ANNUAL REPORT

STUDENT OMBUDS OFFICE
UNIVERSITY OF TECHNOLOGY, SYDNEY

For the Period
1st February 2003 to the 31st January 2004

June 2004

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1. STAFF OF THE OFFICE

The Student Ombuds Office consisted of the following persons during 2003 on a part-time basis:

A. Ross-Smith	-	Assistant Student Ombud and Student Ombud to 31 March Head of School School of Marketing Faculty of Business Markets and Kuring-gai Campus
B. Olliffe	-	Assistant Student Ombud and Student Ombud from 1 April Senior Lecturer Faculty of Law Markets 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
A. Lynch	-	Assistant Student Ombud Senior Lecturer Faculty of Law Markets Campus
J. Murphy	-	Administration Manager Student Ombuds Office City Campus

2. PREAMBLE

The Student Ombuds Office operates within the Office of the Pro-Vice-Chancellor (Teaching and Learning) 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 1995 and again in 2003.

The University, in accordance with its past practice, continues to provide the Student Ombuds Office with sufficient resources to continue its role effectively. During 2003 the Student Ombuds Office dealt with 30 complaints, 7 less than 2002. All complaints were able to be resolved through discussion with the persons involved.

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. This year the Student Ombuds Office has included statistics on complaints from the past 3 years so that we can better identify trends in the nature, source and incidence of formal requests for assistance with this Office.

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 incidence rate per 1.000 students of complaints by students enrolled in each Faculty in 2003. 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 for 2003 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	5
Faculty	1
Lecturer	0
Other	4
Pamphlet	3
Referral	6
Students Association	10
Web site	1

The source of referrals is diverse and often changes from year to year. However whilst there was an overall decrease of 7 in the number of formal complaints made to the Office, the number of complaints referred by the Students Association increased by 2. 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 2003-2004 is significantly down on last year. We believe that the reduction in the number of matters requiring formal investigation may be in part due to the success of the UTS grievance handling training modules which were run by Equity and Diversity Unit. An essential aspect of the training modules is for participants to recognise the importance of dealing with grievances quickly, at the lowest possible level, or making appropriate referrals. To date 367 UTS staff have participated in one or more of the modules and more are planned for 2004.

Whilst in 2001 the Office received the majority of formal requests for assistance in the early part of the year, in 2002 and 2003 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 that have been 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. Due to the reduction in the number of complaints in 2003, the Student Ombuds Office is planning to confidentially record the numbers and types of informal requests for assistance.

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 2003-2004 there were no formal reports made to the Vice-Chancellor for consideration.

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 have been used as a template by these organizations so they too can become more visible to the student population within their respective organization.

In December 2003 the website of the Student Ombuds Office was updated. The Office enlisted the services of Kate Gilroy from IML to revamp the site and make it more accessible to students and the wider UTS community. Copies of forms for students as well as past Annual Reports can now be downloaded.

The web site can be viewed at: http://www.uts.edu.au/oth/ombuds/

6. PERSONNEL

A number of personnel changes occurred in 2003. Bronwyn Olliffe, Senior Lecturer in the Faculty of Law began her term as Assistant Ombud January 2003.

Dr Anne Ross-Smith, joined this Office as an Assistant Student Ombud in July 1997. In October 2002, Anne became the Student Ombud. On 31 March 2003 Anne stepped down as Student Ombud to devote more time to her new position as Head of School for the School of Management in the Faculty of Business. Her input into the Office has been substantial and she will be greatly missed. Bronwyn Olliffe was appointed Student Ombud on 1 April 2003.

Jenny Murphy who has been with the Office for a number of years was promoted to Administration Manager of the Student Ombuds Office in May 2003. Jenny also graduated Spring 2003 from Bachelor of Communications (UTS). Jenny has been studying for the last 4 years part-time while working in the Office.

In July Andrew Lynch, Senior Lecturer in the Faculty of Law was formally appointed by Council as Assistant Student Ombud. The Office is presently staffed by the following::

Bronwyn Olliffe, Student Ombud

Associate Professor Keith Crews, Assistant Student Ombud

Dr John Twyford, Assistant Student Ombud

Andrew Lynch, Assistant Student Ombud

Jenny Murphy, Administration Manager

7. 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 within a University grievance handling unit. Members gain entry through a written expression of 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.

8. CASE STUDIES OF COMPLAINTS

Case Study 1

Three students requested assistance from this Office to resubmit an assignment in which they each received zero due to an allegation of plagiarism. The Faculty Academic Conduct Committee had concluded that it supported the allegation of breach of discipline as defined by Rule 5.3(2) and recommended that each student receive a zero mark for the assignment but be allowed to resubmit. The students had then not been allowed to resubmit because University Rule 5.31 specifies the possible penalties which do not include resubmission of the assignment. The Student Ombuds Office was unable to assist the students in gaining a resubmission of the assignment as University Rules had been applied correctly in this case.

Case Study 2

Student requested assistance from this Office after failing a subject by two marks. The student felt particularly let down by a mark that was for a group assignment where they felt the others in the group were not committed to the group project. The tutor believed that the student who had failed a supplementary examination in the same subject had been given an opportunity to demonstrate knowledge of the coursework and had failed. The Student Ombud discussed the matter with the Subject Co-ordinator and Associate Dean who agreed to a compromise whereby the Faculty granted the student a component exemption when they next sat the exam. The Faculty made it clear that this was not normal practice, but was agreed on in this situation.

Case Study 3

Student requested assistance from this Office after failing a subject three years previously. The student had approached the Associate Dean of a Faculty after having a disagreement with a lecturer. The Associate Dean agreed to accept an assignment from the student and organise to have it marked. The student then went overseas and due to problems associated with the non-payment of fees, was unaware that they had failed the subject. On returning some years later the student approached the Faculty who had no record of either the meeting with the Associate Dean or the assignment as all assignments had been destroyed. The student was able to produce a copy of the assignment which was then remarked and while the outcome was a mark of 48 (Z), the Faculty agreed to moderate the mark to a 50 (P) in order to take into account the difficulty of determining the final mark over such a long period of time.

9. 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

10. CHANGE TO TERMS OF REFERENCE

The Council endorsed the following changes to the Student Ombuds Office Terms of Reference:

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

To: **1.2** The Student Ombud and Assistant Student Ombud shall be responsible to the member of senior University management nominated by the Vice-Chancellor.

11. TABLE 1 - SOURCE & NATURE OF COMPLAINTS

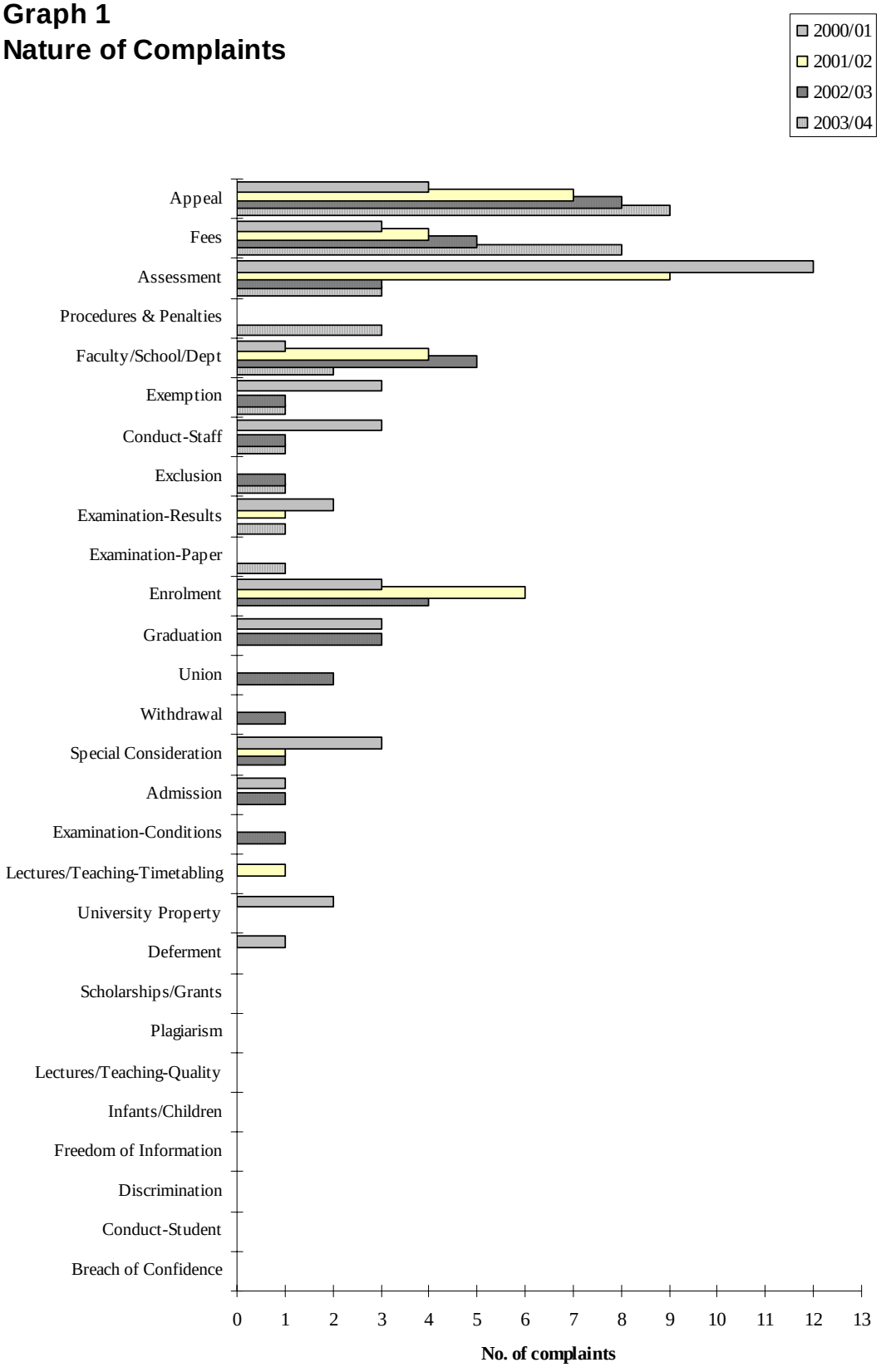
Table 1 - Source and Nature of Complaints

	Science				Other				Hum & Social Sciences				Information Technology				Nursing, Health & Midwifery				Education			
	03/04	02/03	01/02	00/01	03/04	02/03	01/02	00/01	03/04	02/03	01/02	00/01	03/04	02/03	01/02	00/01	03/04	02/03	01/02	00/01	03/04	02/03	01/02	00/01
Admission																1								
Appeal			1										4	1	2						1	1		
Assessment		1							1					1	1	4			1				1	
Breach of Confidence				1								1				1								
Conduct-Staff																	1							
Conduct-Student																			1					
Defferment																								
De-registration																								
Discrimination																								
Enrolment															2	1						2		
Examination-Conditions																								
Examination-Paper																								
Examination-Results																								
Exclusion																								
Exemption													4											
Faculty/School/Department									2					2					1	1		2		
Fees									1						1			1			1			
Freedom of Information																								
Graduation																								
Infants/Children																								
Lectures/Teaching-Quality									1															
Lectures/Teaching-Timetabling																								
Plagarism																								
Procedures & Penalties													1				1							
Scholarships/Grants																								
Special Consideration												1				2								
Union																								
University Property				1								1						1						
Withdrawal																	1	2	1	3	3	5	1	
TOTAL		1	1	2								4	4	4	9	10	1	4	3	4	3	8	1	

	Engineering				Design Arch & Building				Law				Business				TOTAL			
	03/04	02/03	01/02	00/01	03/04	02/03	01/02	00/01	03/04	02/03	01/02	00/01	03/04	02/03	01/02	00/01	03/04	02/03	01/02	00/01
Admission														1				1		1
Appeal	1	2		1		1	1	1	2			1	1	3	2	1	9	8	7	4
Assessment	1		1	1			2	2			1		2	1	3	3	3	3	9	12
Breach of Confidence														1			1	1		3
Conduct-Staff																				
Conduct-Student																				
Defferment																				1
De-registration																				
Discrimination														1	3	1	4	6		3
Enrolment						1	1	1							1		1	1		
Examination-Conditions	1				1					1							1			
Examination-Paper																1				2
Examination-Results	1							1							1		1	1		
Exclusion	1	1							1			1		1	2		2	5	6	3
Exemption	1								1		1		1				2	5	4	1
Faculty/School/Department		1			1	1				2		1	2	2	3	1	8	5	4	3
Fees	1								1											
Freedom of Information																		3		3
Graduation				1		3		1								1				
Infants/Children																			1	
Lectures/Teaching-Quality																				
Lectures/Teaching-Timetabling																				
Plagarism													1				3			
Procedures & Penalties																				
Scholarships/Grants							1			1				1				1	1	3
Special Consideration										1								2		2
Union																				
University Property																		1		
Withdrawal	5	4	3	3	2	6	5	7	5	4	1	2	7	11	14	10	30	37	38	41
TOTAL																				

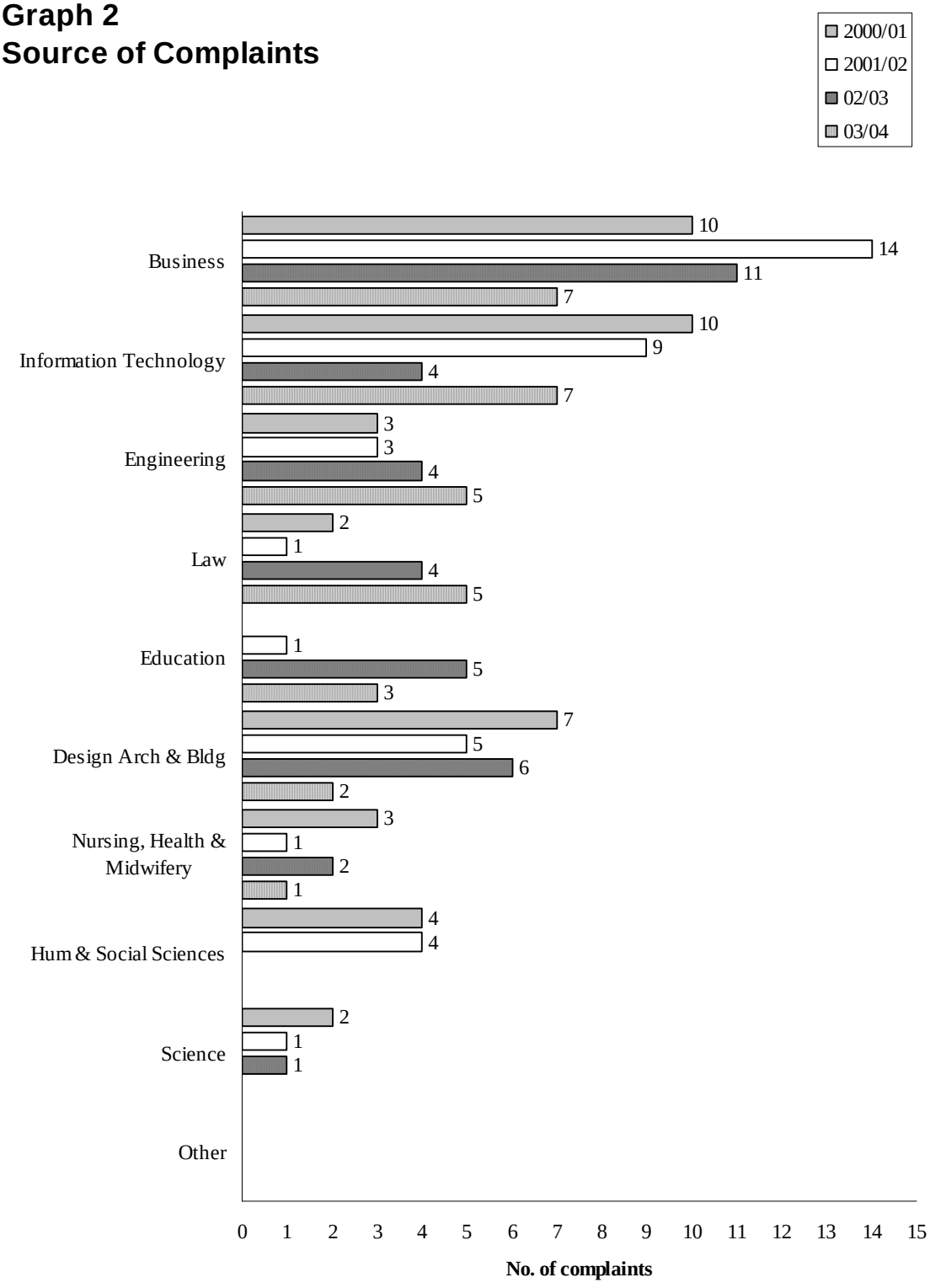
12. GRAPH 1 - NATURE OF COMPLAINTS

Graph 1
Nature of Complaints



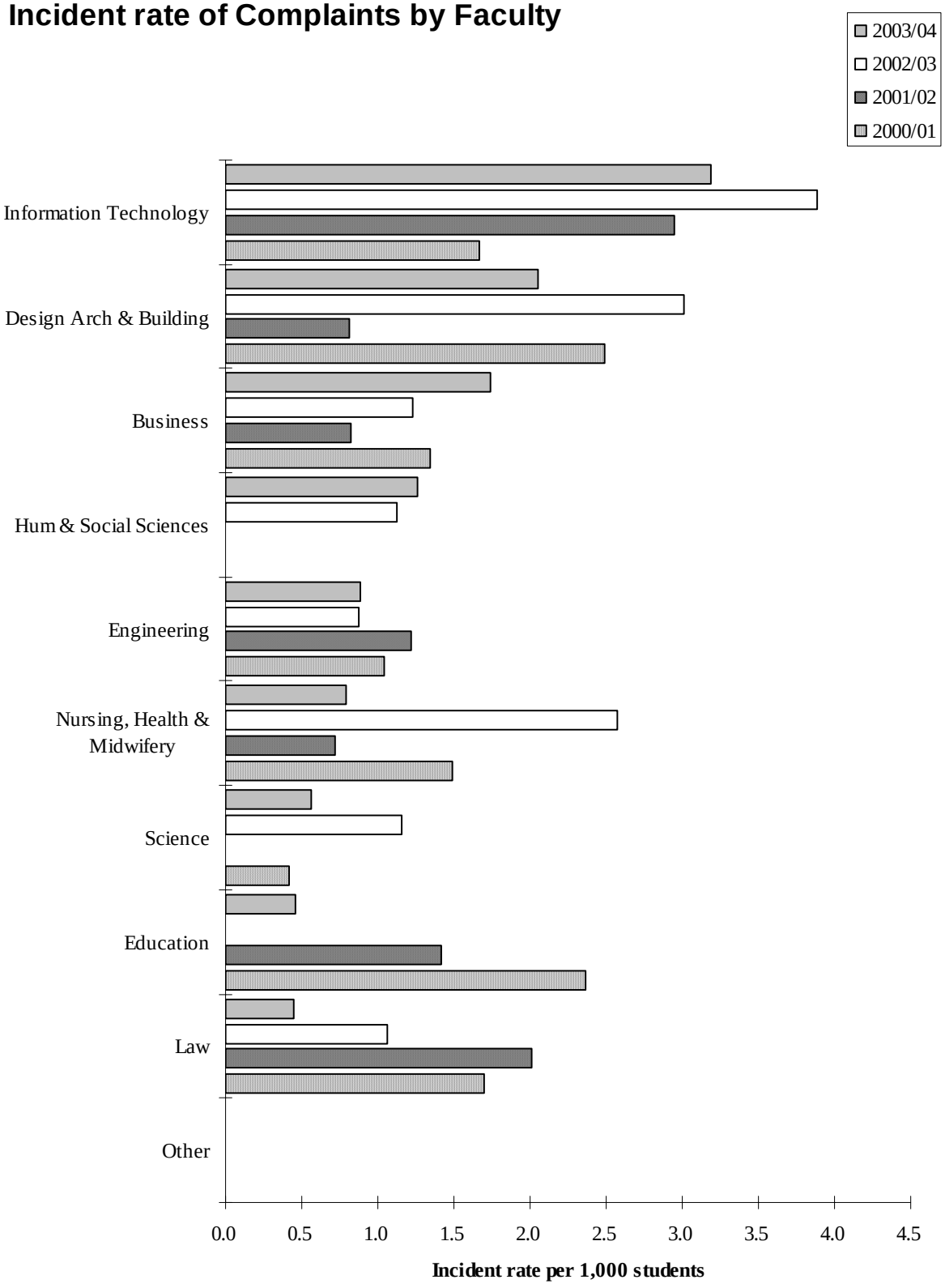
GRAPH 2 - SOURCE OF COMPLAINTS

Graph 2
Source of Complaints



GRAPH 3 - RELATIVE % OF COMPLAINTS BY FACULTY

Graph 3
Incident rate of Complaints by Faculty



ATTACHMENT 1

13. 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 Ombud shall be responsible to the member of senior University management nominated by the Vice-Chancellor.

2. Authority to Enquire

2.1 The Student Ombud has the authority to conduct enquiries relating 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.