ANNUAL REPORT

STUDENT OMBUDS OFFICE

UNIVERSITY OF TECHNOLOGY, SYDNEY

For the Period

1st February 2010 to the 31st January 2011

July 2011

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1. STAFF OF THE OFFICE

The Student Ombuds Office consisted of the following persons during 2010 on a part-time basis:

Maxine Evers - Student Ombud
Lecturer
Faculty of Law
Markets Campus

Sally Varnham - Assistant Student Ombud
Associate Professor
Faculty of Law
Markets Campus

Patricia Farrar - Assistant Student Ombud (completed term September 2010)
Senior Lecturer
Faculty of Business
Kuring-gai Campus

Susie Eisenhuth - Assistant Student Ombud
Lecturer
Faculty of Arts and Social Sciences
Broadway Campus

Layna Groen - Assistant Student Ombud (began term September 2010)
Senior Lecturer
Faculty of Science
City 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.

The University, in accordance with its past practice, continues to provide the Student Ombuds Office with sufficient resources to continue its role effectively. During 2010 the Student Ombuds Office handled 15 formal complaints, an increase of one complaint from 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 22 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 and experience of student education.

3. COMPLAINTS

The complaints that led to a formal enquiry by the Office are set out in Table 1 of 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 and nature 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 2010. Once again, note that the students of a particular Faculty may be complaining about a matter or decision that has not arisen in their own Faculty.

Graph 4 demonstrates the decline or incline in the incidence rate per 1,000 students of complaints by students enrolled at UTS from 2005/06 to 2010/11. 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 asked to indicate how they heard about the Office.

The results of this survey for 2010 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).

	2009	*2010*
Business Card	0	0
Counsellors	2	1
Faculty	1	0
Lecturer	1	0
Other	2	2
Pamphlet	1	1
Referrals	1	1
Students Association	5	9
Student Centre	0	0
Web site	1	1

There was an increase in the amount of referrals from the Students Association from 5 in 2009 to 9 in 2010. In 2011 the Office will target Student Centres with brochures to increase awareness and visibility throughout the University community.

4. COMMENTS ON COMPLAINTS

Overall number of requests for assistance: The number of formal requests for assistance recorded in 2010 was 15, one more than in 2009. In 2008 there were 22 requests for assistance an increase of 8 from 2007 when the Office received 16 requests for assistance. The number of 15 – 16 requests for assistance is in accordance with a general, if slightly, declining trend in the number of formal complaints since 2002.

In 2005, 2006 and 2007 there was a relatively even spread of complaints throughout the year. However in 2008 almost half of the 22 formal complaints were lodged in the February to April period. In 2009 and 2010 there was again a relatively even spread of formal requests for assistance throughout the year.

Assessment, Appeal, Fees, and Enrolment make up the major complaint categories of the Office over the last 5 years. Assessment 19%, Appeal 15%, Fees 13%, Enrolment 10% while Special Consideration 9%, Faculty 7% and Graduation 6% make up a further 22% to be 79% of the Offices complaints. These 7 items are the core Office complaint categories.

It was noted in the 2008 Annual Report that a disturbing proportion of requests for assistance were received from students exhibiting signs of mental illness. These signs included depression, paranoia, threats of self-harm including contemplation of suicide, obsessive and unreasonable behaviour, threats to staff, and behaviour that may occasion disciplinary action under University Rules for non-academic misconduct. Other students requesting assistance were currently receiving treatment for just such conditions. Some students were of the view that the reason for their mental health issues was the poor management of their complaint by the University. Some of the students with pre-existing conditions also attributed what they felt was poor management of their complaint to contributing further to their discomfort. This did not seem to be the case in 2009, however in 2010 some requests for assistance were received from students who again appeared to show signs of mental illness. While it is not possible to conclude that this observation is the beginning of a trend, nevertheless it cannot be ignored and is of great concern.

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. The numbers of informal request for assistance has remained relatively stable. In past years higher numbers of informal requests for assistance have been attributed to international students seeking help for fee or assessment related problems or advice however since 2006 and 2007 there has been a marked decrease. In 2010 there were 6, in 2009 there were 14 and in 2008 there were 20 informal requests for assistance from international students.

The majority of the approaches from international students were from prospective students seeking information about courses. The decrease has been attributed to better targeted information on web sites and by the International Programs Office.

The remaining informal requests for assistance covered a wide range of complaint categories. These students were directed to Student Centres, other UTS grievance handling units or to the Students Association

Co-operation with the Office: It is pleasing to note that the Office maintains a very high level of support for its work amongst University staff. This co-operation and willingness to assist in resolution of complaints means that the role of the Student Ombuds Office is carried out more effectively and efficiently.

Formal Reports: Reports to the Deputy Vice-Chancellor are made on only a small number of occasions where a satisfactory conclusion in not reached and where specific recommendations are required. During 2005-2010 period there has been no formal reports made to the Vice-Chancellor for consideration.

5. VISIBILITY

In 2010 the Student Ombuds Office again produced promotional pens with the Student Ombud Office web site address that were distributed to new students with other

orientation information. The Ombuds Office does this with the intention of making the Office more visible to students.

6. PERSONNEL

In September Assistant Student Ombud Trish Farrar resigned from her contract with the Office due to unexpected leave commitments. We thank her for input into the Office.

Dr Layna Groen from the Faculty of Science generously offered to complete the term of Dr Farrar's contract as Assistant Student Ombud. Dr Groen has extensive experience with the Office, joining in February 2005 as an Assistant Student Ombud and in June 2006 she was appointed Student Ombud, completing that term in January 2010. Council approved this appointment for the term of 1 September 2010 unit 1 July 2011.

The Office is presently staffed by the following:

Maxine Evers, Student Ombud

Sally Varnham, Assistant Student Ombud

Susie Eisenhuth, Assistant Student Ombud

Layna Groen, Assistant Student Ombud

Jenny Murphy, Administration Manager

7. OMBUD CONFERENCE ATTENDENCE

Assistant Student Ombud, Sally Varnham, was extremely fortunate to attend the IOA Ombudsman 101, and Mediation and the Ombudsman courses from 6th – 8th September 2010. Fortunate not only because the Courses were held at the UNESCO centre in Paris, but also, and importantly, because they were hugely valuable in terms of both the learning and the contacts made. The attendees were from Europe, Central and South America, the US and Canada and most were internal Ombuds employed in large organizations, such as multinational corporations and different agencies of the United Nations, who obviously dealt with staff matters. There was a smaller representation from the higher education sector that also covered staff, as well as student requests for assistance. There were excellent facilitators and the course was conducted largely through role plays which provided a wonderful opportunity for learning a variety of new skills and approaches. These courses are run regularly in different centers and it is recommended that other members of the UTS Student Ombud team should have the opportunity to attend when and where appropriate.

Assisant Ombud Sally Varnham and Student 0mbud Maxine Evers attended a Workshop for Ombuds, Deans of Students and Complaint Managers from the University sector hosted by the University of South Australia on 26 October 2010. Nineteen universities were represented at the workshop where current issues, including mental health, cyber-bullying and record keeping were discussed. The workshop provided a valuable opportunity to share ideas, practices and resources. Dr Sally Varnham gave a presentation on the report into *Student Grievance and Discipline Matters*. Sally is one of the project's co-authors and researchers which looked at student grievances in universities. The project was funded by the Australian Teaching and Learning Council.

This year's workshop is to be held at UTS in August.

8. CASE STUDIES OF COMPLAINTS

Case Study 1

A postgraduate student lodged a Request for Assistance with the Office after receiving a mark of 46 in their final subject. The student's application for a supplementary assessment had been declined by the Faculty on recommendation of the Course Coordinator.

The Office found that the Coursework Assessment Manual 4.13 provides that when a student's fail is by a few marks in their final undergraduate subject they may, at the discretion of the Faculty, be granted a supplementary assessment. The revised Course Assessment Manual which came into operation for Autumn 2010 widens this provision to post graduates also.

The Office raised this with the Responsible Academic Officer who, after discussions with the Faculty members, provided reasons why the student was not a candidate for supplementary assessment. However the Faculty offered to assist the student in finding a subject they may study in order to complete their qualification.

Case Study 2

A postgraduate student lodged a Request for Assistance with the Office after failing a subject. The student believed they were disadvantaged in their exam preparation as they sat an alternate exam at a later date to the main final exam. Students who sat the main final exam had access to a computer program to assist their exam preparation until the date stated in the Subject Outline. There was no access to the program after the main final exam. Access to the program after the main final exam until the alternate exam was not possible as it was necessary to close the program to enable the marking of the exam and assignments.

The Office conducted an investigation into the student's request for assistance by meeting with the subject coordinator and Responsible Academic Officer. The Faculty agreed to provide the student with the option of sitting the final exam in the following semester and to have access to the program up until the closing date listed in the Subject Outline.

Case Study 3

A postgraduate student lodged a request for assistance in relation to a fail mark in an assessment task. Part of the student's concerns related to an issue of academic judgment. The student was advised that the Office's Terms of Reference do not include "disputes involving the assessment of a student's academic performance". The student's concerns also related to the classroom where the subject tutorials were held. The Office investigated the student's request for assistance by discussing the concerns with the Student Centre. The Office was advised that the complaint concerning the classroom would be flagged with the Facilities Management Unit to see if any cosmetic changes might be possible to make it a better teaching space, on a temporary basis, until the new teaching spaces come into play.

9. QUALITY

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

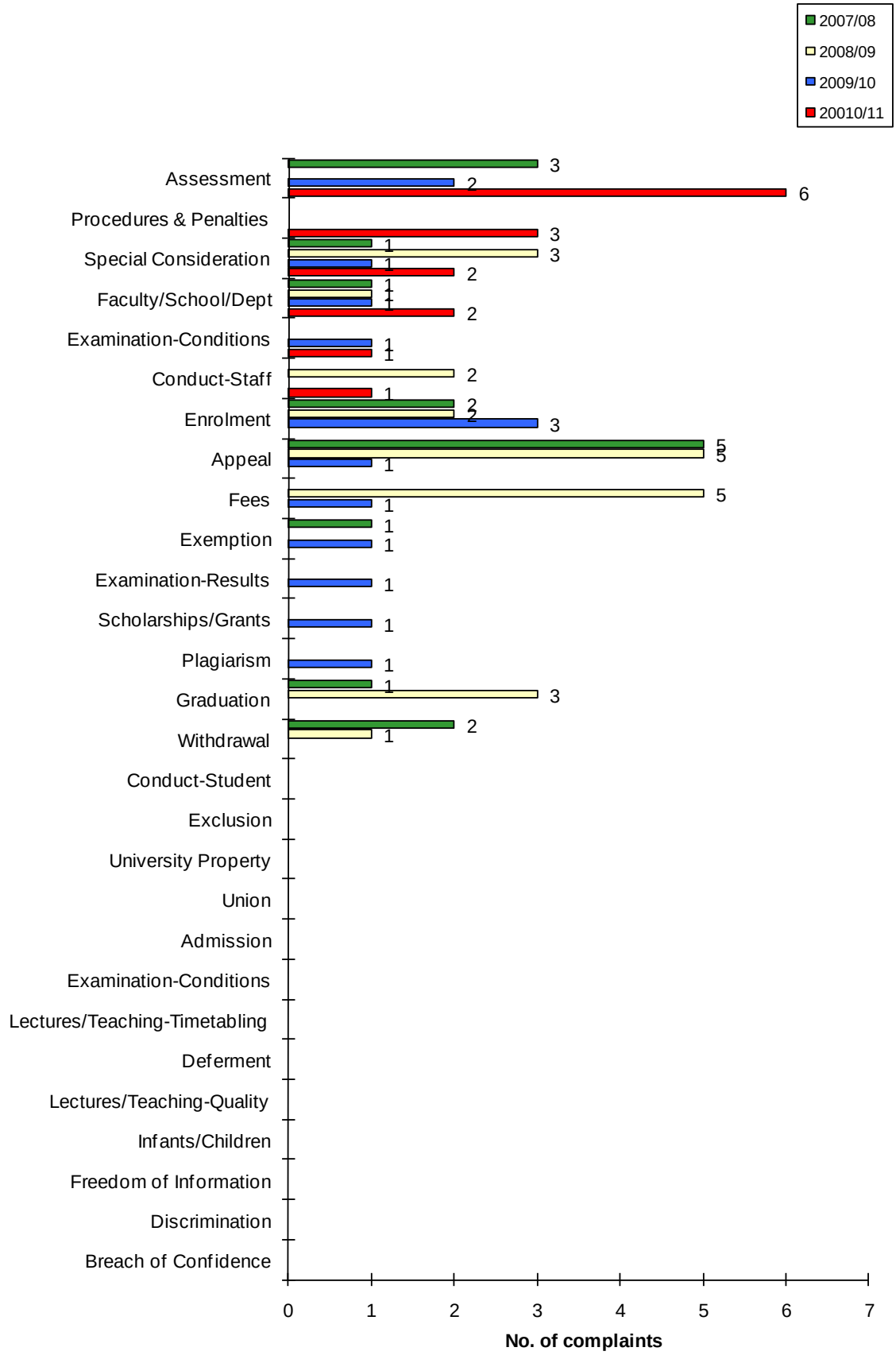
- Natural justice (fairness)

- 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

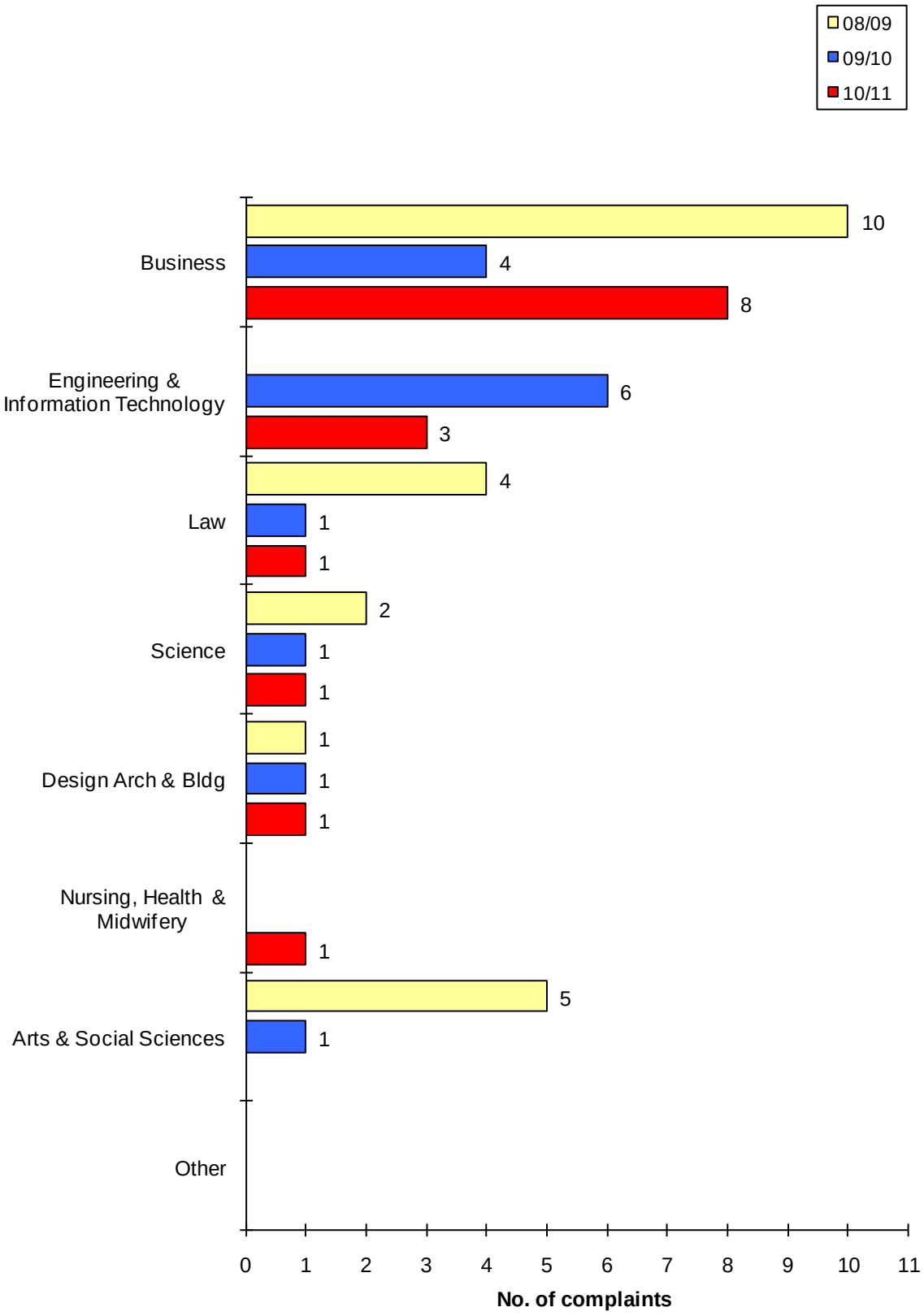
TABLE 1 - SOURCE & NATURE OF COMPLAINTS

	Science			Other			Arts & Social Sciences			Nursing, Health & Midwidery			Engineering & Information Technology			Design Arch & Building			Law			Business			TOTAL		
	10/11	09/10	08/09	10/11	09/10	08/09	10/11	09/10	08/09	10/11	09/10	08/09	10/11	09/10	08/09	10/11	09/10	08/09	10/11	09/10	08/09	10/11	09/10	08/09	10/11	09/10	08/09
Admission																											
Appeal	1												3	2							1	2	1	4	6	2	5
Assessment																											
Breach of Confidence																						1		2	1		2
Conduct-Staff																											
Conduct-Student																											
Deferment																											
De-registration																											
Discrimination																				1			1			3	2
Enrolment		1	1				1																				
Examination-Conditions								1						1								1			1	2	
Examination-Paper																											
Examination-Results																											
Exclusion																											
Exemption													1	1		1									2	1	
Faculty/School/Department														1					1			1			2	1	1
Fees							2							1					1					2	1	1	5
Freedom of Information																											
Graduation			1				1											1									3
Infants/Children										1																	
Lectures/Teaching-Quality																											
Lectures/Teaching-Timetabling																											
Plagarism																							1			1	
Procedures & Penalties										1									1			1			3		
Scholarships/Grants																1										1	
Special Consideration							1															2	1	2	2	1	3
Union																											
University Property																											
Withdrawal																			1								1
TOTAL	1	1	2					1	5	1			3	6		1	1	1	1	1	4	8	4	10	15	14	22

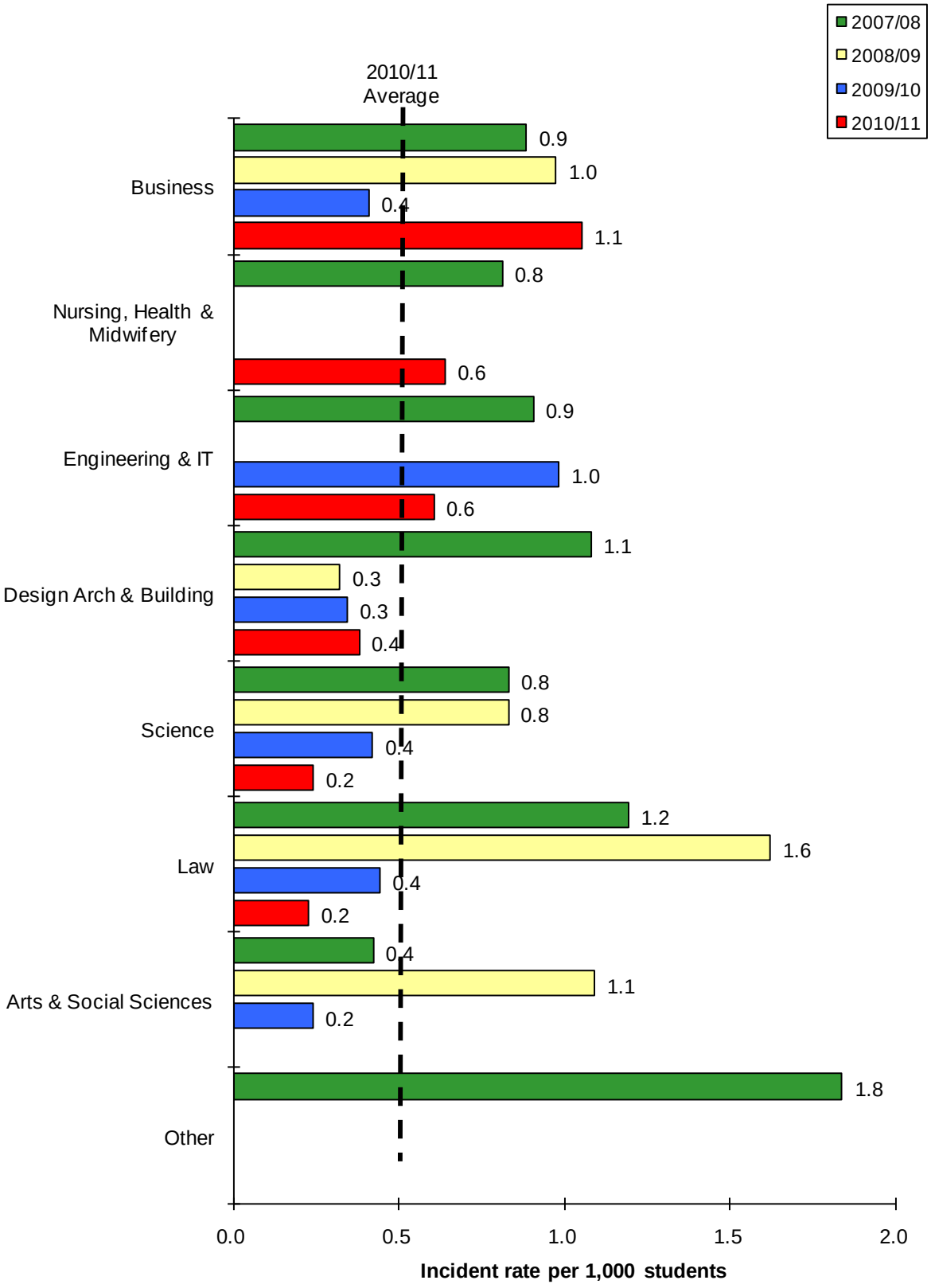
GRAPH 1 - NATURE OF COMPLAINTS



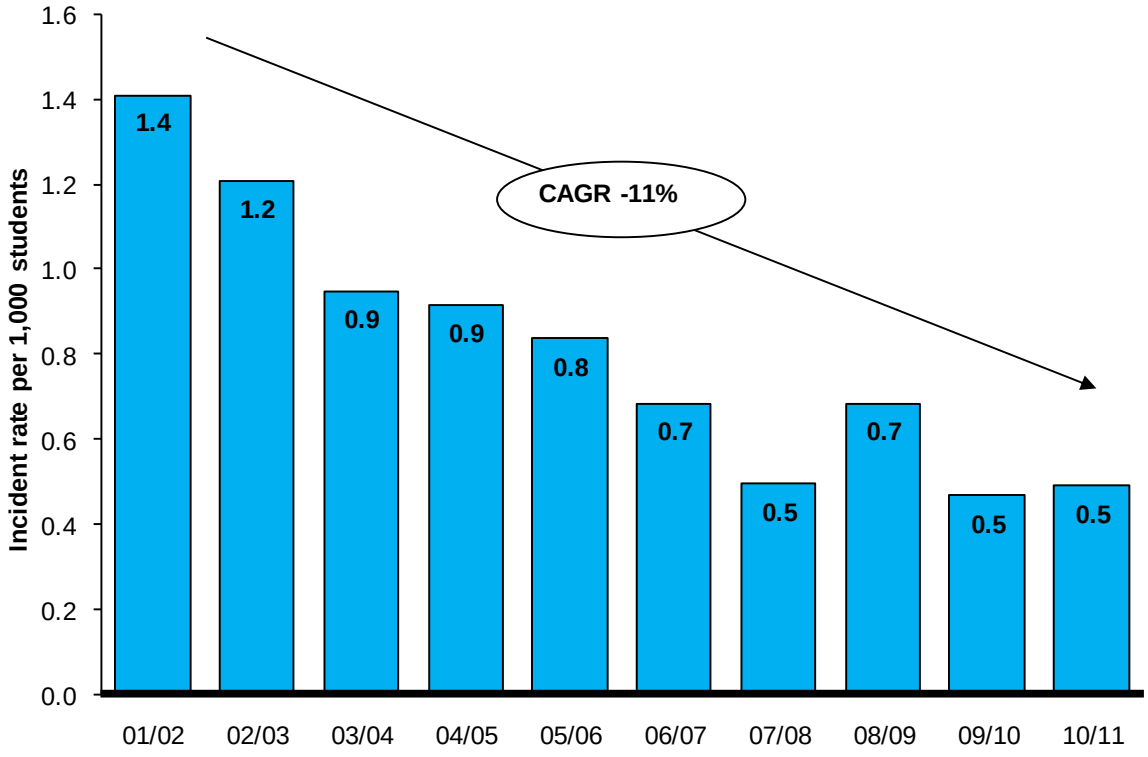
GRAPH 2 - SOURCE OF COMPLAINTS



GRAPH 3 - INCIDENCE RATE 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, 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.