ANNUAL REPORT

STUDENT OMBUDS OFFICE
UNIVERSITY OF TECHNOLOGY, SYDNEY

For the Period
1st February 2006 to the 31st January 2007

July 2007

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1. STAFF OF THE OFFICE

The Student Ombuds Office consisted of the following persons during 2006 on a part-time basis:

Bronwyn Olliffe	-	Student Ombud, completed term June 2006 Senior Lecturer Faculty of Law Markets Campus
Layna Groen	-	Assistant Student Ombud and commenced term as Student Ombud June 2006 Senior Lecturer Faculty Mathematical Sciences City Campus
Katherine Gordon	-	Assistant Student Ombud Senior Lecturer Faculty Humanities and Social Sciences City Campus
Angela Dwyer	-	Assistant Student Ombud, commenced July 2006 Lecturer Faculty of Law Markets Campus
Bronwen Dalton	-	Assistant Student Ombud, commenced January 2007 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 Deputy Vice-Chancellor (Teaching, Learning and Equity) 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 2006 the Student Ombuds Office handled 22 complaints, 5 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 well 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 2006. 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 2006/07. This graph was included in the 2005 Annual Report after it was noted that since 2001/02 there had been a yearly decline 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 2006 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	0
Faculty	1
Lecturer	1
Other	2
Pamphlet	0
Referrals	11
Students Association	4
Web site	3

The source of referrals is diverse and often changes from year to year. There was a decrease in the number of students directly referred to the Office by the Students Association from seven in 2005 to 4 in 2006. This is reflected in the overall reduction of formal requests for assistance.

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.

4. COMMENTS ON COMPLAINTS

Overall number of complaints: The number of formal complaints recorded in 2006-2007 was 22, four less than the previous year. As noted in Graph 4, the incident rate per 1,000 student has declined an average of 14% 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 and 2006 there was again a relatively even spread of complaints throughout the year.

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 slight increase of 71 informal requests for assistance in 2006 from 64 in 2005. This may also account the decrease in the number of formal requests for assistance.

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. In 2006 the Office received 18 of the 64 informal requests for assistance from international students. The high number of requests from international students in 2004 had 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 2005-2007 there were no formal reports made to the Vice-Chancellor for consideration.

5. VISIBILITY

This year the Student Ombuds Office again produced promotional pens intended on making the Office more visible to new students. The pens with the Student Ombuds

web site details were 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.

6. PERSONNEL

A number of personnel changes occurred in 2006. Bronwyn Olliffe stepped down from her position as Student Ombud in June. Bronwyn joined the Office as an Assistant Student Ombud in January 2003 and was quickly elevated to Student Ombud in April 2003. In April 2005 Bronwyn's contract was extended by the Pro-Vice-Chancellor. Bronwyn left the Office to devote more time to her new position as Director of Students in the Faculty of Law.

The ongoing success of the Student Ombuds Office has been due, in no small part to the quality of the work and dedication to the job shown by Bronwyn in her time with the Office. Bronwyn undertook all her tasks with dedication and a low-key ability to resolve issues with a minimum of fuss. She has our sincere thanks and gratitude. Assistant Ombud, Dr Layna Groen was appointed Student Ombud in June 2006.

In April 2006 expressions of interest were called from interested academic staff members to fill two Assistant Ombud vacancies. Angela Dwyer from the Faculty of Law and Bronwen Dalton were appointed by Council. Angela began her term in July 2006. Brownen began her term in January 2007.

7. OMDOSHEAA CONFERENCE

Dr Layna Groen, Ms Angela Dwyer and past Student Ombud, Associate Professor Anita Stuhmcke attended the 2006 Conference of Ombuds and Deans of Students in Higher Education Australasia hosted by the University of New England on 3-5 December. Process and procedures, dealing with difficult complaints, and current trends in higher education as they relate to the role of the Ombud, were examined. The keynote address was given by Chris Wheeler, NSW Deputy Ombudsman, on the topic of **Dealing with Difficult Complainants**. Mr Wheeler provided valuable guidelines and suggested constructive approaches for dealing with 'difficult' complainants. The other presentations were interesting and informative. The conference also provided an excellent opportunity to raise matters of mutual interest and to discuss matters of mutual concern with other University Ombuds.

8. CASE STUDIES OF COMPLAINTS

Case Study 1

A student requested assistance from the Office after failing a final exam in a subject. The student believed that he had performed well in the exam. However after meeting

with the subject coordinator he still felt unsatisfied and requested a re-mark of the paper.

During the investigation the Student Ombuds found that the paper had been initially assessed by the tutors in the subject. Each tutor marked different questions. The paper had then been reassessed by the subject coordinator. The Student Ombuds Office looked at the exam paper and found that it had been marked twice and there were clear indications as to the reasons for the marks given. The Student Ombuds Office found that the university's policies had been followed in this case.

Case Study 2

A student came to the Office claiming that she had been given misleading information from her Faculty. The student had originally been told that she could enrol in an old version of a sub-major rather than the 2006 version. Subsequently the student was informed that she would have to take the new version which had a different pre-requisite chain.

The Ombuds Office examined the student's record and study plan and reviewed the old and new versions of the course and the transition arrangements that applied. The Ombuds Office then met with the Faculty to discuss the findings. As a consequence of these discussions the issue was resolved to the student's satisfaction.

Case Study 3

A student came to the Office with two primary complaints, one pertaining to academic judgement and the other an allegation of racism. The latter allegation was referred to the Equity and Diversity Unit.

The matter of academic judgement concerned two subjects. One subject involved the results of a supplementary assessment while the other an issue of plagiarism. The student was informed that the Office did not investigate matters pertaining to academic judgement. However an undertaking was given that the Office would investigate the matters from a procedural perspective.

After investigations the Office found that there was no incorrect implementation of procedure in relation to the supplementary assessment. In the matter of plagiarism there was evidence that plagiarism had occurred and the case was processed in accordance with University policies and procedures.

Case Study 4

The student complained that she was not given an opportunity to file an Application for Review of Final Subject Result. The student did not proceed to file her appeal in response to an email from the Responsible Academic Officer that her appeal did ' not meet the requirements of criterion 3 and so is not admissible as a stage 2 application'. The Student Ombud's Office investigated to see if the UTS polices and procedures had been followed. Although there is a possible grey area in the rules the Ombuds Office considered that it is not the role of the RAO to determine the likely success or other wise of the Appeal but to consider the decision of the Committee after the appeal is heard and then take appropriate action. After negotiations the Faculty agreed to allow this student to file the appeal.

9. QUALITY

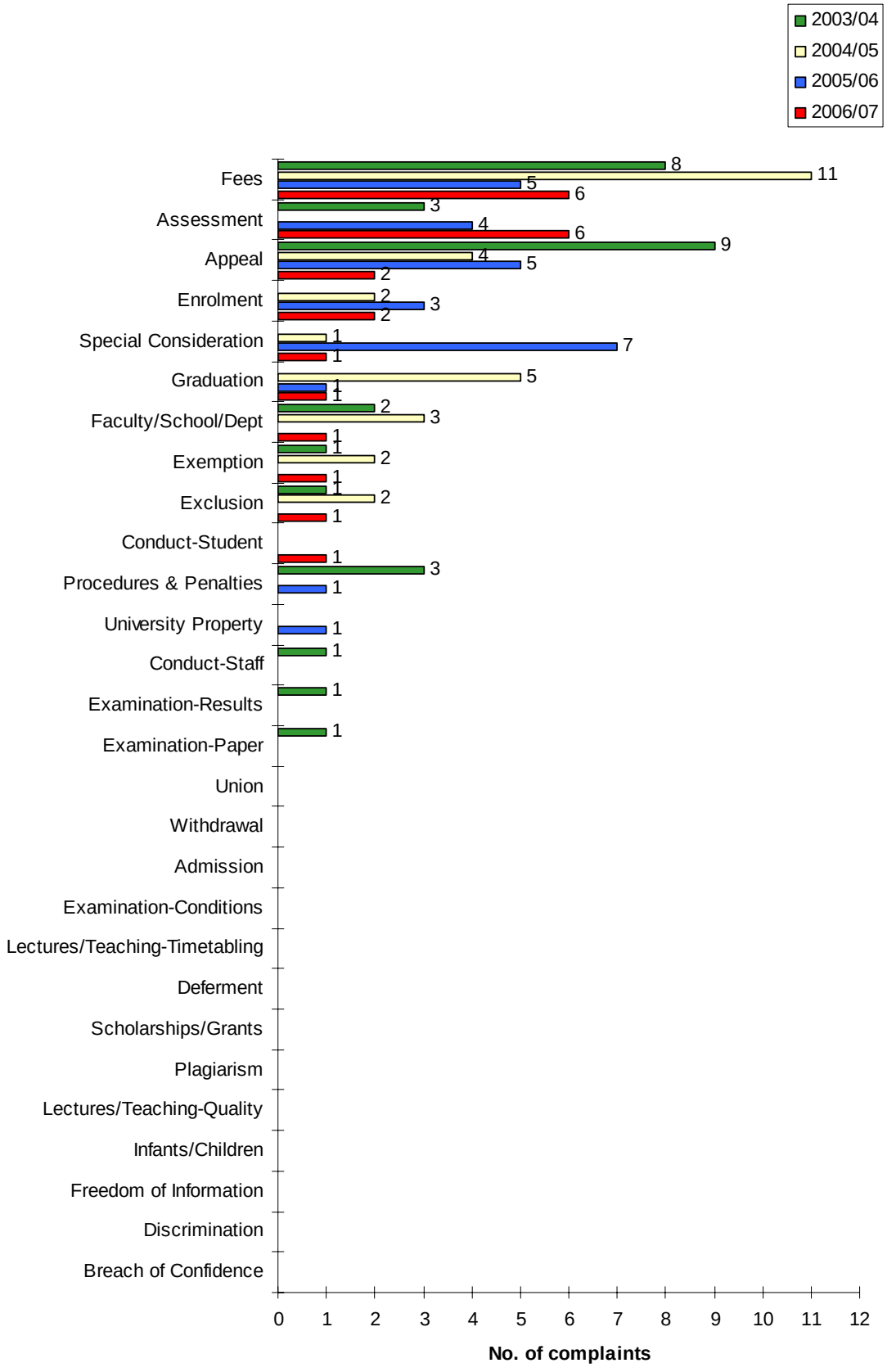
The UTS Student Ombuds Office provides to students an independent avenue of dispute resolution that gives an assurance of:

- 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

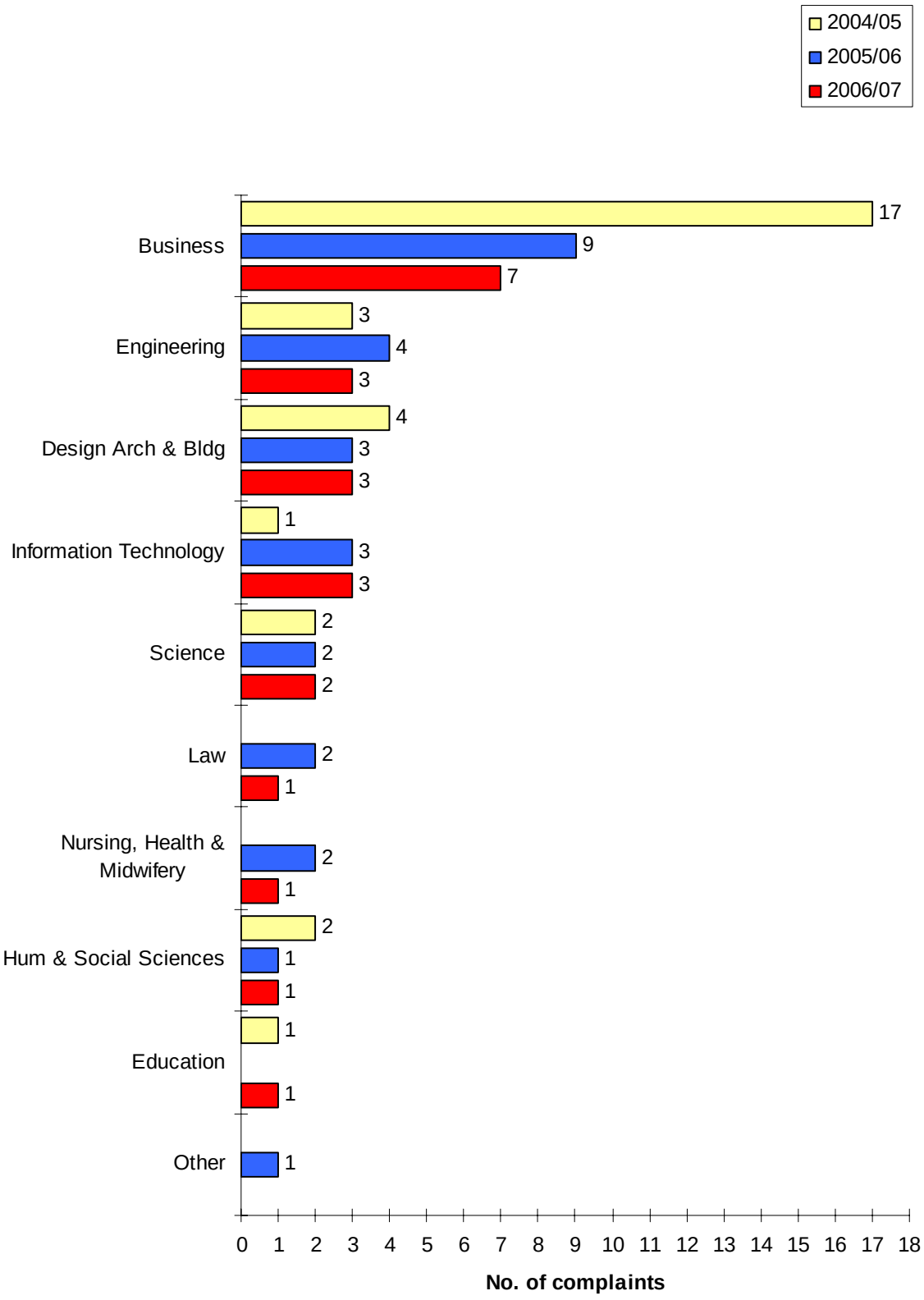
10. TABLE 1 - SOURCE & NATURE OF COMPLAINTS

	Science			Other			Hum & Social Sciences			Information Technology			Nursing, Health & Midwifery			Education			Engineering			Design Arch & Building			Law			Business			TOTAL		
	2006/07	2005/06	2004/05	2006/07	2005/06	2004/05	2006/07	2005/06	2004/05	2006/07	2005/06	2004/05	2006/07	2005/06	2004/05	2006/07	2005/06	2004/05	2006/07	2005/06	2004/05	2006/07	2005/06	2004/05	2006/07	2005/06	2004/05	2006/07	2005/06	2004/05	2006/07	2005/06	2004/05
Admission																																	
Appeal	1		1																														4
Assessment							1			2	3								2	1						1		2	3	2	5		
Breach of Confidence																				1						1			6		4		
Conduct-Staff																																	
Conduct-Student																						1									1		
Defement																																	
De-registration																																	
Discrimination																																	
Enrolment	1	1																				1			1			2	3		2		
Examination-Conditions																																	
Examination-Paper																																	
Examination-Results																																	
Exclusion																			1									1			2		
Exemption														1								1						1			2		
Faculty/School/Deparment			1						1													1						1			2		
Fees								1	1			1	1			1		1			1			2	3	2	6	6	5	11		
Freedom of Information																																	
Graduation																		1			2				1		1	1		5		
Infants/Children																																	
Lectures/Teaching-Quality																																	
Lectures/Teaching-Timetabling																																	
Plagarism																																	
Procedures & Penalties																						1									1		
Scholarships/Grants																																	
Special Consideration														1					1							4		1	7		1		
Union					1					1																							
University Property		1																													1		
Withdrawal																																	
TOTAL	2	2	2		1		1	1	2	3	3	1	1	2		1		1	3	4	3	3	3	4	1	2		7	9	17	22	27	30

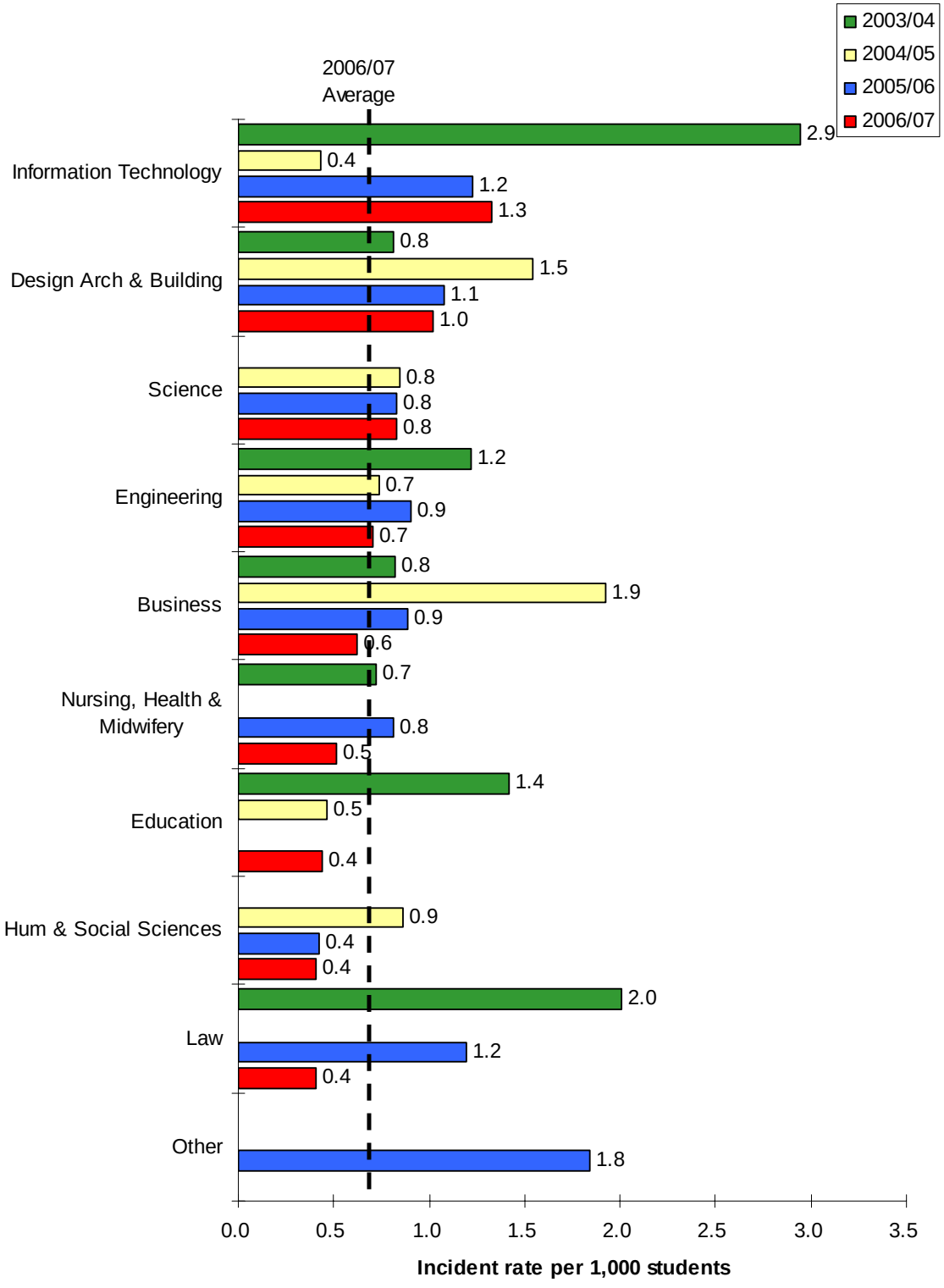
11. GRAPH 1 - NATURE OF COMPLAINTS



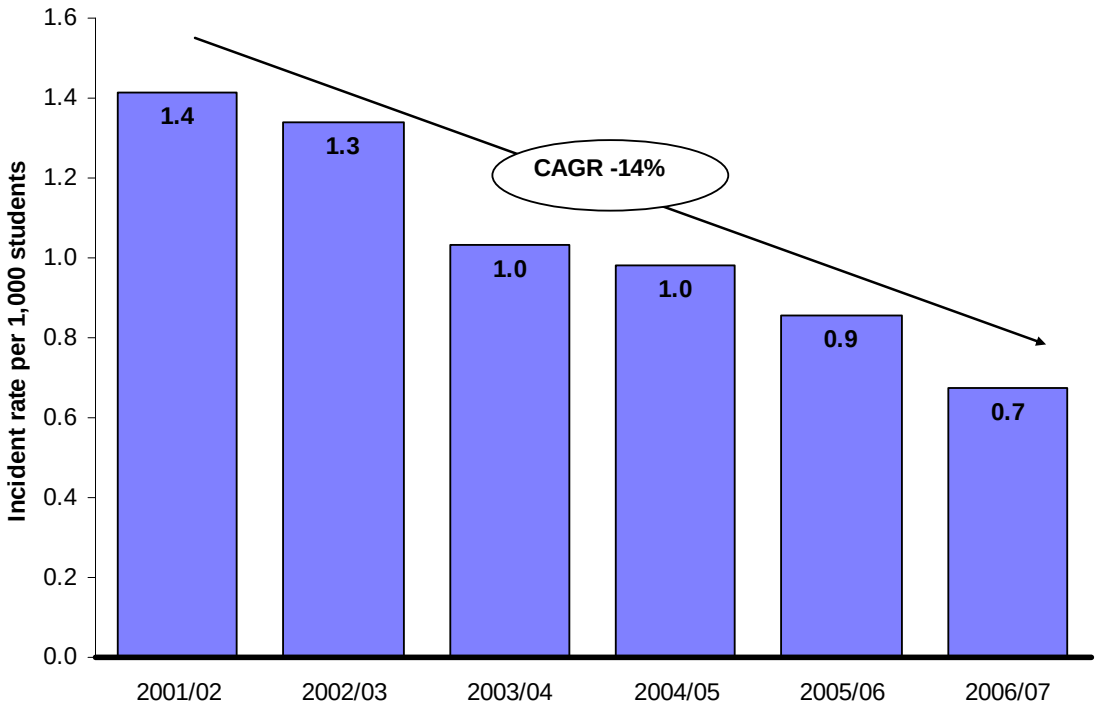
GRAPH 2 - SOURCE OF COMPLAINTS



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. Code of Conduct

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.