ANNUAL REPORT

STUDENT OMBUDS OFFICE
UNIVERSITY OF TECHNOLOGY, SYDNEY

For the Period
1st February 2002 to the 31st January 2003

June 2003

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1. STAFF OF THE OFFICE

The Student Ombuds Office consisted of the following persons during 2002 on a part-time basis:

A. Stuhmcke	-	Student Ombud Senior Lecturer Faculty of Law Markets Campus
A. Ross-Smith	-	Assistant Student Ombud and Student Ombud from October Acting Head of School School of Marketing Faculty of Business Markets and Kuring-gai Campus
P. Lewis		Assistant Student Ombud (completed term in April) Senior Lecturer Faculty of Engineering City Campus
K. Crews		Assistant Student Ombud Associate Professor Faculty Engineering City Campus
J. Twyford		Assistant Student Ombud Senior Lecturer Faculty Design, Architecture & Building City Campus
J. Murphy	-	Administration Manager Student Ombuds Office City Campus

2. PREAMBLE

The Student Ombuds Office operates within the Office of the Deputy Vice-Chancellor (Academic) under the *Terms of Reference* approved by the University Council which can be found at the end of this report. These *Terms of Reference* were introduced by Council in May 1989 when the Office was established and were revised and amended in December 1995.

The University, in accordance with its past practice, continues to provide the Student Ombuds Office with sufficient resources to continue its role effectively. During 2002 the Student Ombuds Office dealt with 37 complaints, two less than 2001. All but one of these complaints were able to be resolved through discussion with the persons involved. One complaint was referred to the Deputy Vice-Chancellor (Academic) for intervention during this period.

The Student Ombuds Office has now been in operation at UTS for over a decade. During this period the Office has established itself as an integral part of the University grievance handling procedures. The value of the Office is that it is one of "last resort", that is, the Student Ombuds Office will only intervene in a complaint when all other avenues have been exhausted. It is inherent in the role of the Office that it does not exist to advocate for an individual student, rather it adds value to the University by providing a specialist complaint unit which aims to ensure that University processes are implemented fairly and improved where necessary. Thus the Student Ombuds Office contributes to the overall quality of student education.

3. COMPLAINTS

The complaints that led to a formal enquiry by the Office are set out in Table 1 to this Report. These complaints are further analysed in Graphs 1, 2 and 3.

Table 1 shows the source of the complaints by the Faculty that students are enrolled in. This Table shows the Faculty a student originates from. This means that a low volume of complaints for this Table may be made by a student from the Faculty yet the complaint itself may be with respect to a person or body external to that Faculty. For example, a student complaint might relate to their enrolment in a joint degree or their treatment by external administrative or other units of the University.

Graph 1 presents the same information as in Table 1, with its focus being the nature of complaints rather than their location. It provides this information in a different format to Table 1 and compares it with the previous year.

Graph 2 sets out the complaints according to the Faculty of the complainant. This information is not broken down by school. When viewing these figures please note that because a student of a Faculty makes a complaint, it does not necessarily follow that the complaint is associated with a matter or decision directly concerning that Faculty. Any analysis should therefore take into account the material in Table 1 where both the nature of the complaint and the Faculty are provided.

Graph 3 gives the percentage of complaints from students in a Faculty relative to the total number of students enrolled in each Faculty in 2000. Once again, note that the students of a particular Faculty may not be complaining about a matter or decision that has arisen in their own Faculty.

Referrals of complaints were monitored for the first time in 2000 so that the Office could better gauge visibility and accessibility for students who use the Office. When filling out the Request for Assistance form required when making a formal complaint, students are asked how they heard about the Office.

The results of this survey are illustrated in the following table. This information is being used by the Office to better target information resources towards the student community (also see Visibility below).

Business Card	0
Counsellors	3
Faculty	1
Lecturer	2
Other	7
Pamphlet	4
Referral	10
Students Association	8
Web site	2

The source of referrals is diverse and often changes from year to year. Last year 6 referrals where from a Faculty and this year there is one. Overall the above complaint referrals show a coverage of the University that is pleasing in terms of the visibility and awareness of this Office across the University community.

4. COMMENTS ON COMPLAINTS

Overall number of complaints: The number of formal complaints recorded in 2002-2003 is slightly down on last year. Whilst last year the Office received the majority of formal requests for assistance in the early part of the year, this year there was a much more even spread of complaints throughout the year.

Co-operation with the Office: It is again pleasing to note that the Office still maintains a very high level of support for its work amongst University staff. This co-operation and genuine willingness to assist in resolution of complaints means that the role of the Student Ombuds Office within the institution is carried out more effectively. Naturally there are exceptions however these are in the minority of cases.

Informal Complaints: The Student Ombuds Office will formally record a student request for assistance as a complaint only when a student has lodged a "Request For Assistance" form with the Office. It is only these formal complaints which are recorded for the purposes of this report. Naturally, there are many other instances

where students phone, e-mail or visit the Office for advice. Sometimes they are directed to other services which are more relevant to their particular need and sometimes students are able to solve their problem without further assistance from the Office. Occasionally students approach the Office because they are upset by what they perceive as unhelpful and discourteous behaviour of staff but do not want to lodge a formal complaint.

Formal Reports: The Terms of Reference provide that if the Student Ombud is unable to settle a complaint to the satisfaction of the parties, a report may be submitted to the Deputy Vice-Chancellor. The report would contain the views of the Student Ombud and normally any recommendations thought appropriate. These formal reports are made on only a small number of occasions. During 2002-2003 one such report was provided. The matter involved an appeal and subsequent reenrolment. The Student Ombuds Office feels the Formal Report was given appropriate consideration by the Deputy Vice-Chancellor.

5. VISIBILITY

This year the Student Ombuds Office reproduced the Office pamphlet and bookmark aimed at making the Office more visible to the University community. Pamphlets continue to be disseminated throughout University Units, Faculty Offices and orientation information for new students. It is pleasing to note that extra supplies of pamphlets and bookmarks are often now requested by Faculties and Units. For supplies of pamphlets and bookmarks please contact Jenny Murphy on 9514 2575.

The Office has also been pleased by the interest shown in the pamphlets and bookmarks by other University Ombudsman. The UTS Student Ombud Pamphlet and Bookmark has been used as a template by these organizations so they too can become more visible to the student population within their respective organization.

6. PERSONNEL

The Student Ombuds Office underwent a number of personnel changes in 2002. In April Peter Lewis, an Assistant Student Ombud and Senior Lecturer in the Faculty of Engineering completed his time with the Office. We thank him for his contribution.

Due to the large numbers of requests for assistance received last year the Office was able to employ an additional Assistant Student Ombud. In April we advertised for 3 positions. One replacement for Peter Lewis, the additional staff member and a replacement for Dr Anne Ross-Smith who was to become the Student Ombud in October when the current incumbent Anita Stuhmcke's term was complete.

The Office advertised and received a record number of highly qualified responses to the positions. The two successful candidates appointed in April 2002 were Associate Professor Keith Crews from the Faculty of Engineering and Dr John Twyford from the Faculty of Design, Architecture and Building. The third candidate replacing Dr Anne Ross-Smith as Assistant Student Ombud was Bronwyn Olliffe from the Faculty of Law. Bronwyn commenced the role in January 2003.

In July 2002 Professor Ross Milbourne took up the position of Vice-Chancellor of UTS and the University structure was altered so that the Student Ombuds Office

reported to Professor Richard Johnstone, Pro Vice-Chancellor (Education and Quality Enhancement). The Student Ombuds Office thanks Professor Milbourne for the support he showed the Office in his role of Deputy Vice-Chancellor.

Anita Stuhmcke's term as Student Ombud came to an end in October 2002. Anita joined the Office as an Assistant Student Ombud in July 1997 and was elevated to Student Ombud in July 1999 when Associate Professor Gael Walker left the Office to take up the role of Associate Dean in the Faculty of Humanities and Social Sciences. The ongoing success of the Student Ombuds Office has been due, in no small measure to the quality of the work and dedication to the job shown by Anita in her time with the Office. She brought a profound knowledge of administrative law as well as a particular skill in dealing with the 'people' side of the business of investigating and reporting of problem areas in University administration. Anita undertook all her tasks with dedication and a low-key ability to resolve issues with a minimum of fuss. The value of her work while the Ombud has been publicly recognized by the wider University community and by past and present members in the Office. She has their most sincere thanks and gratitude.

Dr Anne Ross-Smith, who has been an Assistant Student Ombud with this Office since July 1997 was approved by Council to become Student Ombud in October 2002. We congratulate her on this position and also for her promotion to Head of School for the School of Management in the Faculty of Business.

7. AUSTRALASIAN UNIVERSITY OMBUDSMAN CONFERENCE

In February 2002 staff of the Office attended the 3rd Biennal Conference of Ombuds and Deans of Students in Australasian Higher Education which was held at Queensland University of Technology, Brisbane. The conference was organised by Rodney Wolff, the Student Ombudsman at QUT in association with OMDOSHEAA, (Ombud Dean of Students Higher Education Association Australasia).

The then UTS Student Ombud, Anita Stuhmcke and Assistant Student Ombud Dr Anne Ross-Smith led an interactive discussion session entitled 'Necessary or sufficient: what do we do when there are no rules?' The discussion explored what University grievance handling offices can do when University regulations are ambiguous, absent or subject to multiple interpretations. Along with hypothetical examples, participants were invited to discuss their own case studies in relation to the topic.

Feedback indicated that the sharing of practical case studies was particularly beneficial. Participants felt comfortable relating their individual experiences and the outcome was a learning experience for all.

8. OMDOSHEAA

OMDOSHEAA, the Ombud Dean of Students Higher Education Association Australasia listserv is still providing a forum for University grievance handlers to discuss related issues. The association was initiated at The Second Australasian University Ombudsman Conference at University of Technology, Sydney in February 2000. The aims of OMDOSHEAA are to facilitate communication and the sharing of professional knowledge amongst Ombudsmans, Ombuds and Deans of Students and to initiate and contribute to discussions of Ombudsmans, Ombuds and Deans of Students in national and international forums.

The membership is comprised of local, international academic, administrative or student representative staff who hold a recognised position as Ombudsman, Ombuds or Deans of Students with their institution. Members gain entry through an expression of written interest. There is a national Convenor, and an executive committee whose function is to facilitate the aims of the organisation through regular consultation with its members. The Convenor and Committee oversee the maintaining of the listserv (and the appointment of a membership secretary as necessary. The Ombuds Office at UTS coordinates, monitors and oversees the listserv.

9. CASE STUDIES OF COMPLAINTS

Case Study 1

Student requested assistance from this Office with a matter concerning the students final examination in the last subject prior to graduation. The student who now had two children under 2 years of age had failed the subject twice before and was anxious to pass the subject and graduate. The student had been trying to contact the Faculty for some time about arranging an alternative form of assessment. The Student Ombuds Office was able to assist the Faculty and student to come to an agreement on a timeframe and exam content that suited both. The Faculty also agreed that the Student need not enrol again in the subject.

Case Study 2

Student requested assistance from this Office after an appeal against a final assessment grade had been unsuccessful. The student who had failed the same subject the previous year had appealed on the grounds that it was their final subject and a Special Consideration Form, that had been lodged by the student had not been taken into account. On investigation the Student Ombuds Office found that the student had indeed been given Special Consideration in accordance with Faculty policy. However marks from one of three assignments had not been submitted and the students overall mark for the subject had been averaged between the remaining two which resulted in a lower mark for the student. After discussing the matter with the Faculty, agreed to award the student with a conceded pass.

Case Study 3

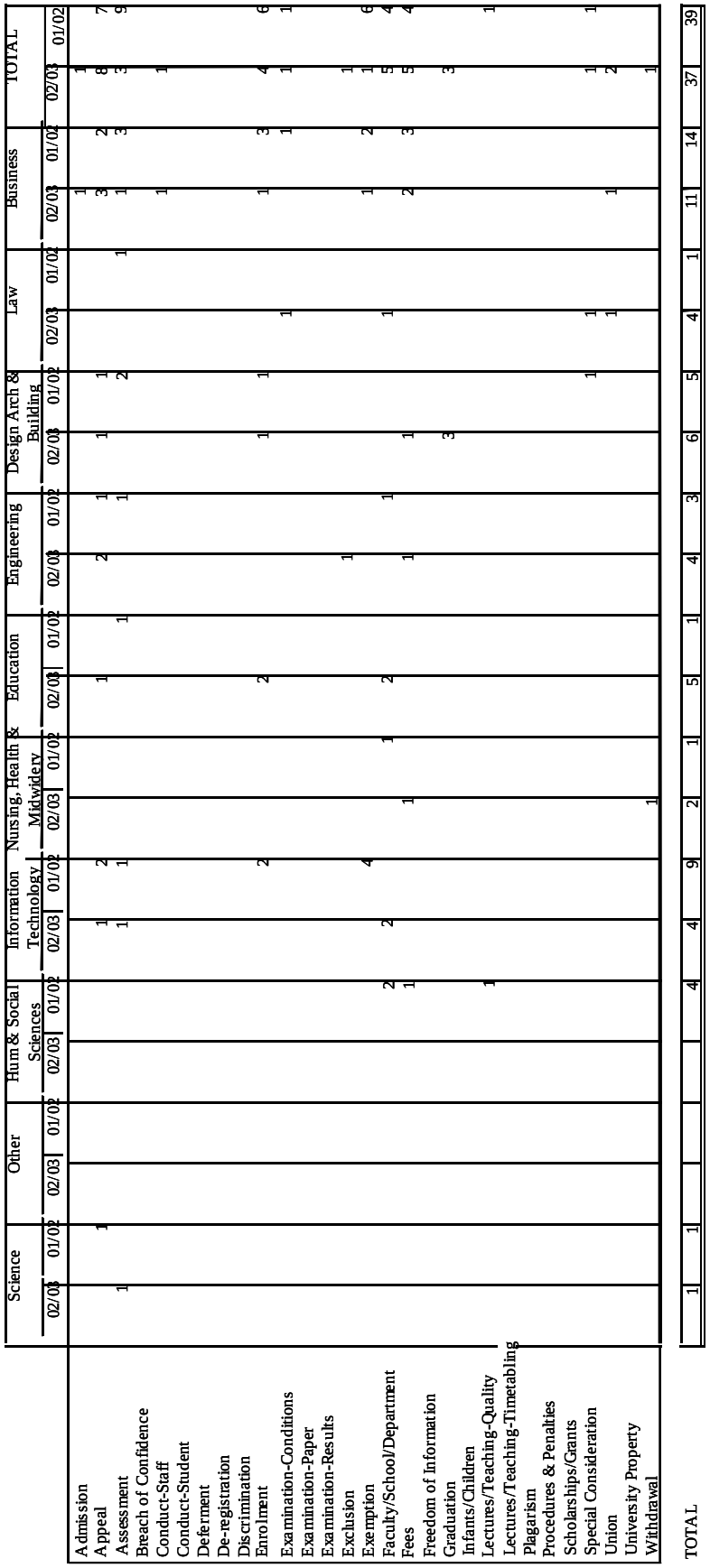
Student requested assistance from this Office in being refunded a fee charged for reinstating his enrolment. The student had not paid his enrolment fees arguing that there is no final date issued by the University stating by what date payment must be made. After some investigation the Student Ombuds Office found Rule 2.2.9 refers to ‘final date for payment’. Also the Office provided the student with documentation that they had received during enrolment period stating two relevant dates, one titled ‘last day to pay Postgraduate course fees’ and the other stating ‘Last day to withdraw from a course or subject without financial penalty’. Accordingly, in failing to pay those fees the student had transgressed the rules of the University and therefore the Office was not able to make a recommendation in the students favour.

10. QUALITY

The UTS Student Ombuds Office provides to students an independent avenue of dispute resolution that gives an assurance of:

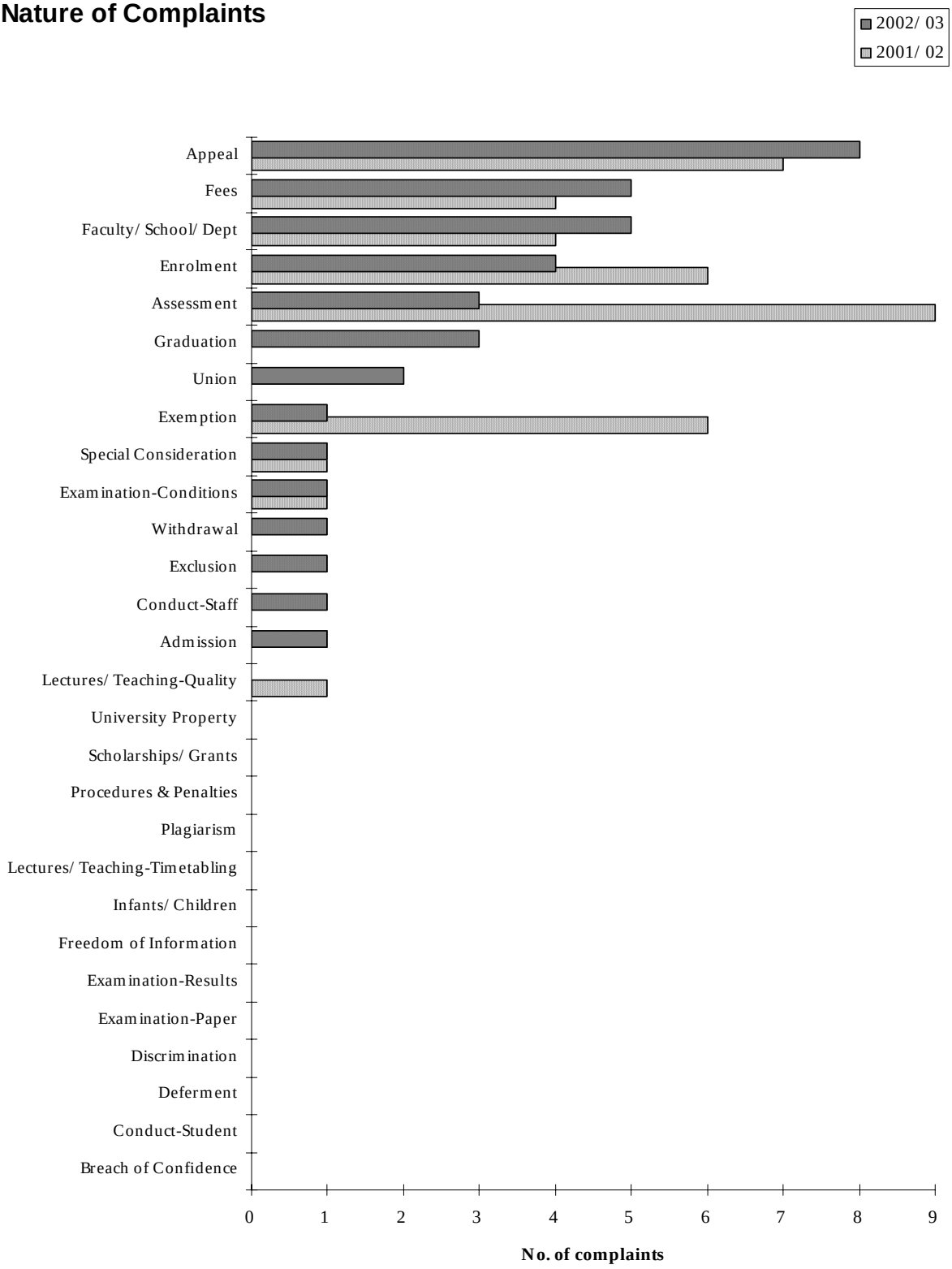
- Natural justice (fairness)
- Thoroughness in investigating a complaint
- Awareness of a student's personal situation
- Access to all staff and all documentation
- Expertise as to University processes and structure

TABLE 1 - SOURCE & NATURE OF COMPLAINTS

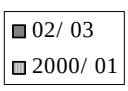


	Science		Other		Hum & Social Sciences		Information Technology		Nursing, Health & Midwidery		Education		Engineering		Design Arch & Building		Law		Business		TOTAL	
	02/03	01/02	02/03	01/02	02/03	01/02	02/03	01/02	02/03	01/02	02/03	01/02	02/03	01/02	02/03	01/02	02/03	01/02	02/03	01/02	02/03	01/02
Admission																			1		1	
Appeal		1					1	2			1		2	1	1	1			3	2	8	7
Assessment	1						1	1				1		1		2		1	1	3	3	9
Breach of Confidence																			1		1	
Conduct-Staff																						
Conduct-Student																						
Deferment																						
De-registration																						
Discrimination																						
Enrolment							2	4			2				1	1			1	3	4	6
Examination-Conditions																	1			1	1	1
Examination-Paper																						
Examination-Results																						
Exclusion													1								1	
Exemption							4							1					1	2	1	6
Faculty/School/Department					2				1		2						1				5	4
Fees					1				1				1		1				2	3	5	4
Freedom of Information															3						3	
Graduation																						
Infants/Children																						
Lectures/Teaching-Quality					1																1	
Lectures/Teaching-Timetabling																						
Plagarism																						
Procedures & Penalties																						
Scholarships/Grants																						
Special Consideration															1		1				1	
Union																	1		1		2	
University Property																						
Withdrawal									1												1	
TOTAL	1	1			4		4	9	2	1	5	1	4	3	6	5	4	1	11	14	37	39

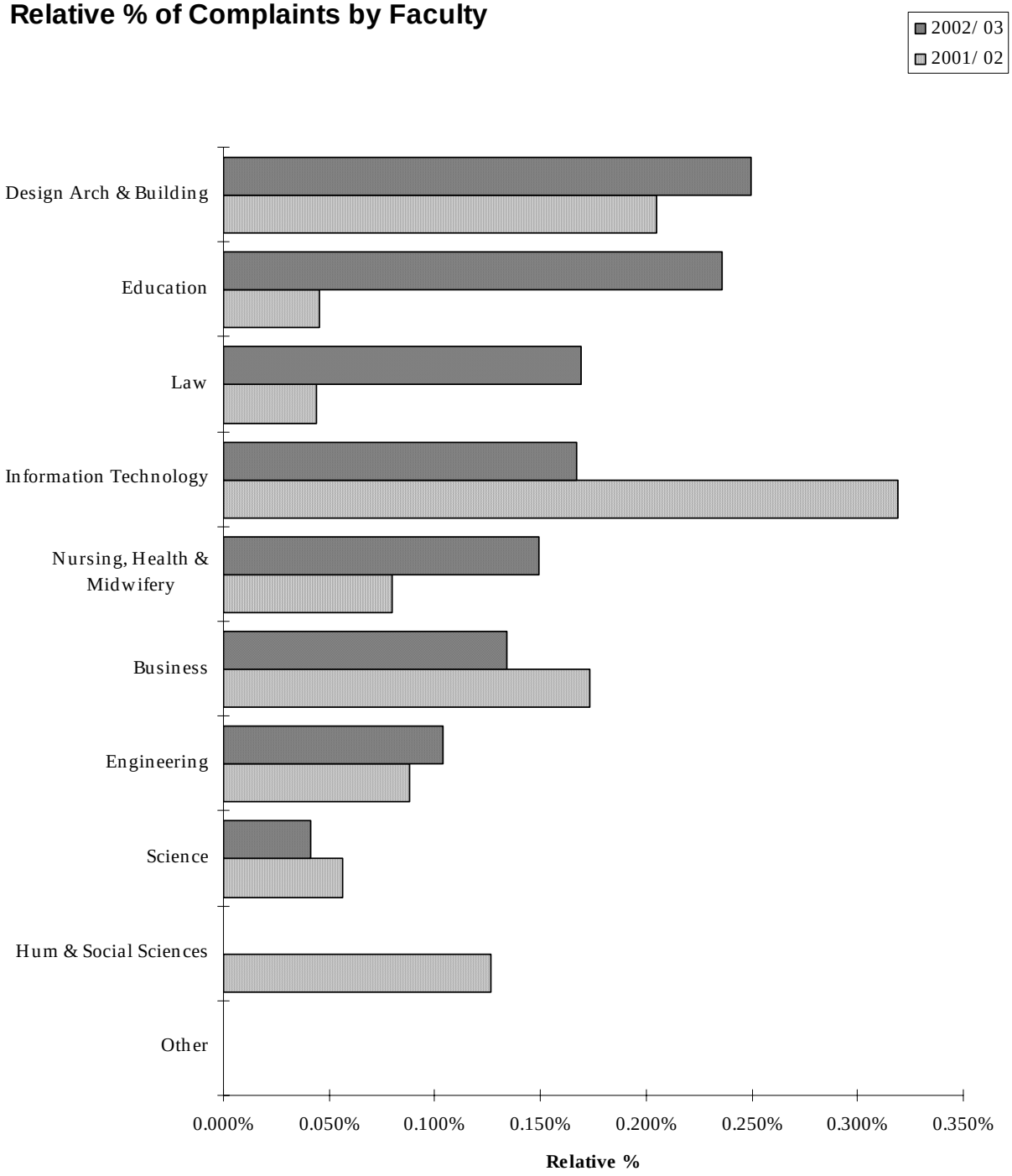
Graph 1
Nature of Complaints



Graph 2
Source of Complaints



Graph 3
Relative % of Complaints by Faculty



ATTACHMENT 1

TERMS OF REFERENCE

1. Appointment

1.1 The Council of the University shall appoint a person to be Student Ombud and may appoint one or more persons as Assistant Student Ombuds with the same authority and responsibilities as the Student Ombud, save that of the management of the Student Ombuds Office.

1.2 The Student Ombud and Assistant Student Ombuds shall be responsible to the Deputy Vice-Chancellor.

2. Authority to Enquire

2.1 The Student Ombud has the authority to conduct enquiries relating
2.2
2.3 to complaints by registered students against decisions or conduct of staff, Committees, Boards or any unit or group either within the University or acting under the authority or auspices of the University.

2.2 On receipt of a written complaint signed by a registered student or a person who was a registered student at the time of the conduct complained of, the Student Ombud shall have authority to enquire into that complaint.

2.3 The Student Ombud may, for any reason including possible conflict of interests, refer a complaint to an Assistant Student Ombud.

2.4 On receipt of a complaint, the Student Ombud shall decide, by enquiry if necessary, whether or not the complaint falls within the role and functions of the Student Ombud. The complaint shall be dismissed if the Student Ombud is of the opinion that:

2.4.1 the complaint is frivolous, trivial, or not in good faith;

2.4.2 the complainant has an insufficient interest in the matter;

2.4.3 the conduct complained of occurred at too remote a time to justify investigation;

2.4.4 in relation to the conduct complained of there is available to the complainant an alternative and satisfactory means of redress;

2.4.5 in disputes involving the assessment of a student's academic performance, the Student Ombud shall normally investigate the complaint only if the complainant has attempted other avenues available under University regulations and procedures. The role of the Student Ombud shall normally be confined to being satisfied that the

procedures of assessment for the course(s) in question have been followed and are reasonable in all the circumstances;

2.4.6 the conduct complained of is not of a character that concerns the University within its functions, responsibilities and powers as defined in the University Act, By-law, Rules, and policies.

Where the complaint has been dismissed by the Student Ombud, the complainant shall be informed of the reasons for the decision.

2.5 If during an investigation being carried out by the Student Ombud it becomes known that the complaint is the subject matter of a hearing or appeal under the University Act or By-law, the Student Ombud shall proceed no further with investigating the complaint until the hearing or appeal has been concluded.

2.6 The Student Ombud shall be given access to all University records and documents relating to the complaint.

3. Conduct of Enquiry

3.1 The Student Ombud shall decide the form and procedures to be adopted in investigating a complaint. All persons involved shall be given reasonable opportunity to explain their views and encouraged to reach agreement.

3.2 If the complaint is not settled by informal consultation and discussion the Student Ombud may proceed with the enquiry by methods such as:

3.2.1 providing a written copy of the complainant's statement to the person(s) against whom the complaint has been made; or

3.2.2 at the request of either the complainant or the person(s) complained against, or in any case where the Student Ombud deems it desirable, convening a conference to discuss the complaint.

3.3 Where the Student Ombud believes that during an enquiry a situation arises which requires attention to avoid further problems, the Student Ombud may make recommendations to any appropriate person.

3.4 Where the Student Ombud believes that during an investigation there arises a matter of principle affecting other sectors of the University, the Student Ombud may submit to the Deputy Vice-Chancellor a written interim report. In such a case, the Student Ombud shall inform the relevant persons that such a report has been made and shall indicate to them what, if anything, has been recommended.

4. Report of Investigation

4.1 At the conclusion of an enquiry, if in the opinion of the Student Ombud:

4.1.1 the complaint has been settled, no further action will be taken other than under 5 below; or

4.1.2 the complaint has not been settled, a written report may be made to the Deputy Vice-Chancellor (or Vice-Chancellor or Chancellor in appropriate cases) and to the persons involved; the Student Ombud's views on the matter and recommendations would normally be included. In such a case, persons involved shall be informed that they may make a submission in writing to the Deputy Vice-Chancellor (or Vice-Chancellor or Chancellor in appropriate cases); or

4.1.3 the complaint warrants no further action, or no further action can be taken, the Student Ombud may decline to proceed further.

5. The Student Ombud may bring to the attention of the Deputy Vice-Chancellor any matter:

(i) arising from an enquiry; or

(ii) any matter relating to processes, procedures, rules or policies of the University.

6. Annual Report

In February of each year the Student Ombud shall present to the Deputy Vice-Chancellor an annual report for the previous year. The report shall be statistical in character and shall contain no reference to named individuals.