ANNUAL REPORT

STUDENT OMBUDS OFFICE
UNIVERSITY OF TECHNOLOGY, SYDNEY

For the Period
1st February 2007 to the 31st January 2008

July 2008

TABLE OF CONTENTS

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

TABLE 1 - SOURCE & NATURE OF COMPLAINTS 8
GRAPH 1 - NATURE OF COMPLAINTS 9
GRAPH 2 - SOURCE OF COMPLAINTS 10
GRAPH 3 - INCIDENCE RATE OF COMPLAINTS BY FACULTY 11
GRAPH 4 - LONG TERM AVERAGE INCIDENT RATE 12

ATTACHMENT 1
TERMS OF REFERENCE 13

1. STAFF OF THE OFFICE

The Student Ombuds Office consisted of the following persons during 2007 on a part-time basis:

Layna Groen	-	Student Ombud Senior Lecturer Faculty of Science City Campus
Katherine Gordon	-	Assistant Student Ombud Senior Lecturer Faculty of Humanities and Social Sciences City Campus
Angela Dwyer	-	Assistant Student Ombud Senior Lecturer Faculty of Law Markets Campus
Bronwen Dalton	-	Assistant Student Ombud 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 2007 the Student Ombuds Office handled 16 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 15 years. 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 previous years.

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 2007. Once again, note that the students of a particular Faculty may not be complaining about a matter or decision that has not 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 2002/03 to 2007/08. 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 2007 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	0
Pamphlet	0
Referrals	4
Students Association	5
Web site	5

The source of referrals is similar to those in 2006. 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 2007-2008 was 16, 5 less than the previous year. As noted in Graph 4, the incident rate per 1,000 students has declined an average of 16% 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, 2006 and 2007 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. In 2007 there were 60 informal requests for assistance, a decrease of 11 requests from 2006. This may also account the decrease in the number of formal requests for assistance.

In past years higher numbers of informal requests for assistance have been attributed to international students seeking help for fee related problems or advice. In 2007 there were 10 informal requests for assistance from international students and of these only 6 were related to fees.

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 2005-2008 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 were distributed to new students with other UTS orientation information. In 2007 the Office was asked to provided pens for mid year orientation which we will do in 2008 mid year orientation.

Student Ombuds Office pamphlets are distributed to Faculties and Units on request. 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

Katherine Gordon's term with the Office ended in 2007. Katherine joined the Office as Assistant Student Ombud in June 2005. Katherine brought to the Office a great deal of experience in dealing with both students and University administration. We thank her for all of her contributions to the Office.

Congratulations to Assistant Student Ombuds Angela Dwyer and Bronwen Dalton. In 2007 Angela was promoted to Senior Lecturer in the Faculty of Law and Bronwen was promoted to Senior Lecturer in the School of Management, Faculty of Business.

7. CASE STUDIES OF COMPLAINTS

Case Study 1

A PhD candidate was in receipt of a faculty scholarship which provided for living expenses, the scholarship was faculty approved and was discretionary. The student received a notification of discontinuance of his PhD and an appeal had been lodged against this determination. As a result of the discontinuance the stipend was suspended. The determination of the appeal could take a number of months and in the meantime the student lost the benefit of the stipend. A query was raised as to the students' status and the right to the stipend during a period of a 'candidature discontinuance with a right of appeal.'

The appeal was not a matter that the Ombud's Office could consider but the suspension of the stipend was investigated by the Ombud's Office. The Student Ombud's Office found that the university's policies and procedures had been correctly followed in this case.

Case Study 2

A student complained to the Office about the Review of Final Subject Assessment Result. The student failed the subject and requested a review. The student indicated on the form that he would like to appear before the committee. He was not invited to do so.

During investigations the Office requested to see a copy of the students' application form. The student had clearly indicated on the form that he wished to appear before the committee.

The Office approached the Chair of the committee who agreed to reconvene the committee so that the student could appear before it.

Case Study 3

A student complained that he had attempted to undertake concurrent study as required by his faculty, but that permission had been denied. As a consequence he had not undertaken any studies in Autumn Semester 2007 and had been required to complete his degree by the end of Spring Semester 2007, again by concurrent

studies. He felt that he had no chance to complete his studies and was losing opportunities for full-time employment. The student was seeking to undertake alternative assessment in the subject.

After interviewing the student and the staff concerned the Student Ombuds Office reviewed all documents related to the matter.

The Student Ombuds Office found that there were no grounds to request additional alternative assessment. The prime issue then was to ensure the student was being given a reasonable request by the University with regards to concurrent study. Although there was a lack of equivalent subjects available through the university a subject was found so that concurrent study could proceed. In discussions with the Faculty the student was allowed to enrol in this subject for Spring 2007. As this outcome rectified the concerns of reasonableness, the matter was closed.

8. QUALITY

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

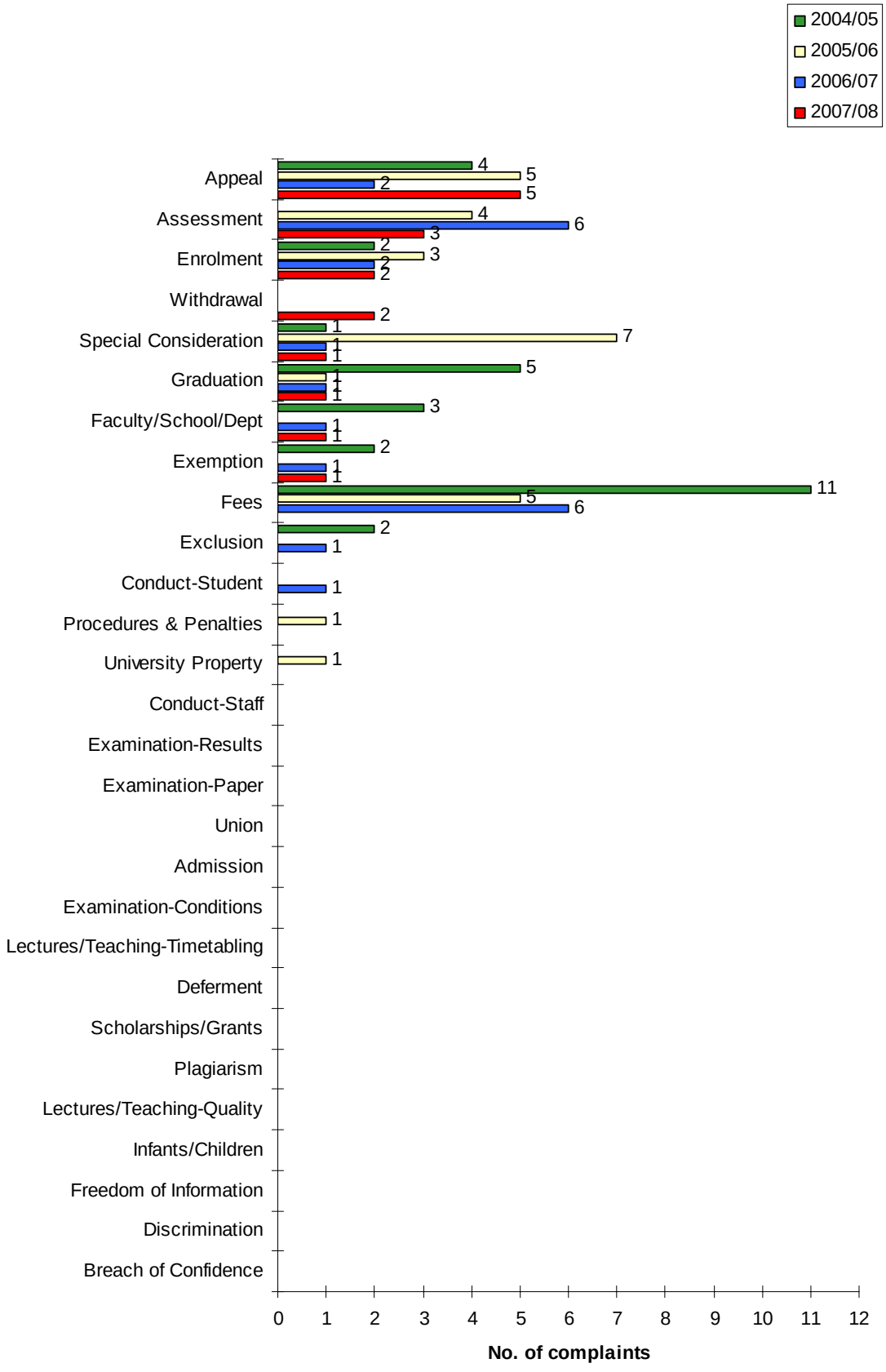
- Natural justice (fairness)
- Thoroughness in investigating a complaint
- Awareness of a student's personal situation
- Access to all staff and all documentation
- Expertise as to University processes and structure

TABLE 1 - SOURCE & NATURE OF COMPLAINTS

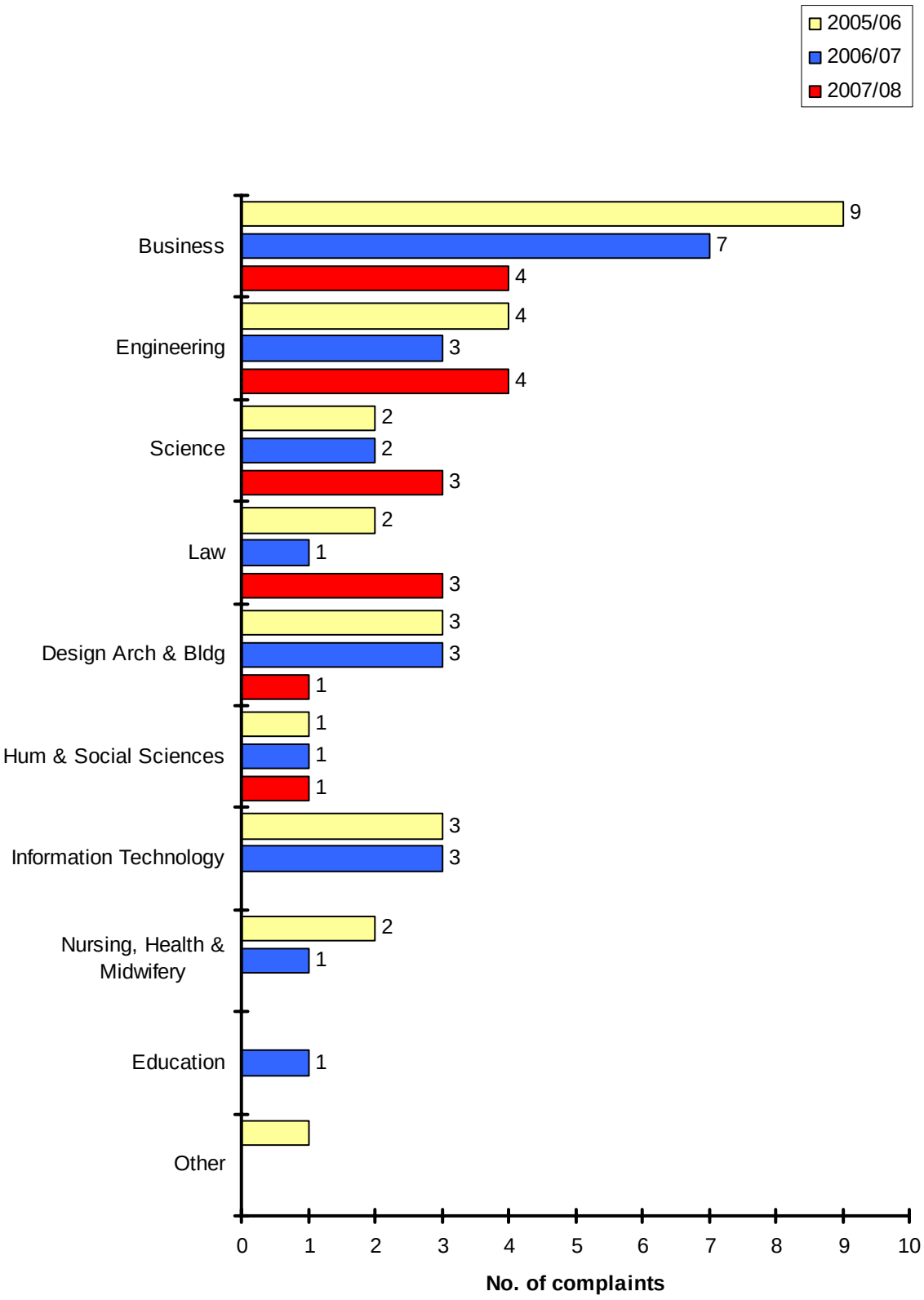
Table 1
Source and Nature of Complaints

	Science			Other			Hum & Social Sciences			Information Technology			Nursing, Health & Midwidery			Education			Engineering			Design Arch & Building			Law			Business			**TOTAL**		
	07/08	06/07	05/06	07/08	06/07	05/06	07/08	06/07	05/06	07/08	06/07	05/06	07/08	06/07	05/06	07/08	06/07	05/06	07/08	06/07	05/06	07/08	06/07	05/06	07/08	06/07	05/06	07/08	06/07	05/06	**07/08**	**06/07**	**05/06**
Admission																																	
Appeal	3	1													1						1	1					1	1	1	2	**5**	**2**	**5**
Assessment								1			2	3							2	2					1		1		1		**3**	**6**	**4**
Breach of Confidence																																	
Conduct-Staff																																	
Conduct-Student																							1									**1**	
Deferment																																	
De-registration																																	
Discrimination																																	
Enrolment		1	1																1					1	1				1	1	**2**	**2**	**3**
Examination-Conditions																																	
Examination-Paper																																	
Examination-Results																																	
Exclusion																				1												**1**	
Exemption																			1				1								**1**	**1**	
Faculty/School/Department							1																1								**1**	**1**	
Fees									1					1			1				1			1			1			3	2		**6**	**5**
Freedom of Information																																	
Graduation																					1							1	1		**1**	**1**	**1**
Infants/Children																																	
Lectures/Teaching-Quality																																	
Lectures/Teaching-Timetabling																																	
Plagarism																																	
Procedures & Penalties																								1									**1**
Scholarships/Grants																																	
Special Consideration						1					1				1						1							1		4	**1**	**1**	**7**
Union																																	
University Property			1																														**1**
Withdrawal																									1			1			**2**		
TOTAL	3	2	2			1	1	1	1		3	3		1	2		1		4	3	4	1	3	3	3	1	2	4	7	9	**16**	**22**	**27**

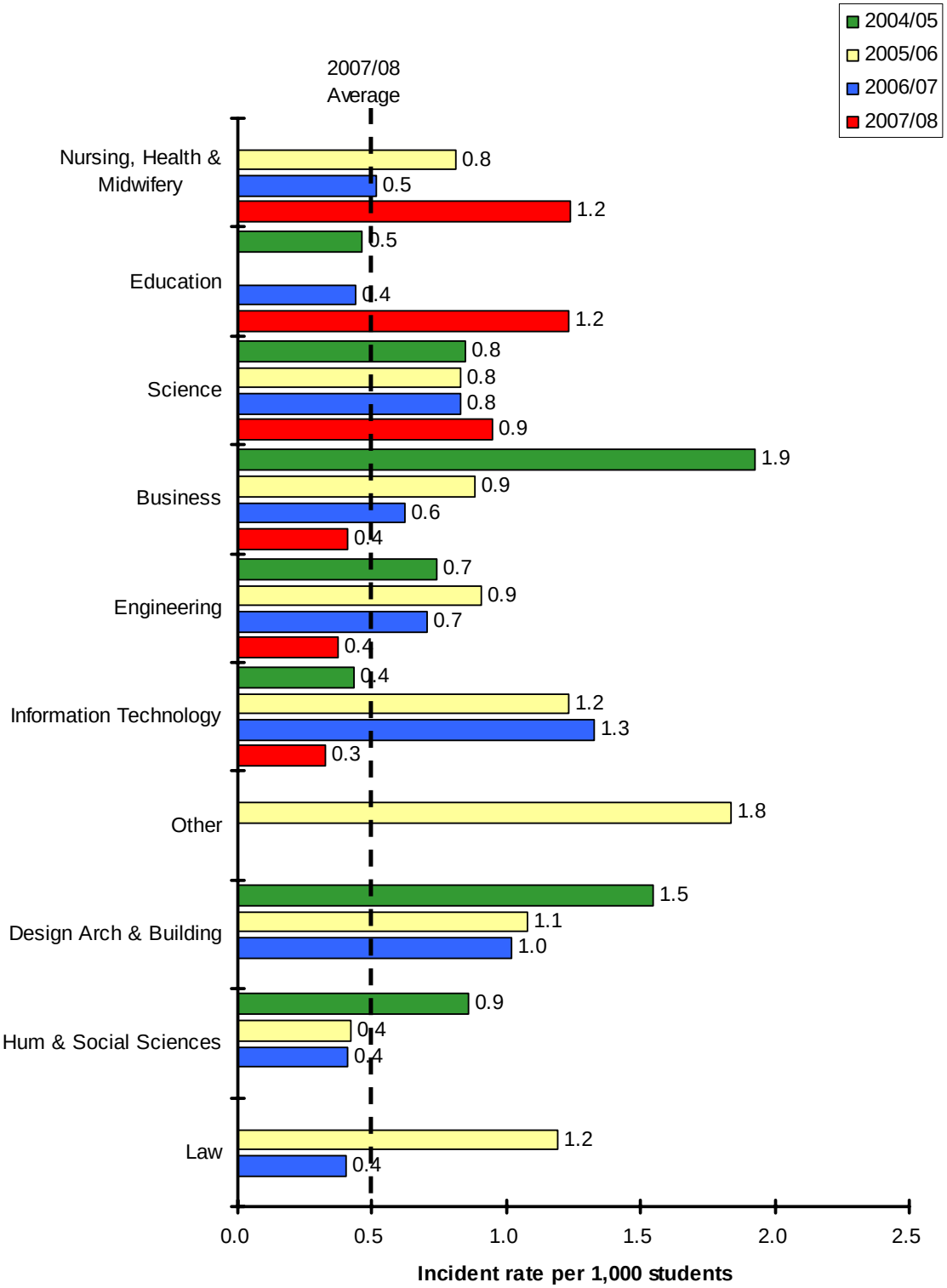
GRAPH 1 - NATURE OF COMPLAINTS



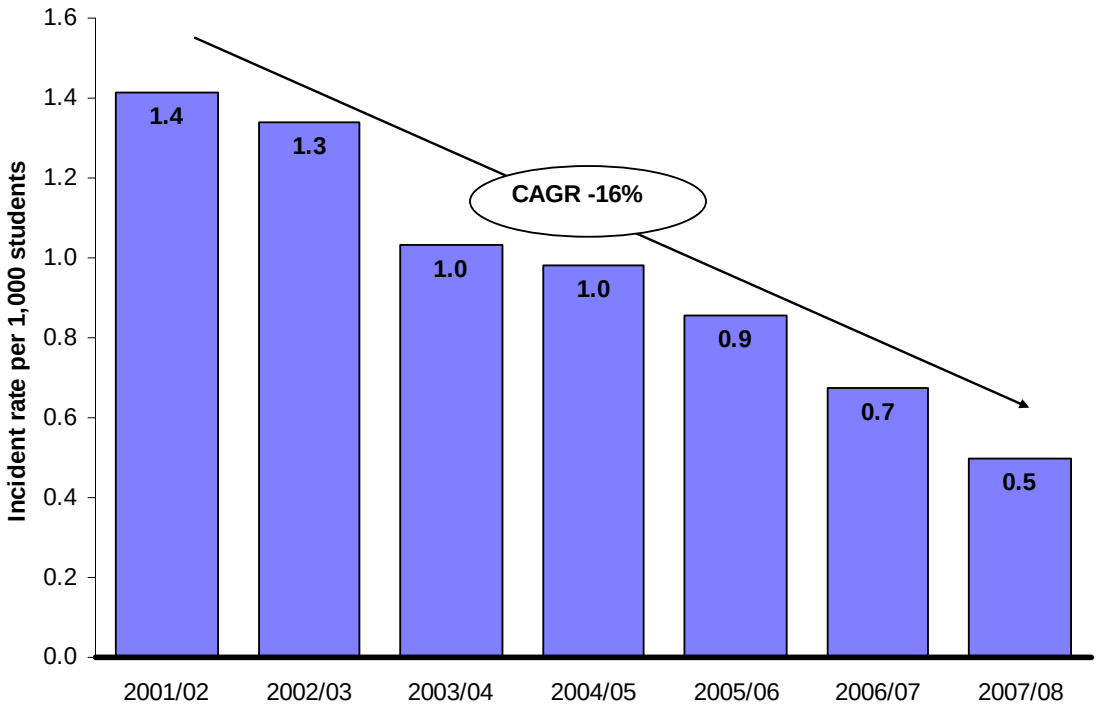
GRAPH 2 - SOURCE OF COMPLAINTS



GRAPH 3 - RELATIVE % OF COMPLAINTS BY FACULTY



GRAPH 4 - LONG TERM AVERAGE INCIDENT RATE



ATTACHMENT 1

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, or receipt of a complaint submitted via the Online Request for Assistance Form, 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.