THE rankings, this was stated to be because of their "really good industry links", their successful research, and their international relationships.

This has unfortunate distortionary consequences.

"Industry links" dramatically curtail free inquiry. A recent illustration is the CSIRO's plan to stop "doing science for science sake" and to no longer do "public good" work unless it was linked to jobs and economic growth.

Cutting administration costs, thus making student services worse and negatively impacting student well-being, actually means *climbing* the rankings and gaining a better reputation. It does this by freeing up money for research targeted at top journals and for fostering those international relationships. Research is an expensive business, however, so cutting administration costs is not enough. The "ambitious goal for Melbourne" is to become a "billion dollar research enterprise by 2025". The "significant additional income" necessary to achieve this goal cannot be achieved without "additional revenue through teaching".

To increase teaching revenue the University of Melbourne needs to exploit students as much as possible in the form of high university fees. This is what is behind Glyn Davis' push for deregulation and the concomitant massive increase in student debt. It is also what is behind Melbourne's "targets" to "broaden the base of international enrolments and achieve a 50:50 split between undergraduate and graduate student enrolments": international and postgraduate

fees are already deregulated. Both targets, Melbourne says, have already been met.

Warren Bebbington of Adelaide University has pointed out that rankings scarcely measure teaching or the campus experience at all. Indeed, "university rankings would have to be the worst consumer ratings in the retail market".

Simon Marginson, formerly a professor at Melbourne, and who sits on the board of the THE rankings, has said the world would be a better place if rankings did not exist. "The link back to the real world", he says, "is over-determined by indicator selection, weightings, poor survey returns and ignorant respondents, scaling decisions and surface fluctuation that is driven by small changes between almost equally ranked universities." Phil Baty, editor of the THE rankings, has said rankings should come with "health warnings". Hamish Coates, research director at the Australian Council of Educational Research has stated that "University rankings are false and misleading... The correlation between having a Nobel prize winner on staff and the quality of first-year teaching is zero."

So the next time the University of Melbourne climbs some bullshit rankings and the Vice-Chancellor writes to you, as he did in 2014, "to share the University's excitement at this news" and asks you to "take a moment to enjoy this recognition of excellence at the University of Melbourne", bow your head and weep.

He's asking you to delight in the fact he's exploiting you for the purposes of a marketing gimmick.

Duncan Wallace is a third-year JD student and Chief Editor of De Minimis

Duncan Wallace

A few weeks ago in the *De Minimis* article "Can't Stop, Won't Stop", Will Mosseff decried the cost cutting behind the recent administrative changes at the law school. He said that,

"It is the reputation of the institution that matters in attracting students. And reputation, in turn, is dependent on the quality of student services."

It was pointed out in a comment, however, that "both LSE and Cambridge employ centralised student administration and service models. These universities rank higher in QS university rankings (which MLS relies on)..."

What is implied by the comment is correct: a university's position in ranking systems has become synonymous with a university's reputation (that is why marketing departments love them). And it is here that Will was in error. Reputation is tied up with rankings, but rankings have almost nothing to do with "the quality of student services". If anything, the opposite is the case.

What do rankings actually measure? QS, cited by the commenter, ranks universities based on "surveys of 70,000 academics and graduate employers, alongside measures of the impact of research". The Times Higher Education (THE) rankings, mentioned numerous times in the recent University of Melbourne "Growing Esteem 2014" discussion paper, uses "13 carefully calibrated performance indicators" grouped into five areas: Teaching, Research, Citations, Industry income, and International outlook. But what does that mean?

It means that rankings do not measure the quality of student services. They do not measure student well-being. Nor do they measure the statutorily defined objects of the University of Melbourne – the serving of the community, the enrichment of cultural life, and the accommodation of free intellectual inquiry. Instead, rankings measure the opinions of business, of elite journals, and of international academics. This was shown again recently when, after Queensland



# Law Ball 2016 | An Anonymous Review

## Anonymous

Thursday Night. Law Ball. The last hurrah before we abandon our social lives and race towards exams. The night that a lot of us look forward to, partly because any chance to peel yourself away from level 3 and put on your dancing shoes is a good one and partly because, well, there's an open bar.

For a ticket price of \$130 I thought I would be getting A-grade value for money. I don't think that happened this year. Some people who didn't get the opportunity to go to law ball, whether it was too inconvenient or too expensive, might be wondering what they missed out on. Let's break it down:

### The Food

Let me put it this way, if you served the food we were given on My Kitchen Rules, all hell would break loose. Manu would be weeping Frenchly over the sauce and the salt-heavy, flavor-light mains. And no doubt Pete would be asking why the contestants thought they could cheat diners by boiling up mystery-meat filled Latina raviolis for entrée. And don't get me started on dessert. At a three-course sit down dinner we somehow only got two thirds of what we paid for. Once again, teeny tiny canapé tartlets were served. To paraphrase Zoolander: was this a dessert for ants? It was certainly at least three times too small.

Now, a minimum food and beverage package is affordable, and that is important. Moreover, we know the food is there to soak up the alcohol. But this begs the question: Why do we agree to pay \$130 for a ticket that incorporates food that is pretty average in quality, and drives up costs when we're really there to drink and dance? It could be a matter of keeping up appearances. Or perhaps we aren't really providing the experience that students at a top law school deserve without a three-course meal. Wanting to deliver a great night is understandable, but the fact is that the quality isn't there, and it feels like a rip off. Let's ditch this stupid dinner, pay less and get some decent canapés out there instead.

### The Music

Well here at least we got off to a good start: some RnB to get the night moving was a fantastic idea. Some Macklemore, some Shaggy – all of this was a good way to coax people onto the dance floor.

What was less fantastic was the fact that, after 15 minutes we were still moving to substantially the same beat. By that time, most of us had used up our signature dance moves five times over. The Sultry Booty Swing and the Awkward Law Student Shuffle™ were painfully overemployed because the music lacked variation. They may also have been painfully overemployed

because many of us cannot successfully drop it like it's hot, but that is beside the point.

The music did move on, but few, if any, dance staples such as those found on the Australian Top 40 were played. Not even Mr Brightside got a look in, and that Killers classic is practically mandatory at party events.

Frankly, this was unimpressive. It is one thing to compromise on food quality to an extent, but the number one reason law students go to these events is to dance and celebrate. For \$130 we should get a DJ who knows how to skillfully mix tracks and provide a balanced range of danceable music. It's hard to please everyone at these events, but more diverse tunes were sorely needed. In future, we could do better than dancing endlessly to RnB and 90s hits in a way that goes far beyond the ironic enjoyment of some old favorites.

### The Photobooth

If you were prepared to wait 30 minutes for a series of over-exposed photos, it was worth it.

---

***'Give us a ball that we can afford, but also give us a ball that is worth what we pay.'***

---

### The Afterparty

Honestly, this was done pretty well. Transport to the venue was prompt and the DJ was reasonably decent. It was nice to see that there were two separate dance floors to give people some choice, and two bars so that the line for drinks was manageable.

However, overcrowding at the ATM was problematic. In future, if the bar is cash only and there are no passes out of the venue to allow partygoers to find other ATMs, then let people know so we aren't all drawn like moths to the flame that is the one ATM in the Colonial Hotel.

### Where do we go from here?

In all seriousness, something needs to change in the way the Law Ball is run next year. Other law students have written at length about the exorbitant cost of the tickets, which is absolutely part of the equation. The other side of the matter is that you should get what you pay for and quite frankly that didn't happen this year. Ultimately, there needs to be some debate in the LSS about alternatives that provide better value for money. We know, for example, that Monash provides a cocktail night for its JD law students in addition to a law ball at a cost of \$60 for LSS members. There are a lot of pluses involved here: all of the dancing, all of the drinking, and plenty of bite-sized tasty

goodness brought around on platters over the course of the evening for less cost.

Now, I'm not proposing that we put on exactly the same event, dollar for dollar. We do not want to repeat the Spring Social – we probably want a different kind of event. No doubt it would be possible to put on a cheaper but high quality cocktail night that differed in style, location and formality from the Spring Social to address the risk of a 'repeat' feel.

Specific suggestions aside, the point I am making is that where other cheaper, high quality options exist, they should be actively explored with a view to creating an event that is better value overall and more equitable in terms of affordability. Even if any action taken does not translate into changing the event altogether, perhaps we need to at least consider better priced venues. The problem is that I do not believe this has happened so far. I have not seen evidence of debate or proposals for reform published or disseminated by the LSS to reduce ticket prices. I may be incorrect, but it seems that the status quo is largely adopted from year to year.

If, as it turns out, I'm completely on the wrong track and we can't bring down prices without compromising a good time – then maybe we need to get more creative with our funding and our sponsors. I imagine that could support an entire essay by itself, so I won't say more other than to raise it as a point for further consideration.

Finally, to really generate reform, the student populace as a whole needs to be included in any discussions that follow. I haven't been around for a particularly long time, but I have yet to hear the LSS ask for student input on what could or should be done to change the ball to improve value, whether that involves a few minor alterations or a different kind of night altogether. It is safe and convenient to put on a ball at the same venue every year with the same average music and food, but I would like to see the LSS rise to the challenge and become more creative in the future. Give us a ball that we can afford, but also give us a ball that is worth what we pay.

De Minimis sent the first iteration of the 'Law Ball 2016' article to MULSS for comment when it was first received. Subsequently, MULSS sent De Minimis the response printed on page three. The original 'Law Ball 2016' article was amended before publication, in part due to MULSS's response. Members of MULSS put considerable time and effort into this response and so De Minimis has agreed to publish it, on this occasion, in order to ensure clarity of process and proper recognition.

## MULSS Responds to 'Law Ball 2016'

### Melbourne University Law Students Society

Thank you to *De Minimis* for giving us the opportunity to respond to the article, 'Law Ball 2016'.

The MULSS Leadership Team respects the fact that students will have varying opinions with regards to the way Law Ball is run, including music tastes and actual mouth tastes. We will therefore not address these subjective issues at this stage, however we would like to correct some objective factual errors made in the article.

In the second paragraph, the author mentions that the price was raised \$10 this year. However, there was no increase in ticket prices from last year. Ticket prices for law students were \$130 in 2014 and 2015.

In the section 'Where do we go from here?' the author questions why we have never 'floated' the idea of a cocktail night as an alternative event. As mentioned in the article 'Law Ball: The Break Down', we hold the Spring Social

in the middle of the second semester. This is a cocktail style night with canapés and was provided as a significantly cheaper event at \$35 a head, thanks partly to subsidy provided by the Law Ball. It's interesting to note that last year, even though Spring Social was significantly cheaper, and has a third of the capacity of the Ball, it took significantly longer for this event to sell out in comparison. Furthermore, the 2014 event, which had a smaller capacity of 300, didn't even sell out.

Also in that section, the author asks the MULSS to be more creative with the Law Ball by presumably looking for other venue options. As mentioned in the 'Law Ball: The Break Down' article, the MULSS Activities Team looks for at least three venue quotes for Law Ball. Peninsula is consistently the cheapest.

The MULSS welcomes constructive criticism. Feel free to direct any more thoughts on the Law Ball to [law-activities@unimelb.edu.au](mailto:law-activities@unimelb.edu.au) or have a chat to the Activities Directors Dom or Henry.

## Honi Soit Caught Out

A copy of this week's *De Minimis* has been forwarded to the editors of *Honi Soit*; Australia's other weekly student publication.

### journalism since 1929

*Honi Soit* is the weekly student newspaper of the University of Sydney, Australia.

Published since 1929 by the Student's Representative Council (SRC) at the University of Sydney and distributed around campus free for all students to read, *Honi Soit* has a colorful and sometimes controversial history.

It is one of the most prestigious student publications in Australia. It is also the only weekly student publication in Australia.

Many of its alumni are famous and influential students in their own right. Some of the most interesting and controversial work in the pages of *Honi Soit*. Many have gone on to become leaders in the arts, journalism, law

## A Lecture, Unrecorded

L Lykov

### A New Year of Recordings

Starting in 2016, Learning Environments (LE), part of the Academic Services division of Melbourne University Services, was endorsed by the Academic Board of this university to record every lecture under the UniMelb banner, under an opt-out model. It stands to reason, given that all of the newer lecture theatres are outfitted with recording devices built into their lecterns. Students need not fear missing important information in the degree they're paying for, as they can now just retrieve it through the LMS. Unless you are unfortunate enough to be receiving a seminar, as is every student at the law school.

#### What is a seminar?

The historical basis of the seminar is based on the Oxbridge approach. While also utilised in a number of their more exclusive undergraduate courses (shout outs to PPE), the seminar format calls for a small number of students, to be guided through a discussion of reading material. While the teacher is still officially in charge its methodology recognises the aptitude of the student and delivers to them an education on as equal terms as one can get. Oxford's BC, recognised as one of the top law postgraduate courses in the world, is delivered in this manner. Seminars include lights being on in the room so participants may check their notes and read material over as it is relevant to the discussion at hand. It is also unrecorded, for if nothing else the logistical challenges faced in a room where anyone

may deliver a substantial point of argument.

#### Seminars: The Melbourne Model

From the above description, we can see MLS having many similarities. We have small class sizes. You and 59 of your closest friends! We have the lights on, so students can read along with the group. Although from what I can see, students don't so much read as fastidiously write what the lecturer I mean, seminar leader is saying. Finally students have the ability to speak back. But more often than not I hear the old "talk to me in the break" effectively nullifying the point of a seminar. Not looking too much like our English forefathers, are we?

#### The Case Against Recording Seminars

The university claims if seminars were recorded attendance would go down. Last year, I enjoyed the twice weekly company of a feared MLS teacher. Teacher took ill, as such they were forced to record a makeup seminar. Despite the promise this would be recorded, I knew of students taking work off to make it down to hear this teacher speak. We are not snooty nosed undergrads looking to play hooky, we are some of the best students of this country and we are here to learn. Moreover, under the new LE directive a lecturer must provide a reasonable ground for not recording their lecture. Drop in attendance is explicitly **NOT** one of these, as LE states, "While there is limited published research in the area, studies have generally found that the provision of lecture recordings has limited impact on attendance."

### The Case For Recording Seminars

Minority groups such as English as an Additional Language students, which the law school take on in ever increasing numbers would vastly benefit. Sure we all know the cool Canadian guy in our class, and our Kiwi mate has all but lost his weird vowel after clerking the summer at "Allins," but those with limited English skills from non-english speaking nations face a whole different set of challenges. I saw a student bring a Chinese/English dictionary into the contracts exam. The fact of the matter is that students come here and the law school is failing them, all while taking their money and dining out on an increasing "international outlook" score on QS rankings. Being able to relisten to a class, pause, and rewind may not solve all of the problems these students face, but it's a start.

Some students get sick. Some have work. Some have a disability. Even a student with everything going for them could listen to a recording again to glean that last bit of information from a convoluted trusts class.

#### Oxford We Are Not

We need not sit an Oxford seminar, because I know the teacher is better than me and I need to be taught *at*. In my opinion, this is what already happens in the vast majority of classes. So let's call it what it is: a lecture. Our teachers are given the title of lecturers, one would assume that is what they deliver.

Melbourne Law school, along with other UniMelb post grad faculties refuses to do right by its student body and record lectures. What goes unrecorded mostly, is the damage this does to those trying to learn.

L. Lykov is a JD Student

# Clerkship Diaries

## Nobody Cares



Preparing for the clerkship, I had one guiding principle: everything matters, so don't f\*\*\* it up. That's two principles. Strong start.

The first few days were a real test for the 'everything matters' mantra. Recently Merged Hyper-firm ('RMH') really tested the commitment to caring about every single word any of their employees said. Diversity. Development. Integration. Client-focused. [Buzzword]. [Buzzword]. Overtired RMH Grad presenting on Diversity 'hadn't prepared', but had 'read a book once about a time when a person faced that problem where they worked.' An ordinary person might have had a second thought. They might have chanced a chuckle at the "Grandson-What-Is-That-Movie-With-That-Lovely-Young-Man-From-America" level of specificity. No way m8. Every freshly starched young suit in the room looked like they were attending a Nobel laureate's acceptance speech.

With my comrades, I passed the test. I acted like everything mattered. Next day, my appointed senior lawyer and buddy (read: HR reporting agent) at RMH took me for a quick coffee and a chat. Espressos were ordered. Why? Senior lawyer doesn't have

time for your milk and your conversation. Buddy is fresh into the Death Star and still has an aroma of Melbourne Law School about him, so the copied coffee order is an easy way to please. Me? I actually didn't hear their order, but knew from primary school that imitation is flattery. Everything matters. Keep it up.

At this lightning coffee of "what-drew-you-to-my-very-specific-area-that-you-know-little-about" chats and espresso-related wincing, I saw a glimmer of hope. The glimmer of hope was itself a glimmer. While staring down at the floor, trying to hide sheer confusion about what distinguished debt from equity financing, I spotted that we were all wearing the same well-shined shoes. Not just shoes at all. Not just black shoes and socks (today). But the same distinct English men's dress shoes. Good heavens. This is a miracle. Everything matters, even the shoes! From some nifty law school logic I thought: senior lawyer wears shoes, has job; buddy wears shoes, has job; I wear shoes... can has job! The golden age of shoe-based friendship lasted nearly the whole clerkship.

On the final week, we were required to give presentations that related to the practise groups in which we were placed: Banking and Finance. Get out me way George RR Martin, this is where the real drama goes down. Predictably, in a world where even a brotherhood of shoe ownership can be the difference between sweet, sweet employment and being marooned on the island of unemployment, the presentation got a lot of prep. Lots. Second reading speeches of

relevant legislation. Drafts. Coffee chats in advance with buddy (plus espressos to pay homage to our absent leader). Even memes made a showing. This PowerPoint was weapons grade.

So too, I thought, was the presentation. The vibe was lukewarm, but hey, it was a really boring trial level case. Just as I go back to my desk, I reread the email appointing topics for presentations. I read "FCAFC" next to my case. No, no, no, sir. You have it wrong, there was no appeal...I was asked to do the trial decision because that's all there was...

There was an appeal. Heart breaks. Chest pounds. Face throbs with: fear; embarrassment; shame; death; death; and death.

In an act of tactful minimalism, I explain my error to every single person I can find around me. They respond:

"It's really not a problem."

"We don't care, it's not about that."

"It doesn't matter."

"I wasn't there."

Senior lawyer emerges from office: "Nobody cares. Nobody cares. Nobody cares."

All is lost. Principles one and two are kaput: Nothing matters, nobody cares; and You f\*\*\*ed it up.

*Have a funny clerkship story but still want a grad job? Send it to [mlsdeminimis@gmail.com](mailto:mlsdeminimis@gmail.com) and we'll publish it anonymously.*

## I'm Sorry, I Can't See The Pattern

Grace Bowran-Burge

I have a secret. Show me a pattern and ask what shape or image comes next and you will get tears, wrath, maybe even an object thrown at your face. What you will not get is the correct answer. I'm sorry, but I can't see the pattern.

This has been the bane of my life since childhood. Whether it's suspicious aptitude tests in high school or allegedly 'fun' exercises in primary school, my deepest shame remains that I am pattern blind. I thought I had escaped this crippling character flaw when I started law school. Nobody is going to make me try to spot a pattern now, I thought to myself, while gleefully burning all my LSAT books. And for a year, this was true. Then, alas, the clerkship period hit. I worked hard, I had the 'things' we're told we need. But, what I did not have was an ability to see the patterns. Hours spent completing practice tests left me in a fit of rage, dreaming

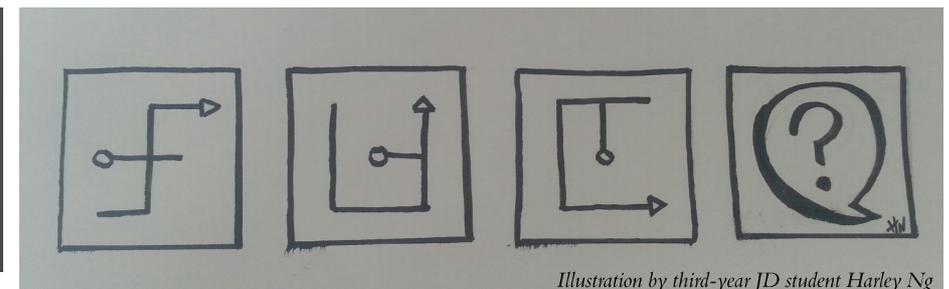


Illustration by third-year JD student Harley Ng

about circles and triangles, and a time where my worth wouldn't depend on spotting the order in which they came. I am reasonable, I understand these firms are bombarded with applications and need a process to sort through them. My question is whether these online tests are the way to do it. Does the fact I can't see this apparent 'pattern' mean I would be a poor choice of clerk? I'm not convinced.

Somehow I made it through, and found some firms that didn't seem to care about this monumental failing on my part. But now, I, like many other third years, am applying for graduate jobs. And so the hell has started again. At times I think maybe there is no pattern, that what comes next in the progression isn't a triangle with a dot on the far left, but a malevolent HR Rep laughing at my tear-stricken face. At other times I think

about clicking the 'special circumstances' option and explaining my situation to them; no matter how hard I try, I cannot see the pattern.

But what I'm trying not to do is take it to heart. Yes, I have to guess approximately 23 of the 25 logical/inductive reasoning questions. And yes, this may mean some places will not even consider my application. But what it doesn't do is make me a poor choice. It certainly doesn't make me unworthy of a clerkship or graduate position. All it means is I should stay away from Survivor and other game shows which have a similar component. So, in the hope it may make those of you with a similar secret feel more comfortable, I am publicly confessing: I'm sorry, but I can't see the pattern, and I don't really care.

Grace Bowran-Burge is a third-year JD Student