# ANNUAL REPORT

## STUDENT OMBUDS OFFICE
## UNIVERSITY OF TECHNOLOGY, SYDNEY

For the Period
1st February 2004 to the 31st January 2005

July 2005

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## 1. STAFF OF THE OFFICE

The Student Ombuds Office consisted of the following persons during 2004 on a part-time basis:

| | | |
|---|---|---|
| B. Olliffe | - | Student Ombud<br>Senior Lecturer<br>Faculty of Law<br>Markets Campus |
| K. Crews | - | Assistant Student Ombud<br>Associate Professor<br>Faculty Engineering<br>City Campus |
| J. Twyford | - | Assistant Student Ombud<br>Senior Lecturer<br>Faculty Design, Architecture & Building<br>City Campus |
| A. Lynch | - | Assistant Student Ombud<br>Senior Lecturer<br>Faculty of Law<br>Markets Campus |
| J. Murphy | - | Administration Manager<br>Student Ombuds Office<br>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 2004 the Student Ombuds Office dealt with 30 complaints, the same number of complaints as the previous year. 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 the number of informal requests for assistance from students. The Student Ombuds Office Terms of Reference only allows the Office to accept formal requests for assistance from students after all other levels of UTS grievance handling have been exhausted. Informal requests for assistance are approaches from students that have been resolved after the Office has assisted students with advice or appropriate referrals.

**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 2004. 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 2004 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 | 2 |
| Faculty | 1 |
| Lecturer | 3 |
| Other | 1 |
| Pamphlet | 3 |
| Referral | 16 |
| Students Association | 3 |
| Web site | 1 |

The source of referrals is diverse and often changes from year to year. There was an increase from 6 in 2003 to 16 in 2004 from students who accessed the Office from referrals. Alternatively there was a reduction from 10 in 2003 to 3 in 2004 of students who accessed the Office by the Students Association. This may be reflected in the number of complaints we received in relation to fees and the continued success of the UTS grievance handling modules (see below).

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 2004-2005 is the same as last year. There had been a significant reduction in 2003/2004 We believe that reduction in the number of matters requiring formal investigation has been 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.

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. In 2004, three months March, July and August saw more than half of the formal requests for assistance.

**Informal Complaints:** Due to the reduction in the number of formal complaints in 2003, the Student Ombuds Office decided to confidentially record the numbers and types of informal requests for assistance during 2004. This year the Office was approached by 88 students who did not fall within our Terms of Reference because they were either not enrolled or registered students at UTS or the Office was not a last resort so they were directed to other services.

The majority of the 88 informal requests for assistance were from international students seeking advice in relation to fees or course content and were referred to the International Office. Other informal requests for assistance were from prospective students or their parents who where unsuccessful in their application for a course at UTS. A smaller number of informal requests for assistance were from students who were directed to the appropriate Faculty grievance handling process or the Students Association.

**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.

**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 2004-2005 there were no formal reports made to the Vice-Chancellor for consideration.

## 5. VISIBILITY

This year the Student Ombuds Office reproduced the Office pamphlet 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. We have discontinued the Office bookmarks as they were not requested for student orientation. It is pleasing to note that extra supplies of pamphlets are often requested by Faculties and Units. For supplies of pamphlets and bookmarks please contact Jenny Murphy on 9514 2575.

The Student Ombud web site found at: http://www.uts.edu.au/oth/ombuds/ has also proved popular with students accessing information about the Office and downloading information.

## 6. PERSONNEL

There were no changes to the personnel of the Student Ombuds Office in 2004/2005.

## 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. CONFERENCE

Dr. John Twyford and Bronwyn Olliffe attended the 2004 Conference of Ombuds and Deans of Students in Higher Education Australasia hosted by the University of South Australia. Developing skills, current issues in practice and value –accessing, demonstrating and enhancing the value of the ombud were the key areas of focus of the presenters.

The keynote address **Managing Conflicts and Disputes as an Ombud in the Higher Education Sector, The Place of Mediation** was presented by Dale Bagshaw. Bronwyn Olliffe was the chair of a panel discussion **Quality Assurance and the Student Ombud: is the Ombudsman delivering a worthwhile service to the University and how do we determine this?**

It was very pleasing to hear from several other ombuds that their ombuds' offices have looked to the UTS Student Ombuds Office as a guide to setting up an ombuds' office and in its promotion on campus.

The Conference was very well organised and the presentations were informative and enjoyable. It was an excellent opportunity to meet with other ombuds, to discuss common concerns and to lay the foundation for future communication and support.

## 9. CASE STUDIES OF COMPLAINTS

### Case Study 1

A student who was relocating overseas requested assistance from this Office after failing to meet course requirements for graduation. The student was 3 credit points short of graduation after the faculty rejected one of the electives completed as inappropriate due to an overlap of subject content. The Student Ombud found that students are essentially responsible for their own enrolment and in this particular case adequate mapping information was available that would have made it clear that the student should not have enrolled in the subject. The Faculty has offered to provide the student with a letter to support attaining employment that indicates the near completion of the degree. The Faculty has also suggested the student complete concurrent study of 3 credit points at an overseas institution.

### Case Study 2

A student requested assistance from this Office after being charged fees for a 9 credit point subject that had been advertised in the faculty handbook as a 6 credit point subject. During investigations the Student Ombud found 23 students had been incorrectly enrolled through CASS in a 'phased out version' of a subject that had a 9 credit point value. 'Phased out' versions are used for students who commenced courses under earlier course requirements and need to meet those requirements. The 6 credit point version is the 'Active' version displayed in current faculty handbooks. Subsequently those students affected have since had their enrolments corrected and overpayments reimbursed.

### Case Study 3

A student in the final year requested assistance from this Office after the faculty denied them a supplementary exam or conceded pass for a failed subject. After some investigation the Student Ombud found that Univeristy rule 2.20.2 of the University Calendar did not apply to this case. This rule states that :

> 'The relevant Faculty Board may recommend the provision of a special assessment to students who fail in one subject only in the final Teaching Period of a course.'

The Student Ombud found that as the students' failure had taken place in the previous year, Spring 2003. The student was currently enrolled in a core subject which meant that Spring 2004 was in fact the 'final Teaching Period' of their course.

## 10. QUALITY

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

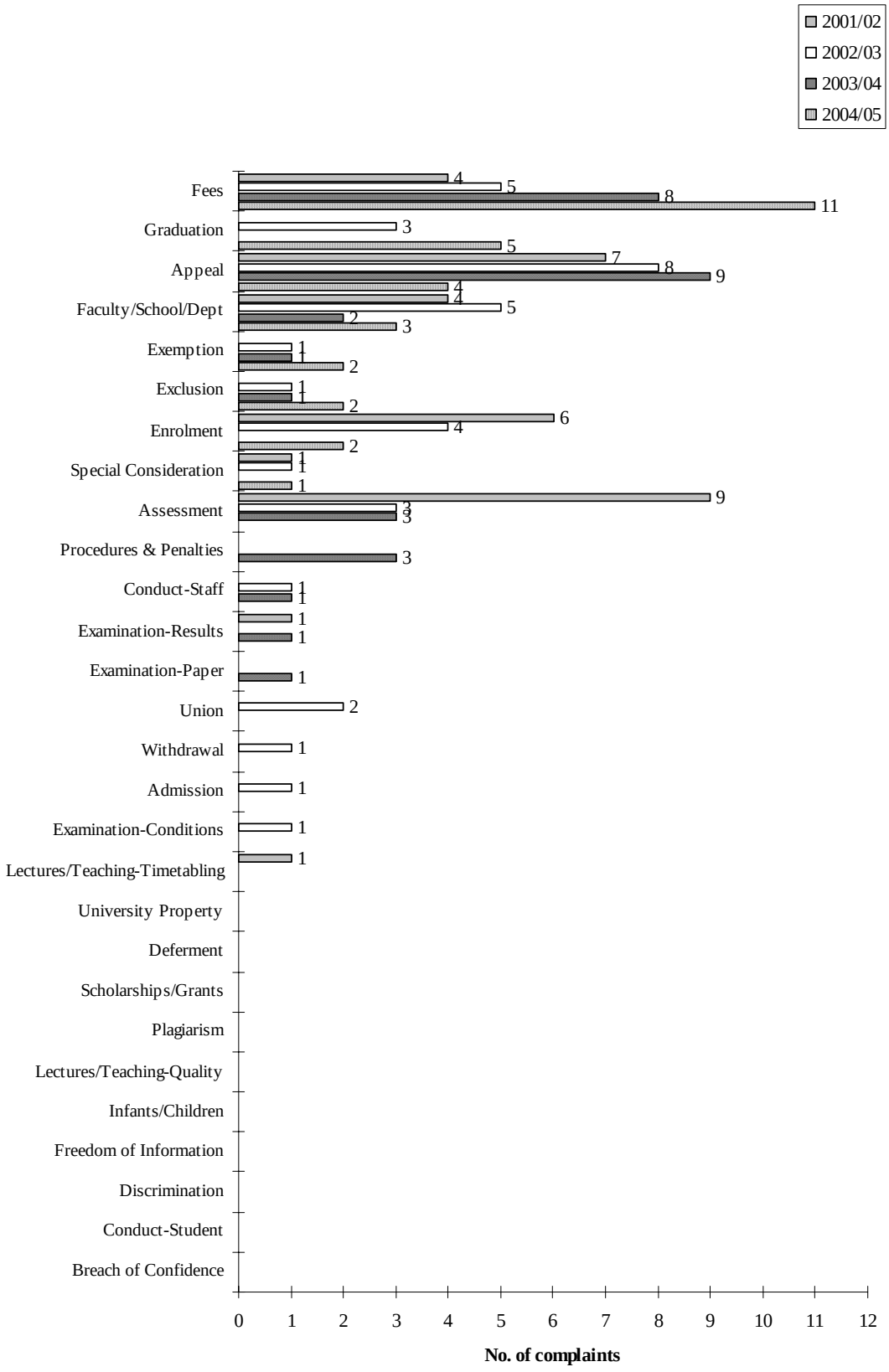
- Natural justice (fairness)
- Thoroughness in investigating a complaint
- Awareness of a student's personal situation
- Access to all staff and all documentation
- Expertise as to University processes and structure

# 11. TABLE 1 - SOURCE & NATURE OF COMPLAINTS

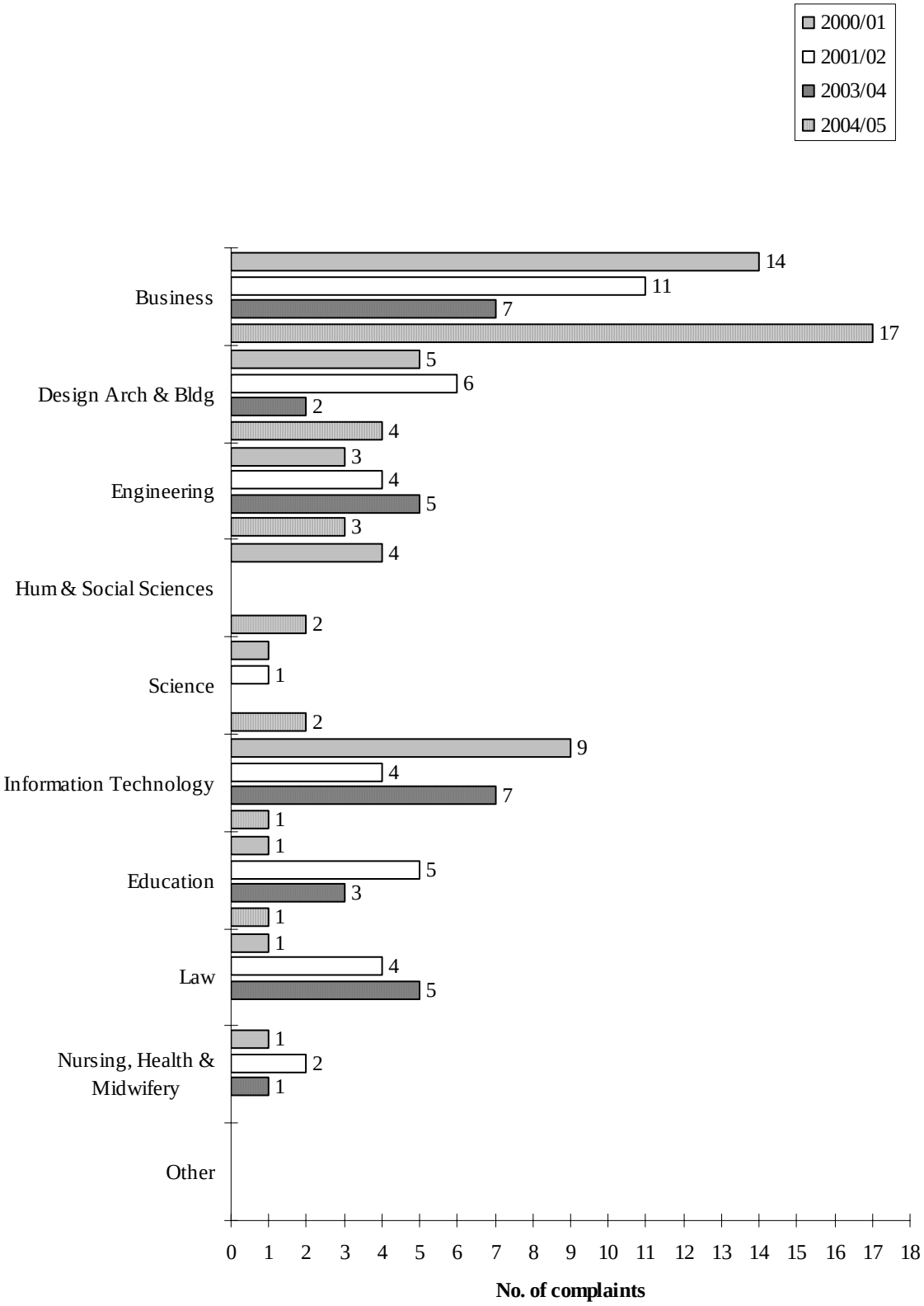
| | Science | | | | Other | | | | Hum & Social Sciences | | | | Information Technology | | | | Nursing, Health & Midwidery | | | | Education | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 04/05 | 03/04 | 02/03 | 01/02 | 04/05 | 03/04 | 02/03 | 01/02 | 04/05 | 03/04 | 02/03 | 01/02 | 04/05 | 03/04 | 02/03 | 01/02 | 04/05 | 03/04 | 02/03 | 01/02 | 04/05 | 03/04 | 02/03 | 01/02 |
| Admission | | | | | | | | | | | | | | | | | | | | | | | | |
| Appeal | 1 | | | 1 | | | | | | | | | | 4 | 1 | 2 | | | | | | 1 | 1 | |
| Assessment | | | 1 | | | | | | | | | | | | 1 | 1 | | | | | | | | 1 |
| Breach of Confidence | | | | | | | | | | | | | | | | | | | | | | | | |
| Conduct-Staff | | | | | | | | | | | | | | | | | | | | | | 1 | | |
| Conduct-Student | | | | | | | | | | | | | | | | | | | | | | | | |
| Deferment | | | | | | | | | | | | | | | | | | | | | | | | |
| De-registration | | | | | | | | | | | | | | | | | | | | | | | | |
| Discrimination | | | | | | | | | | | | | | | | | | | | | | | | |
| Enrolment | | | | | | | | | | | | | | | | 2 | | | | | | | 2 | |
| Examination-Conditions | | | | | | | | | | | | | | | | | | | | | | | | |
| Examination-Paper | | | | | | | | | | | | | | | | | | | | | | | | |
| Examination-Results | | | | | | | | | | | | | | | | | | | | | | | | |
| Exclusion | | | | | | | | | | | | | | | | | | | | | | | | |
| Exemption | | | | | | | | | | | | | | | | 4 | | | | | | | | |
| Faculty/School/Department | 1 | | | | | | | | 1 | | | 2 | | | 2 | | | | | 1 | | | 2 | |
| Fees | | | | | | | | | 1 | | | 1 | 1 | 2 | | | | | 1 | | | 1 | | |
| Freedom of Information | | | | | | | | | | | | | | | | | | | | | | | | |
| Graduation | | | | | | | | | | | | | | | | | | | | | 1 | | | |
| Infants/Children | | | | | | | | | | | | | | | | | | | | | | | | |
| Lectures/Teaching-Quality | | | | | | | | | | | | 1 | | | | | | | | | | | | |
| Lectures/Teaching-Timetabling | | | | | | | | | | | | | | | | | | | | | | | | |
| Plagarism | | | | | | | | | | | | | | | | | | | | | | | | |
| Procedures & Penalties | | | | | | | | | | | | | | 1 | | | | 1 | | | | | | |
| Scholarships/Grants | | | | | | | | | | | | | | | | | | | | | | | | |
| Special Consideration | | | | | | | | | | | | | | | | | | | | | | | | |
| Union | | | | | | | | | | | | | | | | | | | | | | | | |
| University Property | | | | | | | | | | | | | | | | | | | | | | | | |
| Withdrawal | | | | | | | | | | | | | | | | | | | 1 | | | | | |
| TOTAL | 2 | | 1 | 1 | | | | | 2 | | | 4 | 1 | 7 | 4 | 9 | | 1 | 2 | 1 | 1 | 3 | 5 | 1 |

| | Engineering | | | | Design Arch & Building | | | | Law | | | | Business | | | | TOTAL | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 04/05 | 03/04 | 02/03 | 01/02 | 04/05 | 03/04 | 02/03 | 01/02 | 04/05 | 03/04 | 02/03 | 01/02 | 04/05 | 03/04 | 02/03 | 01/02 | 04/05 | 03/04 | 02/03 | 01/02 |
| Admission | | | | | | | | | | | | | | | 1 | | | | 1 | |
| Appeal | | 1 | 2 | 1 | | | 1 | 1 | | 2 | | | 3 | 1 | 3 | 2 | 4 | 9 | 8 | 7 |
| Assessment | | 1 | | 1 | | | | 2 | | | | 1 | | 2 | 1 | 3 | | 3 | 3 | 9 |
| Breach of Confidence | | | | | | | | | | | | | | | | | | | | |
| Conduct-Staff | | | | | | | | | | | | | | | 1 | | | 1 | 1 | |
| Conduct-Student | | | | | | | | | | | | | | | | | | | | |
| Deferment | | | | | | | | | | | | | | | | | | | | |
| De-registration | | | | | | | | | | | | | | | | | | | | |
| Discrimination | | | | | | | | | | | | | | | | | | | | |
| Enrolment | | | | | | | 1 | 1 | | | | | 2 | | 1 | 3 | 2 | | 4 | 6 |
| Examination-Conditions | | | | | | 1 | | | | | 1 | | | | | 1 | | 1 | 1 | 1 |
| Examination-Paper | | 1 | | | | | | | | | | | | | | | | 1 | | |
| Examination-Results | | | | | | | | | | | | | | | | | | | | |
| Exclusion | 1 | 1 | 1 | | | | | | | | | | 1 | | | | 2 | 1 | 1 | |
| Exemption | | | | | | | | | | 1 | | | 2 | | 1 | 2 | 2 | 1 | 1 | 6 |
| Faculty/School/Department | | 1 | | 1 | | | | | | | 1 | | 1 | 1 | | | 3 | 2 | 5 | 4 |
| Fees | 1 | | 1 | | 2 | 1 | 1 | | | 2 | | | 6 | 2 | 2 | 3 | 11 | 8 | 5 | 4 |
| Freedom of Information | | | | | | | | | | | | | | | | | | | | |
| Graduation | 1 | | | | 2 | | 3 | | | | | | 1 | | | | 5 | | 3 | |
| Infants/Children | | | | | | | | | | | | | | | | | | | | |
| Lectures/Teaching-Quality | | | | | | | | | | | | | | | | | | | | 1 |
| Lectures/Teaching-Timetabling | | | | | | | | | | | | | | | | | | | | |
| Plagarism | | | | | | | | | | | | | | | | | | | | |
| Procedures & Penalties | | | | | | | | | | | | | | 1 | | | | 3 | | |
| Scholarships/Grants | | | | | | | | | | | | | | | | | | | | |
| Special Consideration | | | | | | | | 1 | | | 1 | | 1 | | | | 1 | | 1 | 1 |
| Union | | | | | | | | | | | 1 | | | | 1 | | | | 2 | |
| University Property | | | | | | | | | | | | | | | | | | | | |
| Withdrawal | | | | | | | | | | | | | | | | | | | 1 | |
| TOTAL | 3 | 5 | 4 | 3 | 4 | 2 | 6 | 5 | | 5 | 4 | 1 | 17 | 7 | 11 | 14 | 30 | 30 | 37 | 39 |

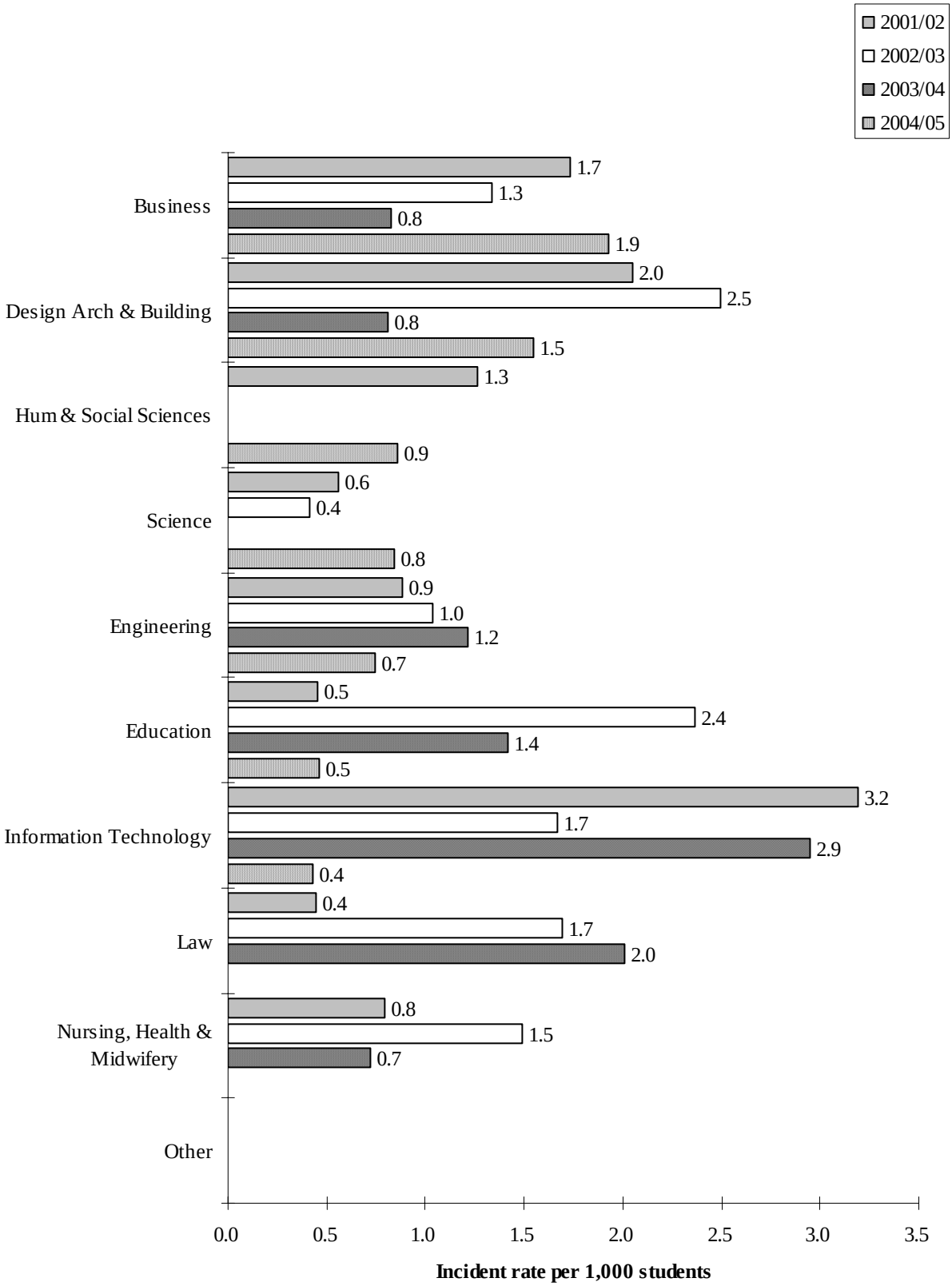
## 12. GRAPH 1 - NATURE OF COMPLAINTS



## GRAPH 2 - SOURCE OF COMPLAINTS



## GRAPH 3 - RELATIVE % 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.