ANNUAL REPORT

STUDENT OMBUDS OFFICE
UNIVERSITY OF TECHNOLOGY, SYDNEY

For the Period
1st February 2005 to the 31st January 2006

July 2006

TABLE OF CONTENTS

1. STAFF OF THE OFFICE 2
2. PREAMBLE 3
3. COMPLAINTS 3
4. COMMENTS ON COMPLAINTS 5
5. VISIBILITY 6
6. PERSONNEL 6
7. OMDOSHEAA 7
8. CASE STUDIES OF COMPLAINTS 7
9. QUALITY 8

TABLE 1 - SOURCE & NATURE OF COMPLAINTS 9
GRAPH 1 - NATURE OF COMPLAINTS 10
GRAPH 2 - SOURCE OF COMPLAINTS 11
GRAPH 3 - INCIDENCE RATE OF COMPLAINTS BY FACULTY 12
GRAPH 4 - LONG TERM AVERAGE INCIDENT RATE 13

ATTACHMENT 1

TERMS OF REFERENCE 14

1. STAFF OF THE OFFICE

The Student Ombuds Office consisted of the following persons during 2005 on a part-time basis:

Bronwyn Olliffe	-	Student Ombud Senior Lecturer Faculty of Law Markets Campus
Keith Crews	-	Assistant Student Ombud, completed term April 2005 Associate Professor Faculty Engineering City Campus
John Twyford	-	Assistant Student Ombud, completed term January 2005 Senior Lecturer Faculty Design, Architecture & Building City Campus
Andrew Lynch	-	Assistant Student Ombud, left UTS May 2005 Senior Lecturer Faculty of Law Markets Campus
Layna Groen	-	Assistant Student Ombud, commenced February 2005 Senior Lecturer Faculty Mathematical Sciences City Campus
Katherine Gordon	-	Assistant Student Ombud, commenced June 2005 Senior Lecturer Faculty Humanities and Social Sciences City Campus
Rocque Reynolds	-	Assistant Student Ombud, commenced June 2005. Left the Office, December 2005 Senior Lecturer Faculty of Law Markets Campus
Jenny 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 2005 the Student Ombuds Office handled 27 complaints, 3 less than the number of complaints the previous year. The majority of 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, 3 and 4. Statistics in relation to the number of informal requests for assistance have also been included in this report. 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 2005. 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.

Graph 4 demonstrates the decline in the incidence rate per 1.000 students of complaints by students enrolled at UTS from 2001/02 to 2005/06. This graph was included in the Annual Report this year after it was noted that since 2001/02 there has been a 12% decline each year in the number of formal requests for assistance to the Office.

Referrals of complaints are monitored so that the Office can 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 required to indicate how they heard about the Office.

The results of this survey for 2005 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	1
Faculty	3
Lecturer	2
Other	0
Pamphlet	2
Referrals	10
Students Association	7
Web site	2

The source of referrals is diverse and often changes from year to year. There was a decrease in the number of students who accessed the Office from referrals from 16 in 2004 to 10 in 2005. Alternatively there was an increase in the number of students who accessed the Office by the Students Association from 3 in 2004 to 7 in 2005. This may be due to the increased number of grievances from students who were unsuccessful in their appeals because they did not fit into the UTS appeal criteria.

Overall the above complaint referrals demonstrate coverage of the University that is pleasing both in terms of the visibility and awareness across the University community.

As 25% of all matters coming to the Ombuds Office in 2005 came through the Students Association the Office will need to monitor the impact of Voluntary Student

Unionism (VSU) on the student experience at UTS and particularly on services currently provided by the Students Association.

4. COMMENTS ON COMPLAINTS

Overall number of complaints: The number of formal complaints recorded in 2005-2006 was 27, three less than last year. As noted in Graph 4, the incident rate per 1,000 student has declined an average of 12% per year since 2001/02. We believe that reduction in the number of matters requiring formal investigation has been in part due to the ongoing success of the UTS grievance handling training modules 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 2002 and 2003 there was an even spread of formal complaints throughout the year. In 2004, three months March, July and August saw more than half of the formal requests for assistance. In 2005 there was again a relatively even spread of complaints throughout the year.

In 2005 international students made up approximately 27% of the university's 31,602 student population, but were less likely to use the Ombuds Office representing only 22% of formal request for assistance. Indeed local students are 28% more likely to request assistance over their international counterparts.

During the course of 2005 the Office has endeavoured to make international students aware of the Office and the assistance we provide. The Office is listed in the facilities and services web page of the UTS International Student web site and we are on international students brochures. Information about the Office can also be found on the UTS web site for offshore students. This information is in English and Chinese and can be found at http://www.uts.edu.au/international/current/offshore/. To date the Office has not received any request for assistance from offshore students.

Informal Complaints: Approaches from students that do 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 are confidentially recorded as informal requests for assistance. There was a significant decrease from 88 informal requests for assistance in 2004 to 64 informal requests for assistance in 2005.

Of the 88 informal requests in 2004, 33 were from international students. In 2005 the Office received only 11 informal requests for assistance from international students. The high number of requests from international students in 2004 has been attributed to confusion generated by the introduction of an annual fee increase. Prior to this international student fees had been held constant.

The remaining informal requests for assistance were from prospective students who were unsuccessful in their applications for admission to UTS, and from students who were directed to the appropriate UTS grievance handling process or to the Students Association.

Co-operation with the Office: It is gratifying 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 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 resolve 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 2005-2006 there were no formal reports made to the Vice-Chancellor for consideration.

5. VISIBILITY

This year the Student Ombuds Office produced promotional pens intended on making the Office more visible to new students. The pens with the Student Ombuds web site details replaced the Student Ombuds pamphlets distributed to new students with other UTS orientation information.

Student Ombuds Office pamphlets and bookmarks are distributed to Faculties and Units on a regular basis. For supplies of pamphlets and bookmarks please contact Jenny Murphy on 9514 2575 or email ombuds@uts.edu.au.

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.

In 2005 contact was made with faculty managers to request the opportunity to speak at a faculty meeting. The purpose of the visit to each faculty was to promote the role of the Student Ombuds Office. Bronwyn attended meetings at the faculties of Law, Humanities and Social Sciences, Information Technology, Nursing and Midwifery and Engineering.

6. PERSONNEL

The Student Ombuds Office underwent a number of personnel changes in 2005. Dr John Twyford who had started his term with the Office in 2002 completed his contract. His input into the Office was substantial and he will be missed. Expressions of interest were called from interested academic staff members to fill the new vacancy. The successful candidate appointed by Council in February 2005 was Dr Layna Groen from the Faculty of Science.

Associate Professor Keith Crews completed his three-year contract as Assistant Student Ombud in April and Assistant Student Ombud Andrew Lynch left UTS to take a position at another university in May. Both Keith and Andrew have been valued members of the Office and we thank them for their contribution.

Expressions of interest for two Assistant Ombuds were called in May and the Office received a number of highly qualified responses. The two successful candidates appointed by Council in June 2005 were Katherine Gordon from the Faculty of Humanities and Social Sciences and Dr Rocque Reynolds from the Faculty of Law. In December 2005 Dr Rocque Reynolds left the Office to take up another position within the Faculty of Law. We thank her for the time she was with the Office.

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. The position of national Convenor is currently vacant. The Ombuds Office at UTS coordinates, monitors and oversees the listserv.

8. CASE STUDIES OF COMPLAINTS

Case Study 1

A student requested assistance from the Office after failing the final exam in a subject. The student had performed well in all other assessment components in the subject. The student claimed that they became ill during the exam and this affected his performance. The student was able to produce a medical certificate to support this claim. Unfortunately the student failed to submit this along with a Special Consideration Form in the time required.

The role of the Student Ombuds Office is to ensure UTS policies and procedures have been followed. After some investigation the Student Ombuds Office found that the Faculty had considered all students whose results would entitle them to a supplementary piece of assessment. Unfortunately in this case the student was not eligible for the opportunity because under UTS rule 8.3.2 the student had not requested special consideration from the Faculty until after the results were released.

Case Study 2

A student who had received a PELs debt after unsuccessfully withdrawing from UTS due to illness came to the Office requesting assistance. The student claimed to have submitted a request for remission of PELS debt in special circumstances.

After some investigation the Student Ombuds Office found that there was no record of the form having been lodged. Given the lack of evidence of a previous submission, another form and documentation was sent to the student. The

responsibility for the completion and submission of this remission form now lies with the student.

Case Study 3

A student came to the Office after receiving notice that she was to be excluded from a particular University service.

After investigating the matter the Office concluded that the principles of natural justice had not been followed. The Office made a number of recommendations including the reinstatement of the student's access, a review of the rules and procedures for dealing with incidents and the establishment of an appeal process. The recommendations were accepted.

9. QUALITY

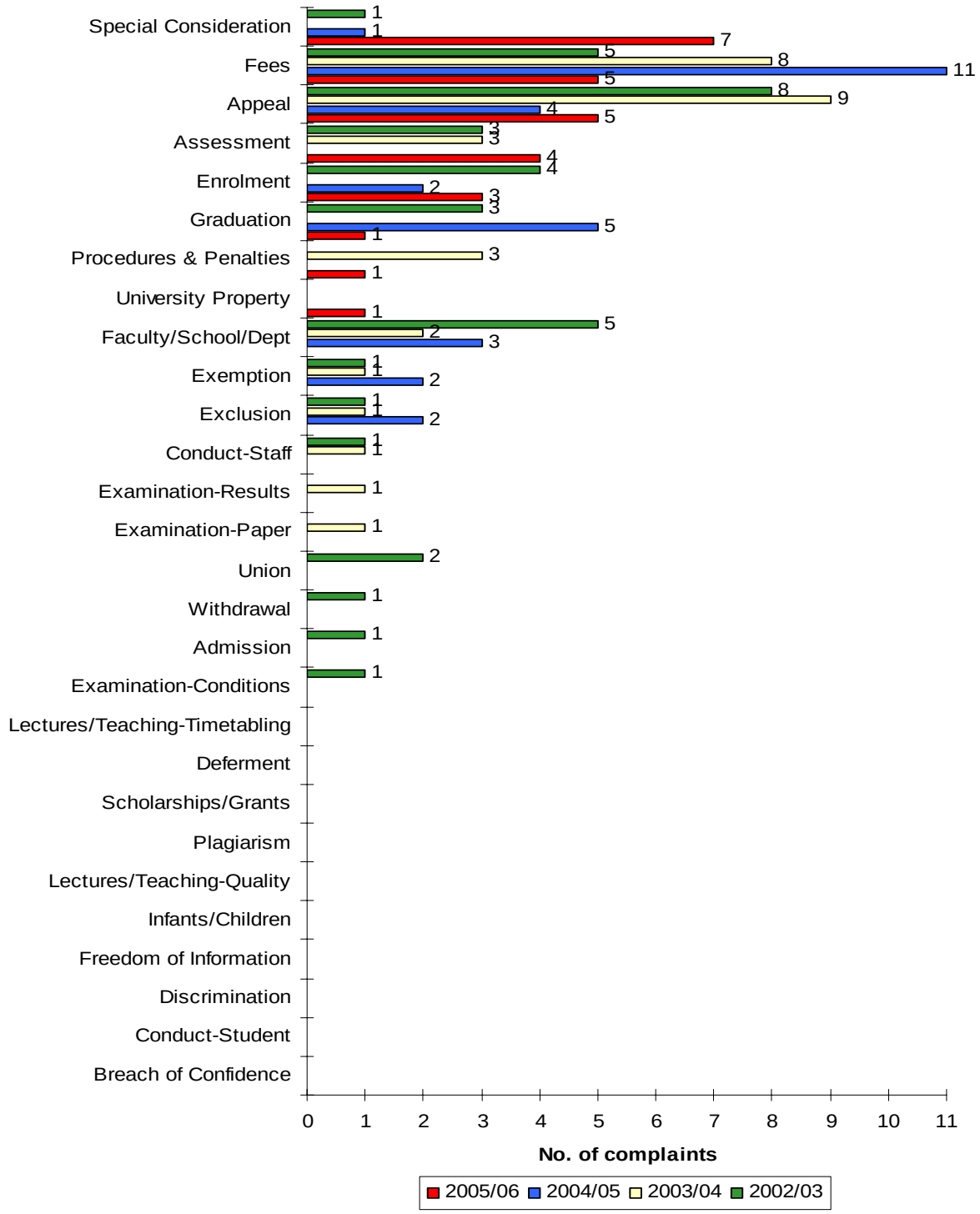
The UTS Student Ombuds Office provides to students an independent avenue of dispute resolution that gives an assurance of:

- 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

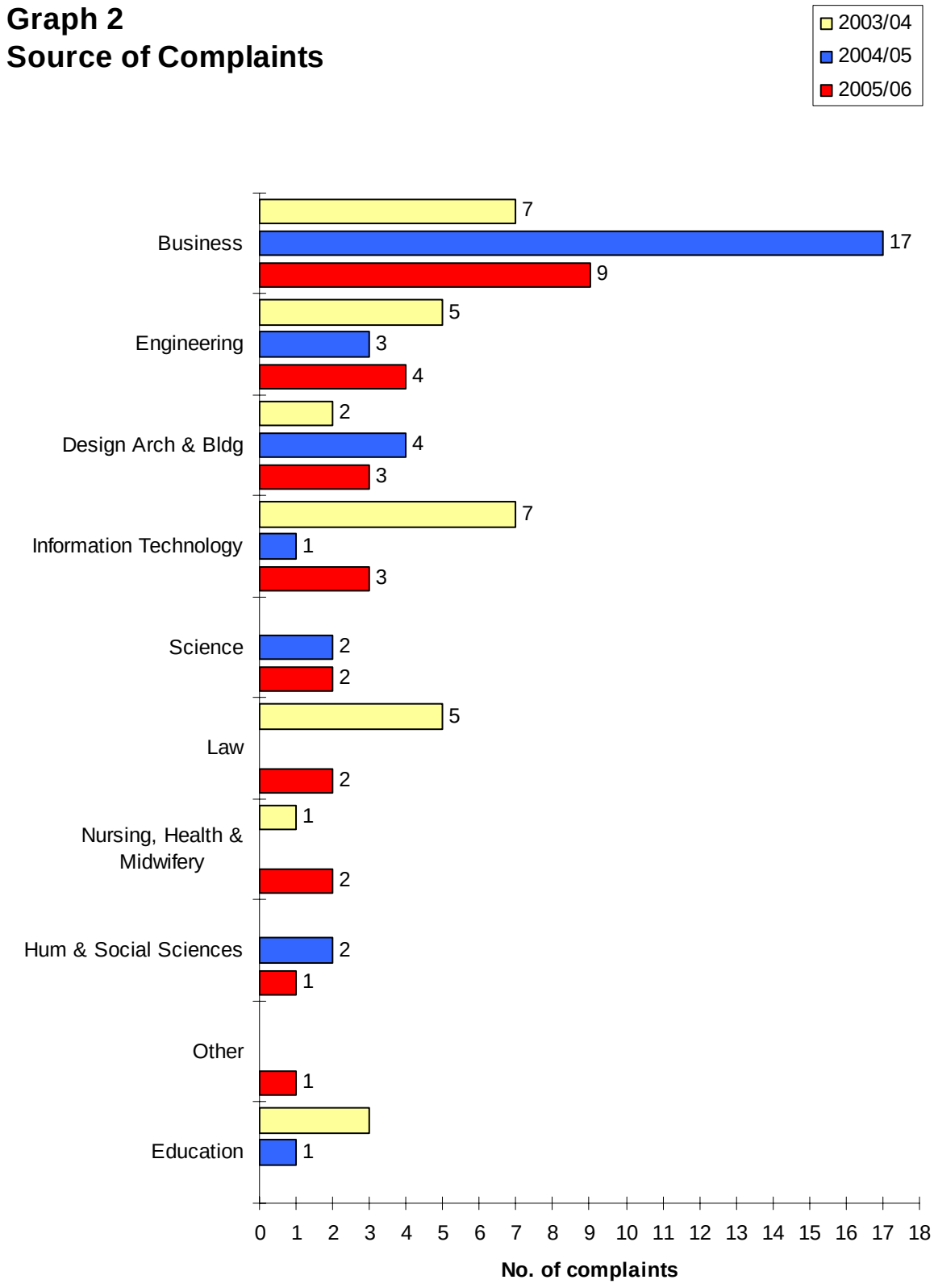
10. TABLE 1 - SOURCE & NATURE OF COMPLAINTS

	Science			Other			Hum & Social Sciences			Information Technology			Nursing, Health & Midwifery			Education			Engineering			Design Arch & Building			Law			Business			TOTAL		
	2005/06	2004/05	2003/04	2005/06	2004/05	2003/04	2005/06	2004/05	2003/04	2005/06	2004/05	2003/04	2005/06	2004/05	2003/04	2005/06	2004/05	2003/04	2005/06	2004/05	2003/04	2005/06	2004/05	2003/04	2005/06	2004/05	2003/04	2005/06	2004/05	2003/04	2005/06	2004/05	2003/04
Admission																																
Appeal		1										4	1						1		1				1		2	5	4		9	
Assessment										3								1	1		1							4			3	
Breach of Confidence																1																1
Conduct-Staff																																
Conduct-Student																																
Deferment																																
De-registration																																
Discrimination																						1			1		2	3	2			
Enrolment	1																														1	
Examination-Conditions																					1										1	
Examination-Paper																		1														
Examination-Results																		1													1	
Exclusion																	1										1		2		1	
Exemption								1																			1		2		1	
Faculty/School/Department		1						1			1	2				1	1	1	1				2	1			1	2	1	3	2	
Fees							1															2			2		6	5	11		8	
Freedom of Information																																
Graduation																	1		1			2					1	1	5			
Infants/Children																																
Lectures/Teaching-Quality																																
Lectures/Teaching-Timetabling																																
Plagarism													1									1						1			3	
Procedures & Penalties										1																	1					
Scholarships/Grants																																
Special Consideration				1									1			1									4		1	7	1			
Union																																
University Property	1																											1				
Withdrawal																																
TOTAL	2	2		1			1	2		3	1	7	2		1	1	1	3	4	3	5	4	2	2			9	17	7	22	30	30

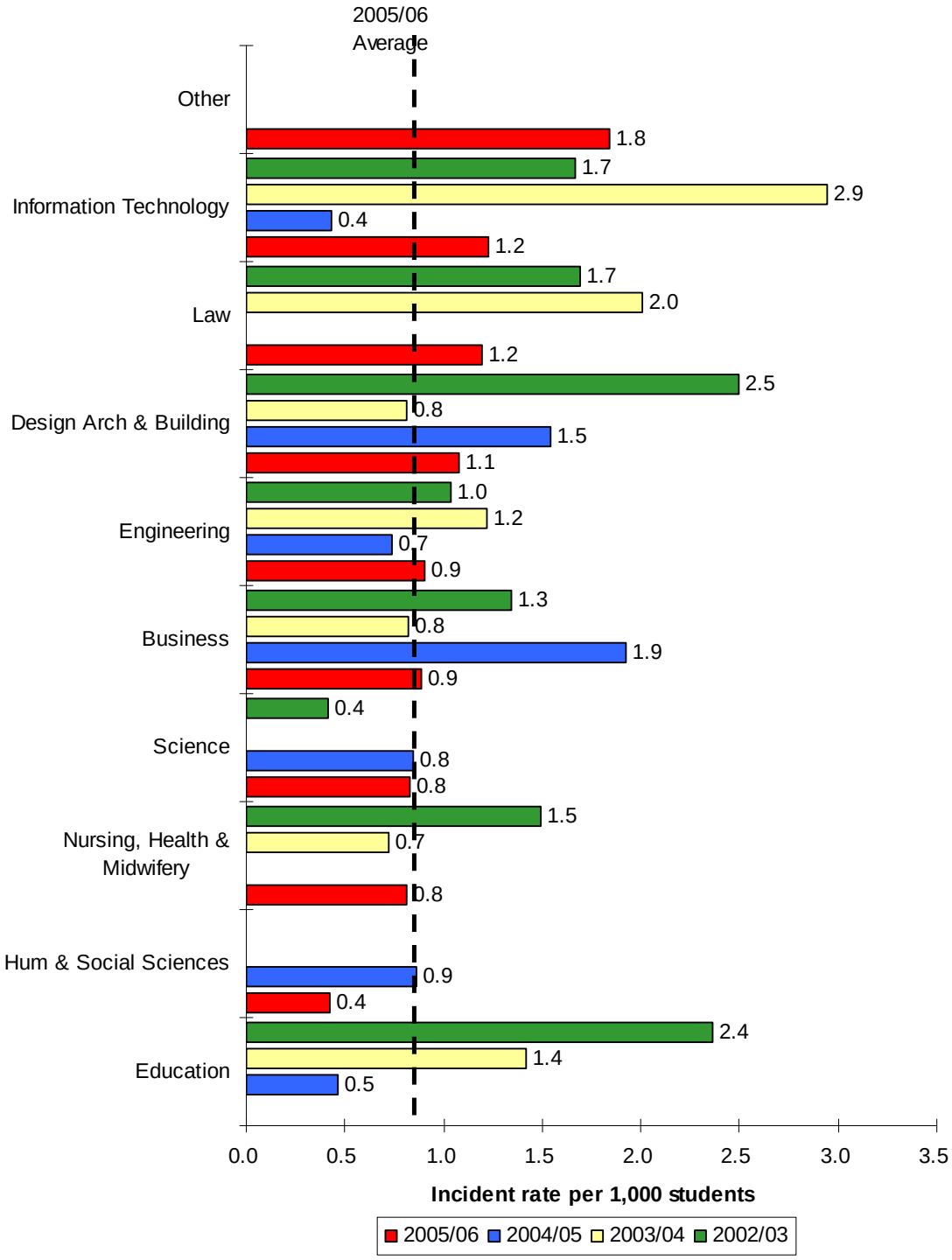
11. GRAPH 1 - NATURE OF COMPLAINTS



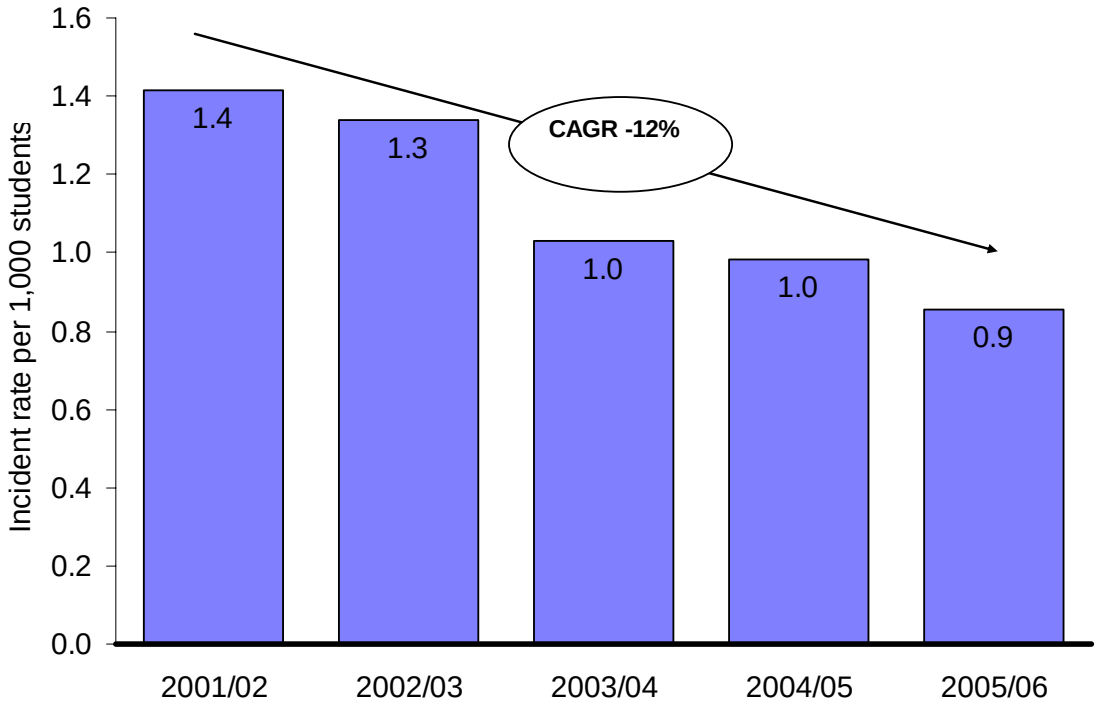
GRAPH 2 - SOURCE OF COMPLAINTS



GRAPH 3 - RELATIVE % OF COMPLAINTS BY FACULTY



GRAPH 4 - LONG TERM AVERAGE INCIDENT RATE



ATTACHMENT 1

12. 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.