ANNUAL REPORT

STUDENT OMBUDS OFFICE

UNIVERSITY OF TECHNOLOGY, SYDNEY

For the Period

1st February 2012 to the 31st January 2013

June 2013

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1. STAFF OF THE OFFICE

The Student Ombuds Office consisted of the following persons during 2012 on a part-time basis:

Maxine Evers - Student Ombud (completed term 11 January 2013)
Senior Lecturer
Faculty of Law
Markets Campus

Wing Bui - Assistant Student Ombud and
Student Ombud from 11 January 2013
Senior Lecturer
Faculty of Business
Markets Campus

Sally Varnham - Assistant Student Ombud (completed term July 2012)
Associate Professor
Faculty of Law
Markets Campus

Susie Eisenhuth - Assistant Student Ombud (completed term January 2013)
Lecturer
Faculty of Arts and Social Sciences
Broadway Campus

Joanne Gray - Assistant Student Ombud (began term July 2012)
Associate Dean (Teaching & Learning)
Faculty of Health
Kuring-gai Campus

Angela Dwyer - Assistant Student Ombud (began term January 2013)
Senior Lecturer
Faculty of Law
Markets Campus

David Eager - Assistant Student Ombud (began term January 2013)
Associate Professor
Faculty of Engineering and Information Technology
Broadway Campus

Jenny Murphy - Administrative 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 2012 the Student Ombuds Office handled 14 formal complaints. 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 24 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 source of those complaints that resulted in a formal investigation 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 again been included in this report. The Student Ombuds Office's 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.

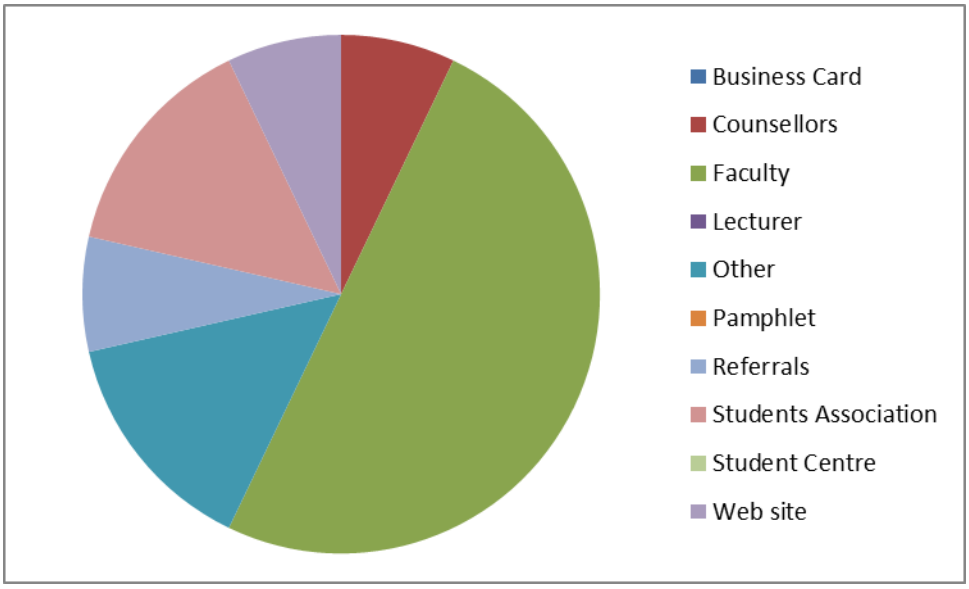
Graph 3 gives the incidence rate per 1,000 students of complaints by students enrolled in each Faculty in 2012. Once again, note that the students of a particular Faculty may be complaining about a matter or decision that has not arisen in their own Faculty.

Graph 4 demonstrates the decline or incline in the incidence rate per 1,000 students of complaints by students enrolled at UTS from 2001/02 to 2012/13. 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 2012 are illustrated in the pie graph below. This information is being used by the Office to better target information resources towards the student community.

EXHIBIT 1 – REFERAL OF COMPLAINTS



In 2012 half (seven) of the students who made a formal request for assistance were referred to the Office by their Faculty. This is an increase of 6 from last year. This increase can be attributed to a campaign of promoting the Office to the UTS community by visits to Faculties by the Student Ombud and electronic signage discussed in more detail later in the report. There has been a decrease in students indicating the referral was from the Students Association from six in 2011 to two in 2012. As the relative numbers of complaint have had little change it can be concluded that students are first informed about the Office by the Faculty.

4. COMMENTS ON COMPLAINTS

The number of formal requests for assistance recorded in 2012 was 14, an increase of 2 from 2011. The main complaint categories of formal requests for assistance in 2012 were Assessment, Special Consideration and Exemptions.

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 2012 there were 89 informal requests for assistance, 10 more than in 2011.

Informal requests for assistance covered a wide range of complaint categories. All informal complaints are logged confidentially by date, contact method, faculty and brief description. This information was allocated the same complaint categories that are used for Formal Requests in annual reporting. One other category was added *Out of Terms of Ref* to cover approaches to the Office such as staff seeking assistance, requests for legal advice or course information. The largest category of informal requests for assistance were from students experiencing problems related to assessment followed by problems associated with Special Consideration and a general matter relating to Faculty / School / Departments. Exhibit 2 below details the nature of informal requests for assistance over the last three years.

EXHIBIT 2 – INFORMAL COMPLAINTS BY TYPE

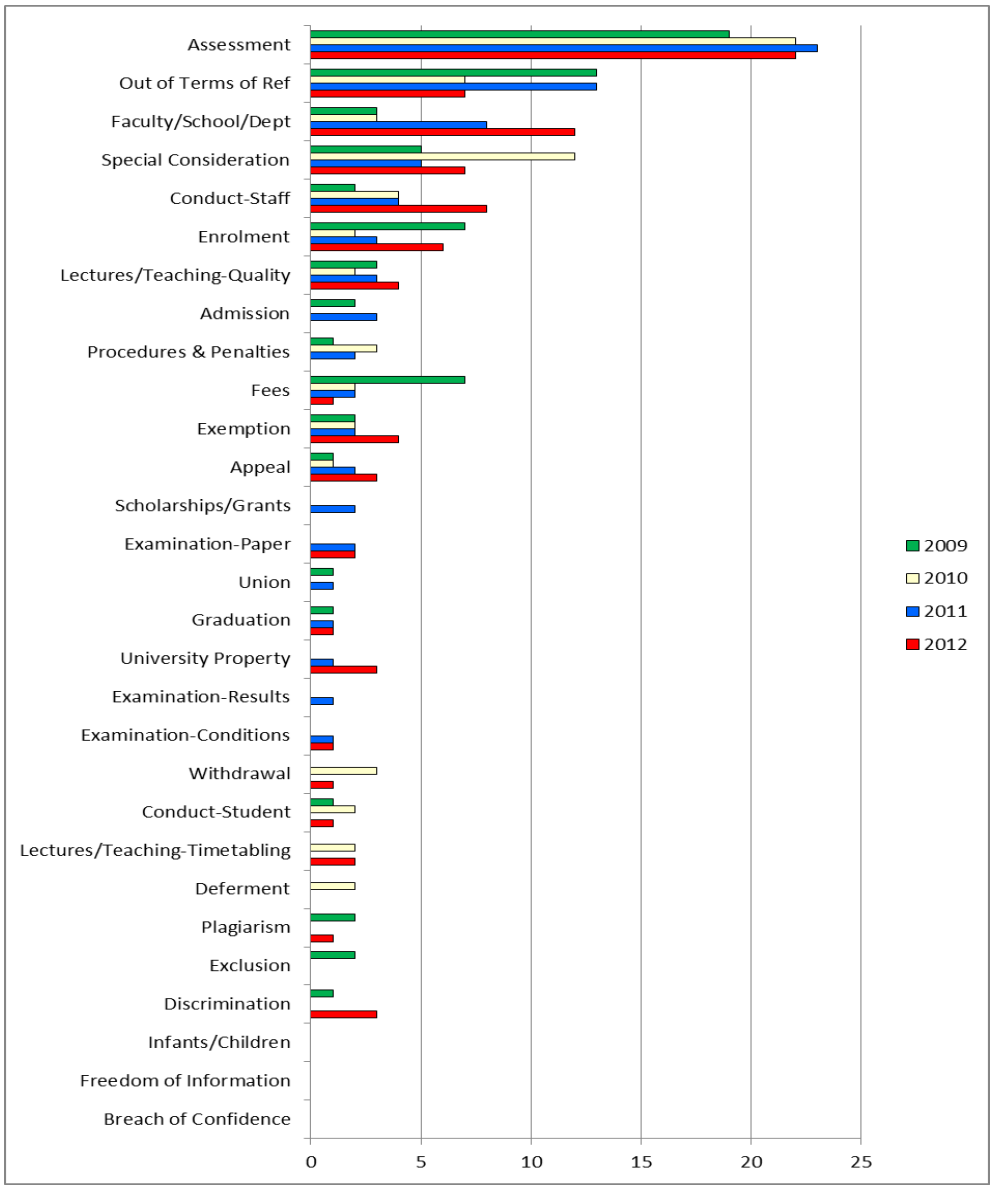
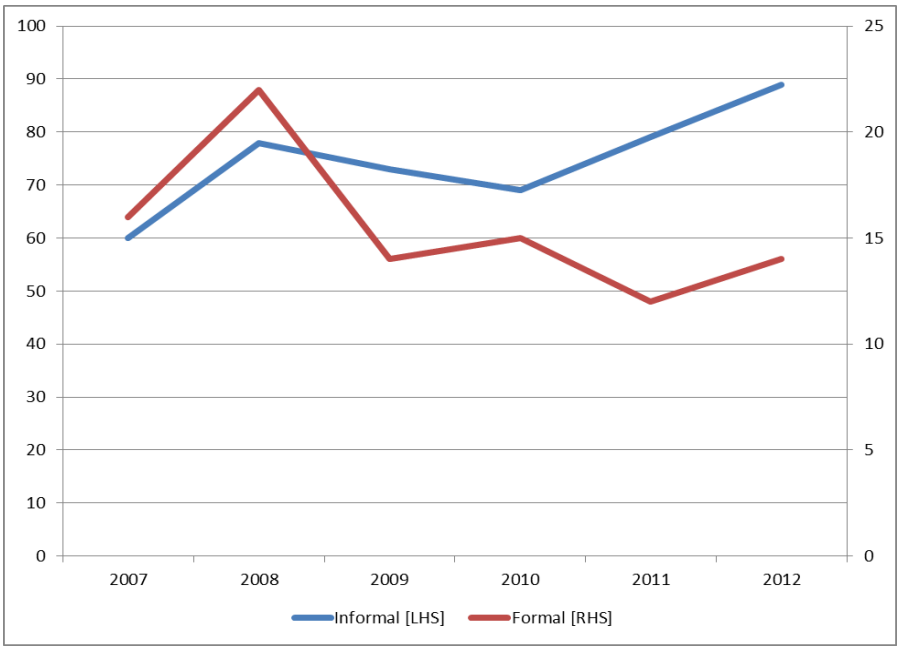


Exhibit 3 below shows that since 2007 the incidence of informal complaints has grown 8.2% from 60 to 89 while formal complaints have declined an annual average -2.6% from 22 to 14 complaints from outside the Office. We still believe that faculty and alternate grievance handling avenues within the university are more appropriately dealing with matters while awareness of the Office and the role of Ombuds have increased over this time. It is also noteworthy that the majority of informal complaints relate to assessment (54%), matters out of the Ombuds Office terms of reference, Faculty and special consideration.

EXHIBIT 3 – FORMAL VERSUS INFORMAL COMPLAINTS TREND



A review of the data below in Exhibit 4 International Student Complaints reveals there is no discernible trend in the incident rate of formal requests from either local or international students. For the 2008, 2009 and 2012 years the incident rates were 23%, 37% and 58% higher for international versus local students. For 2010 and 2011 the incident rate was 2% more and 9% less respectively. A review of the data also suggests that for four of the last five reporting periods the direction of the incident rate trend for local and international students has been consistent, with 2012 being the outlier showing growth in the incident rate from 0.31 in 2011 to 0.53 in 2012 against a flat 0.34 and 0.33 for local students over the same period.

EXHIBIT 4 – INTERNATIONAL STUDENT COMPLAINTS

	Number of Students			Formal requests for assistance			Incident Rate per 1,000 students		
	Total UTS	Local	International	Total UTS	Local	International	Total UTS	Local	International
2012	36,357	26,886	9,471	14	9	5	0.39	0.33	0.53
2011	36,235	26,535	9,700	11	9	3	0.30	0.34	0.31
2010	34,646	25,530	9,116	15	11	4	0.43	0.43	0.44
2009	33,811	25,538	8,273	13	9	4	0.38	0.35	0.48
2008	32,276	24,717	7,559	22	16	6	0.68	0.65	0.79

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 2005-2012 period there have been no formal reports made to the Vice-Chancellor for consideration.

5. VISIBILITY AND PROMOTION OF THE OFFICE

In 2012 the Student Ombuds Office continued the practice of producing 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.

As a way of promoting the Student Omuds Office, amendments were made to the website to provide guidance for students and staff as to the steps to follow in a complaint process, including student query of an error in mark or grade and student concern of determination of final subject assessment results. A checklist was also provided to assist students through the process of exhausting all avenues before approaching the Student Ombuds Office for help. For the first time, the Office was also advertised on the electronic signage around the University with the message “Need help? When all else fails, come to the Student Ombuds Office.”

To publicise these changes and provide information for academic and administrative staff for dealing with student concerns, the Student Ombud spoke to the University Graduate School and Faculty meetings in Business and Law in October and November 2012.

6. PERSONNEL

The Student Ombuds Office underwent a number of personnel changes in 2012. In May expressions of interest were called for the positions of Assistant Student Ombud from continuously appointed academic staff at UTS interested in UTS policy and procedure to replace Ombuds whose contracts were concluding.

Assistant Student Ombud Sally Varnham extended contract ended on 1 July 2012 and Assistant Student Ombud Susie Eisenhuth’s extended contract concluded on 1 January 2013. Both Sally and Susie were important members of our team and we thank them for their contributions.

Maxine Evers completed her term as Student Ombud in January 2013. Maxine joined the Office as Assistant Student Ombud in April 2008 and was elevated to Student Ombud in January 2010. The ongoing success of the Student Ombuds Office has been due, in no small part to the quality of work and dedication to the job shown by Maxine in her time with the Office. Maxine’s amiable approach and dedication to the Office was been appreciated by students, staff and the wider university Ombud community. She has our sincere thanks and gratitude.

Council approved the appointment of Assistant Student Ombud to successful candidates Joanne Gray from the Faculty of Health, Angela Dwyer from the Faculty of Law and David

Eager from the Faculty of Engineering and Information Technology. Their contract will be for the usual two-year term with a possible 12 month extension.

In November expressions of interest for the position of Student Ombud were called from currently appointed, experienced Assistant Student Ombud staff. The successful candidate, Wing Bui has been appointed Student Ombud to replace Maxine. Wing is a Senior Lecturer with experience in academic administration from the UTS Business School. Wing has been an Assistant Student Ombud since July 2011.

The Office is presently staffed by the following:

Wing Bui, Student Ombud

Joanne Gray, Assistant Student Ombud

Angela Dwyer, Assistant Student Ombud

David Eager, Assistant Student Ombud

Jenny Murphy, Administration Manager

7. NSW OMBUDSMAN FORUM 2012

The Student Ombuds Office continued its strong working relationship with the NSW Ombudsman's Office. On 18 February Assistant Student Ombud Wing Bui attended the University Complaint Handling Forum held by the NSW Ombudsman's Office. The Forum looked at current issues and challenges facing University Ombudsman, Deans of Students and Complaint Managers, including international students, mental health issues, cheating and public disclosures. Each university gave a brief summary of its structure and processes. The Forum was also an opportunity to discuss matters of interest and concern with other universities in regional NSW and Sydney.

8. OMBUDS, DEANS OF STUDENTS & COMPLAINT HANDLERS' WORKSHOP

The Student Ombud attended a workshop on Ombuds, Dean of Students & Complaint Handlers at Victoria University on 24 September 2012. The workshop provided an opportunity for universities to share experiences and resources around their role and to hear about current developments in the university and ombud sector. Presentations from the Victorian Ombudsman, Victoria University's Pro Vice-Chancellor and in-house lawyer and a private legal practitioner provided insights into the current climate concerning student diversity, disability discrimination, mental health and social media.

Some of the main challenges for university complaint-handlers, including students with complex needs, the involvement of staff in investigations and complaint systems were discussed in detail. The outcome of the workshop resulted in a strengthening of connections among university ombuds and an increase in information to improve the student and staff experience with the Ombud's office. Improvements included a redesign of the website to include practical information for students and staff about their interaction with the office.

9. CASE STUDIES OF COMPLAINTS

Here are sample cases of Requests for Assistance that the Office investigated in 2012:

Case Study 1

A student lodged a Request for Assistance for the unsuccessful application for 'Withdrawal after census date'. The student claimed that the Associate Dean, Teaching and Learning had failed to consider all factors relevant to his application and the decision may be linked to a fail grade awarded in another subject.

The Office examined the history of the student's study plan changes and then looked at information provided by the Faculty relating to the delivery of the subjects and Faculty procedures for managing professional experience modules. The Office confirmed with the consent of the student that he had received assistance from the UTS Counselling Services and the Students Association.

The Office found that the decision of the Associate Dean, Teaching and Learning for 'Withdrawal after census date' should be upheld. This conclusion was based on the findings that the procedures for assessment for the subjects were reasonable and the performance had been assessed in accordance with UTS Procedures for the Assessment of Coursework Subjects.

Case Study 2

A student contacted the Office after receiving a fail grade for a subject. The student felt that the marking of an assessment component did not fairly reflect her skills and this poor result let to her failing the subject.

The Office discovered that the student had been having ongoing difficulties in passing this component of her degree. On further investigation the Office found that the failed component had been assessed a second time by an Academic from another University. The grade awarded was again a fail.

The Office found that there was no evidence to suggest that the UTS Procedures for Assessment of Coursework Subjects had not been adhered to. In addition, the feedback that was given to the student was provided against the marking criteria and also contained summary comments. In having the component assessed by an external academic, the student's work was assessed by three different academics who all reached the same conclusion.

The Associate Dean, Teaching and Learning agreed to meet with the student again to discuss future support strategies.

Case Study 3

An international student came to the Office to seek assistance after returning to Australia because she had failed an exam. The student had family problems that led to severe emotional problems during the semester but had not sought assistance from the Faculty or Student Services.

After meeting with the student she was eventually able to produce documentation that supported her claims. The Office met with the Faculty and it agreed that the student be allowed to sit a Supplementary Exam. It was also acknowledged that the student must pass

the Supplementary Exam to pass the subject and the maximum grade she could obtain was a 50P.

10. QUALITY

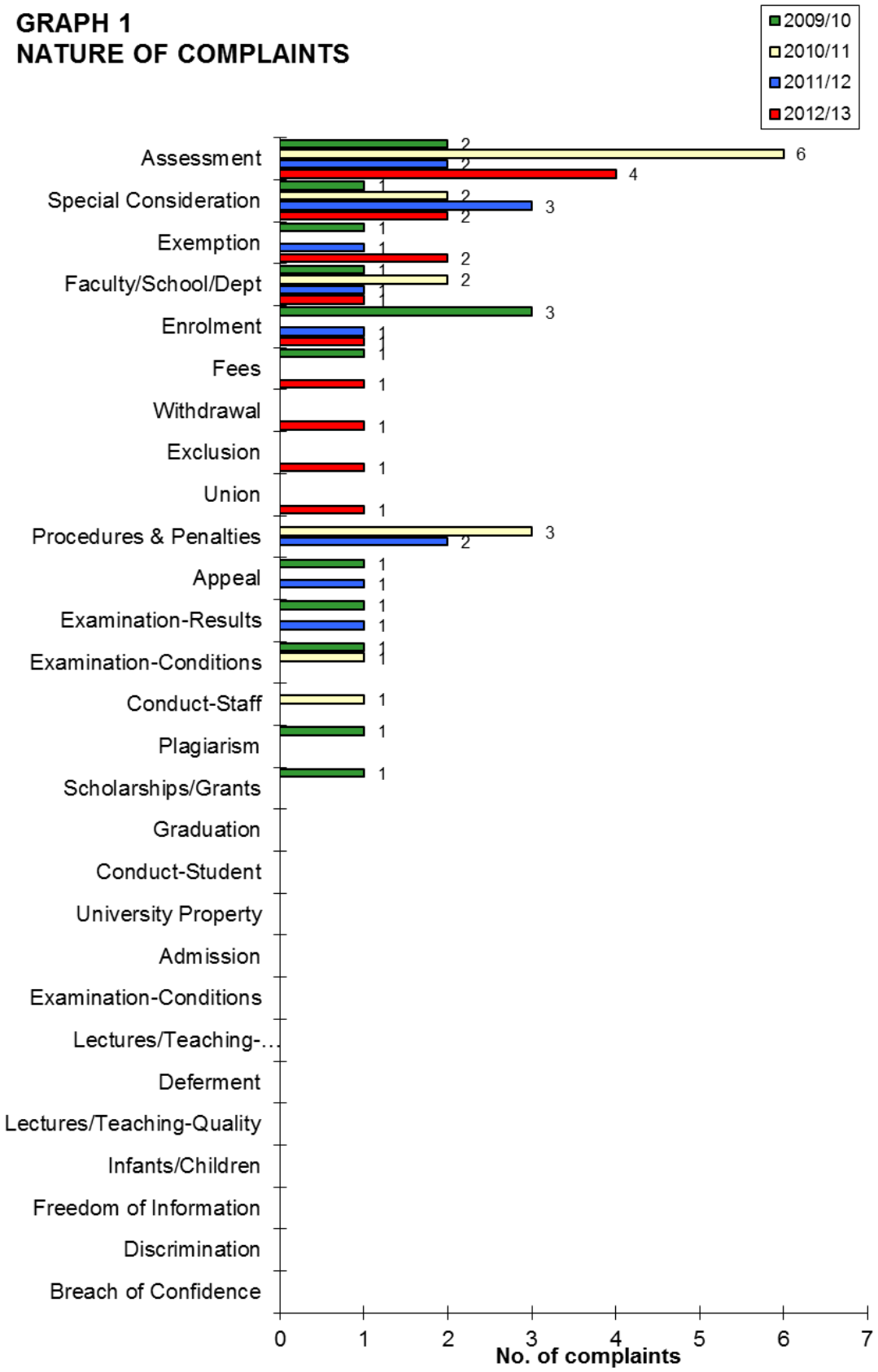
The UTS Student Ombuds Office provides to students an independent avenue of dispute resolution that gives an assurance of:

- Natural justice (fairness) and confidentiality
- 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

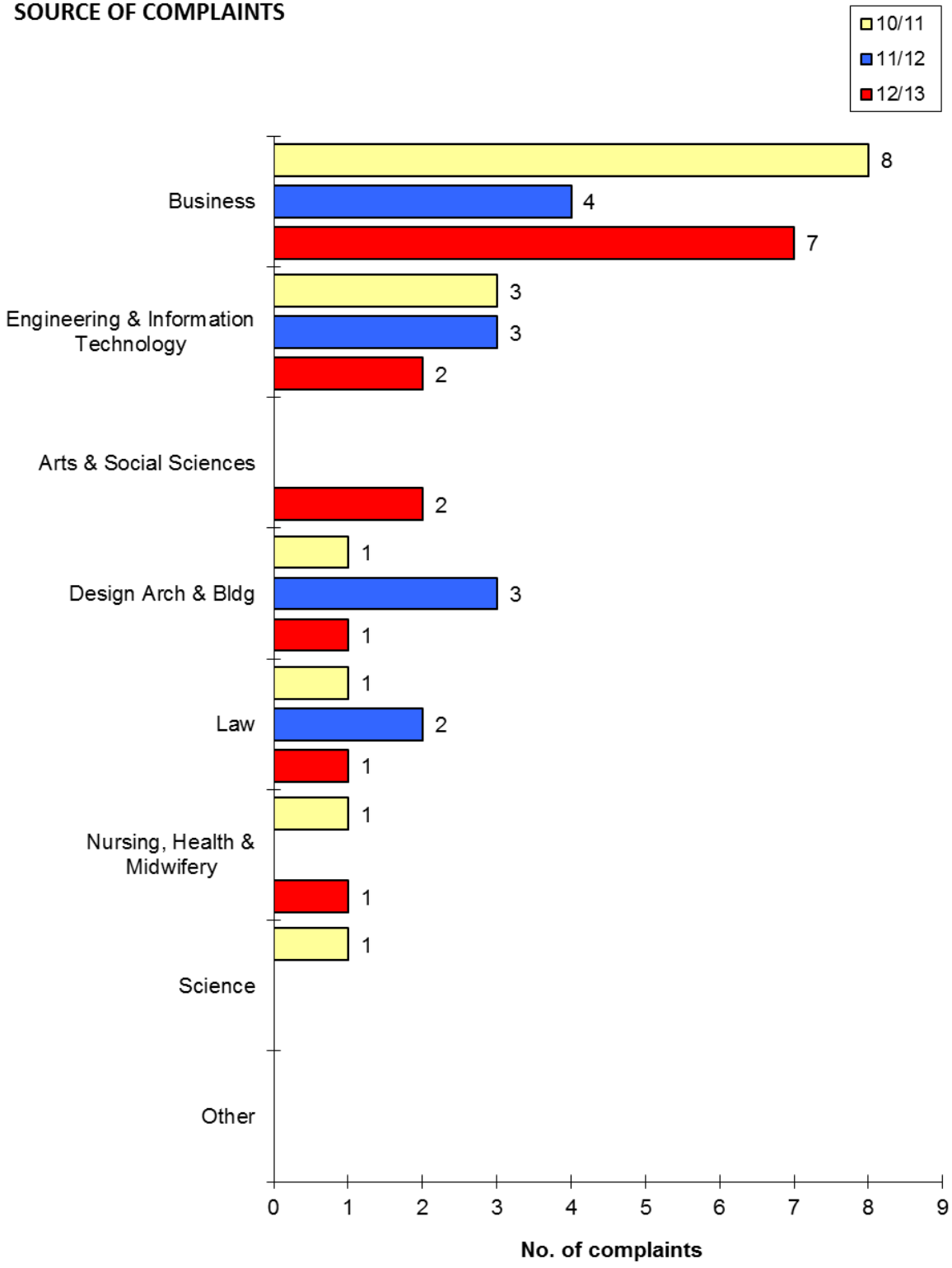
TABLE 1 - SOURCE & NATURE OF COMPLAINTS

	Science			Other			Arts & Social Sciences			Health			Engineering & Information Technology			Design Arch & Building			Law			Business			TOTAL		
	12/13	11/12	10/11	12/13	11/12	10/11	12/13	11/12	10/11	12/13	11/12	10/11	12/13	11/12	10/11	12/13	11/12	10/11	12/13	11/12	10/11	12/13	11/12	10/11	**12/13**	**11/12**	**10/11**
Admission																											
Appeal			1																							**1**	
Assessment							1			1				1	3	1	1					1	1	2	**4**	**2**	**6**
Breach of Confidence																											
Conduct-Staff																								1			**1**
Conduct-Student																											
Deferment																											
De-registration																											
Discrimination																											
Enrolment														1					1						**1**	**1**	
Examination-Conditions																				1				1		**1**	**1**
Examination-Paper																											
Examination-Results																						1			**1**		
Exclusion																						2	1		**2**	**1**	
Exemption																1	1					1		1	**1**	**1**	**2**
Faculty/School/Department							1															1			**1**		
Fees																											
Freedom of Information																											
Graduation																											
Infants/Children																											
Lectures/Teaching-Quality																											
Lectures/Teaching-Timetabling																											
Plagarism												1															
Procedures & Penalties																1			1					1		**2**	**3**
Scholarships/Grants																				1							
Special Consideration														1								2	1	2	**2**	**3**	**2**
Union													1														
University Property																									**1**		
Withdrawal													1												**1**		
TOTAL			1				2			1		1	2	3	3	1	3	1	1	2	1	7	4	8	**14**	**12**	**15**

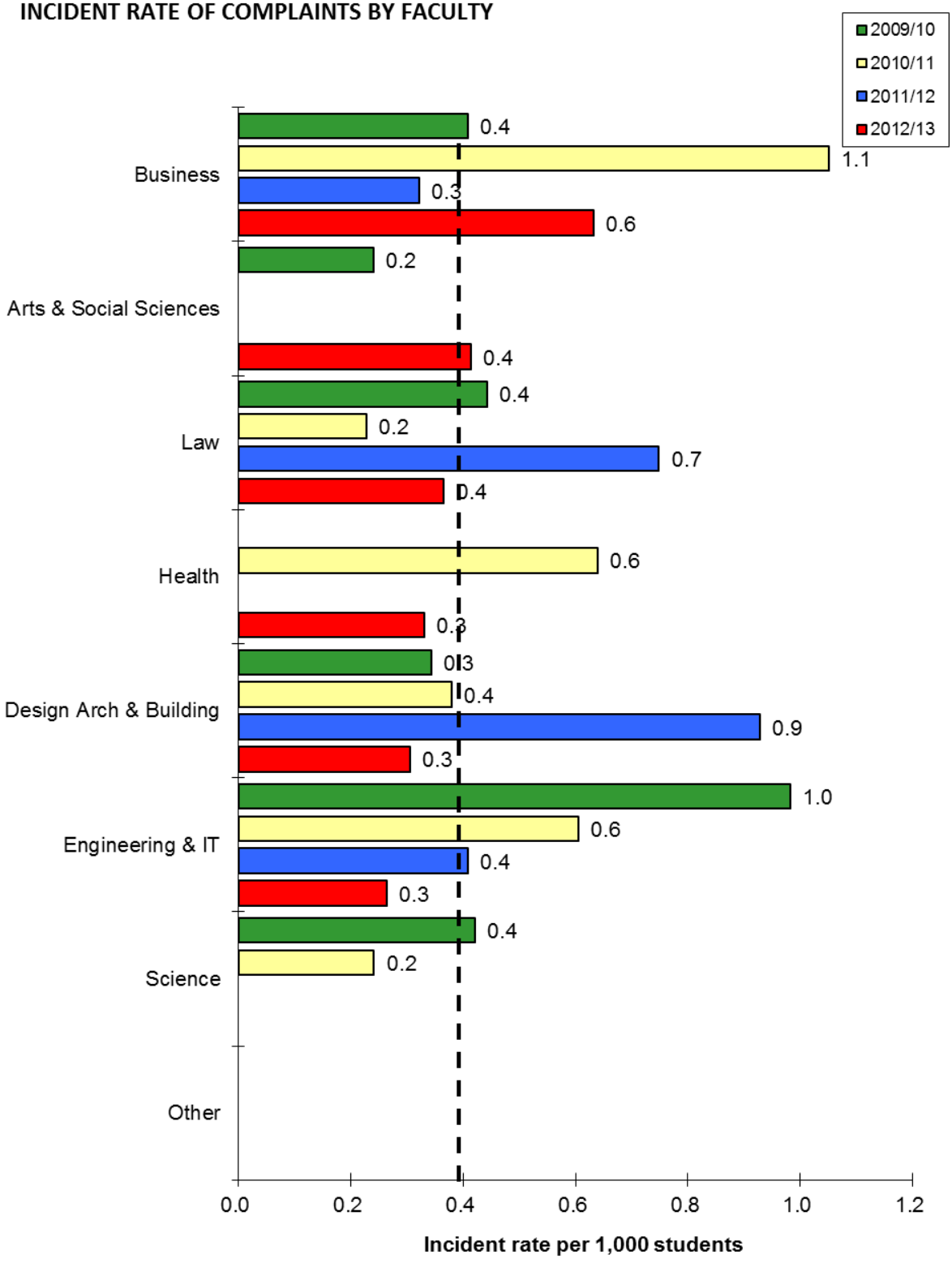
GRAPH 1
NATURE OF COMPLAINTS



GRAPH 2
SOURCE OF COMPLAINTS

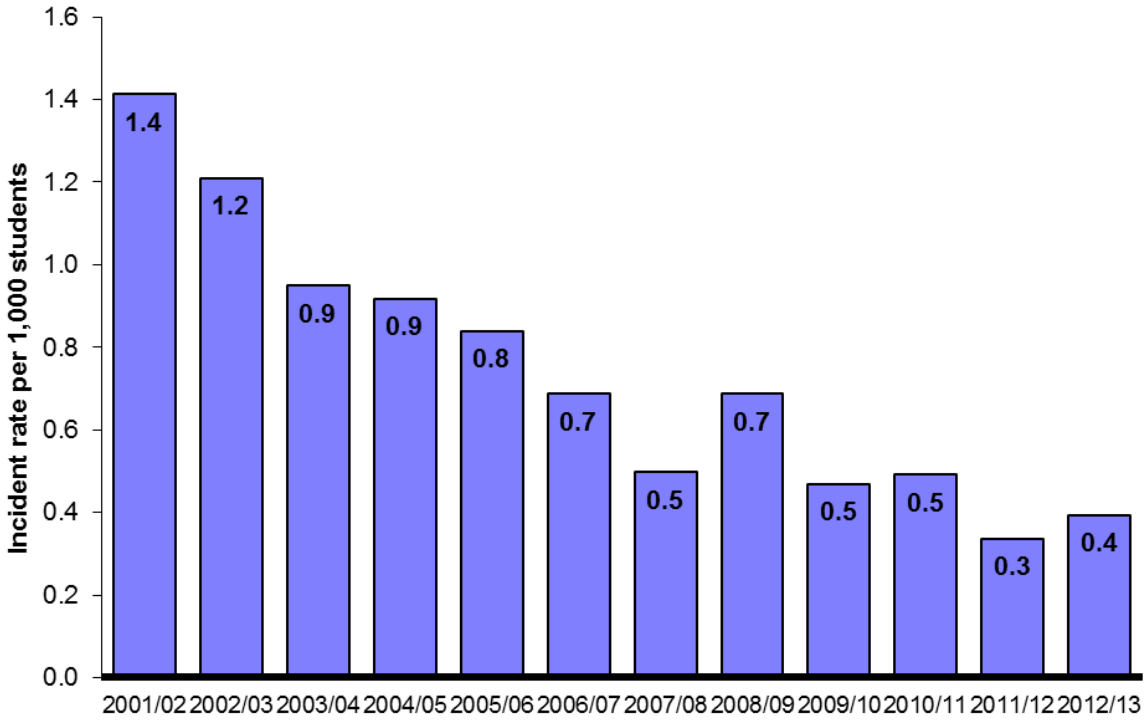


GRAPH 3
INCIDENT RATE OF COMPLAINTS BY FACULTY



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.