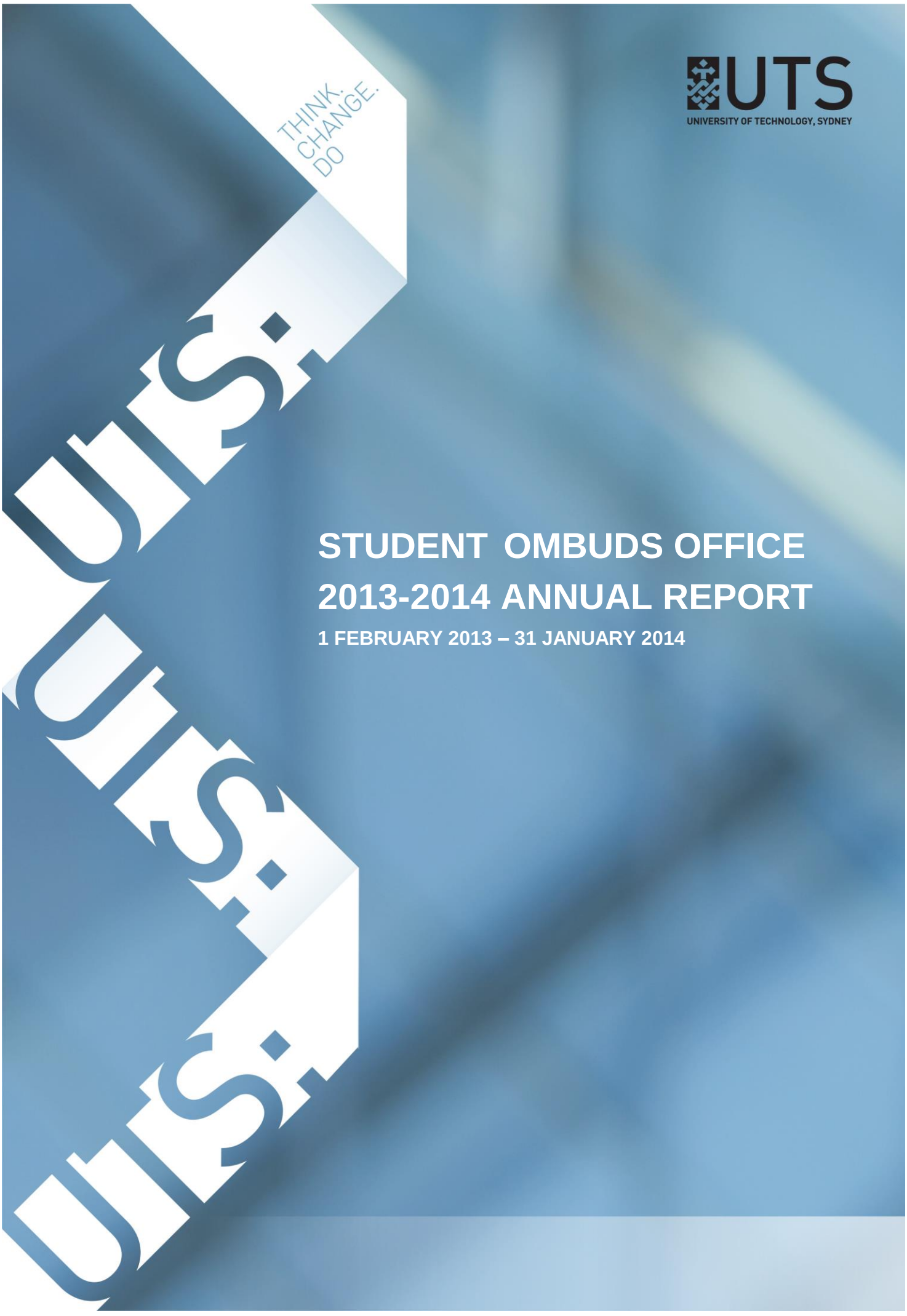

STUDENT OMBUDS OFFICE 2013-2014 ANNUAL REPORT

1 FEBRUARY 2013 – 31 JANUARY 2014

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1. STAFF OF THE OFFICE

The Student Ombuds Office consisted of the following persons during 2013 on a part-time basis:

Wing Bui - Assistant Student Ombud and
Student Ombud
Senior Lecturer
Faculty of Business
Markets Campus

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

Angela Dwyer - Assistant Student Ombud
Senior Lecturer
Faculty of Law
Markets Campus

David Eager - Assistant Student Ombud
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 2013 the Student Ombuds Office handled 12 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 25 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. COMMENTS ON COMPLAINTS

Formal Requests for Assistance: The number of formal requests for assistance recorded in 2013 was 12, a decrease of 2 from 2012 and the same amount as in 2011. The main complaint categories of formal requests for assistance in 2013 were Assessment, Fees and matters related to Faculty/School/Department. There was only one Request for Assistance about Special Consideration.

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.

TABLE 1 - SOURCE & NATURE OF COMPLAINTS

	Science			Other			Arts & Social Sciences			Health			Engineering & Information Technology			Design Arch & Building			Law			Business			TOTAL		
	13/14	12/13	11/12	13/14	12/13	11/12	13/14	12/13	11/12	13/14	12/13	11/12	13/14	12/13	11/12	13/14	12/13	11/12	13/14	12/13	11/12	13/14	12/13	11/12	13/14	12/13	11/12
Admission																											
Appeal															1												1
Assessment	1							1			1			1			1		3			1		1	5	4	2
Breach of Confidence																											
Conduct-Staff																											
Conduct-Student																											
Deferment																											
De-registration																											
Discrimination																											
Enrolment													1						1						1	1	1
Examination-Conditions																					1						1
Examination-Paper																											
Examination-Results																											
Exclusion																						1			1		
Exemption													1									2		1	1	2	1
Faculty/School/Department								1							1				1						2	1	1
Fees													1						1			1			2	1	
Freedom of Information																1									1		
Graduation																											
Infants/Children																											
Lectures/Teaching-Quality																											
Lectures/Teaching-Timetabling																											
Plagarism																											
Procedures & Penalties															1				1								2
Scholarships/Grants																											
Special Consideration													1						1		1	1	2	1	2	3	3
Union														1									1			1	
University Property																											
Withdrawal														1												1	
TOTAL	1							2			1		3	2	3	1	1	3	4	1	2	3	7	4	12	14	12

Chart 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.

CHART 1 - NATURE OF COMPLAINTS

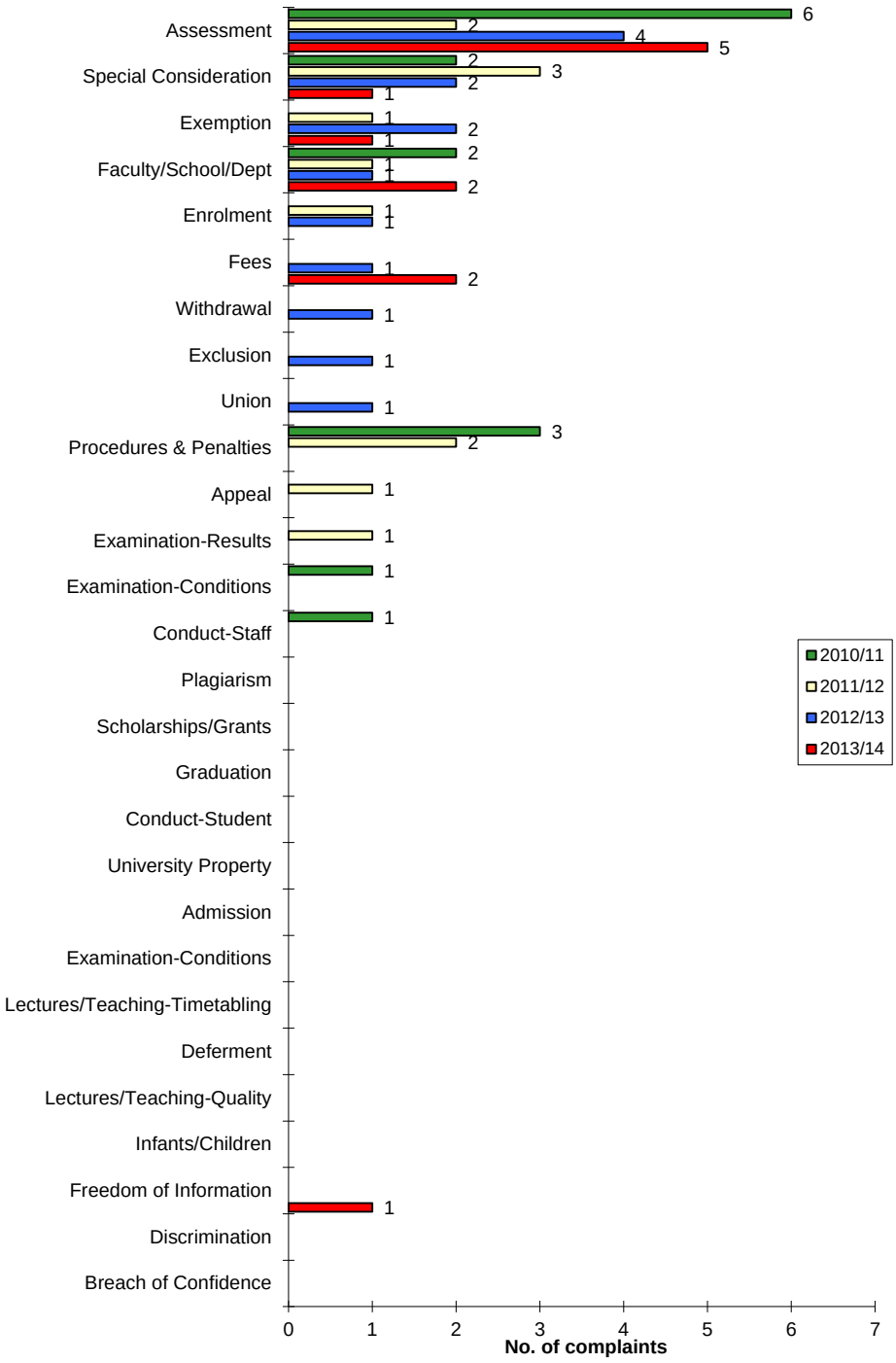


Chart 2 sets out the complaints according to the Faculty of the complainant. This information is not broken down by school. When viewing these figures please note that because a student of a Faculty makes a complaint, it does not necessarily follow that the complaint is associated with a matter or decision 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.

CHART 2 - SOURCE OF COMPLAINTS

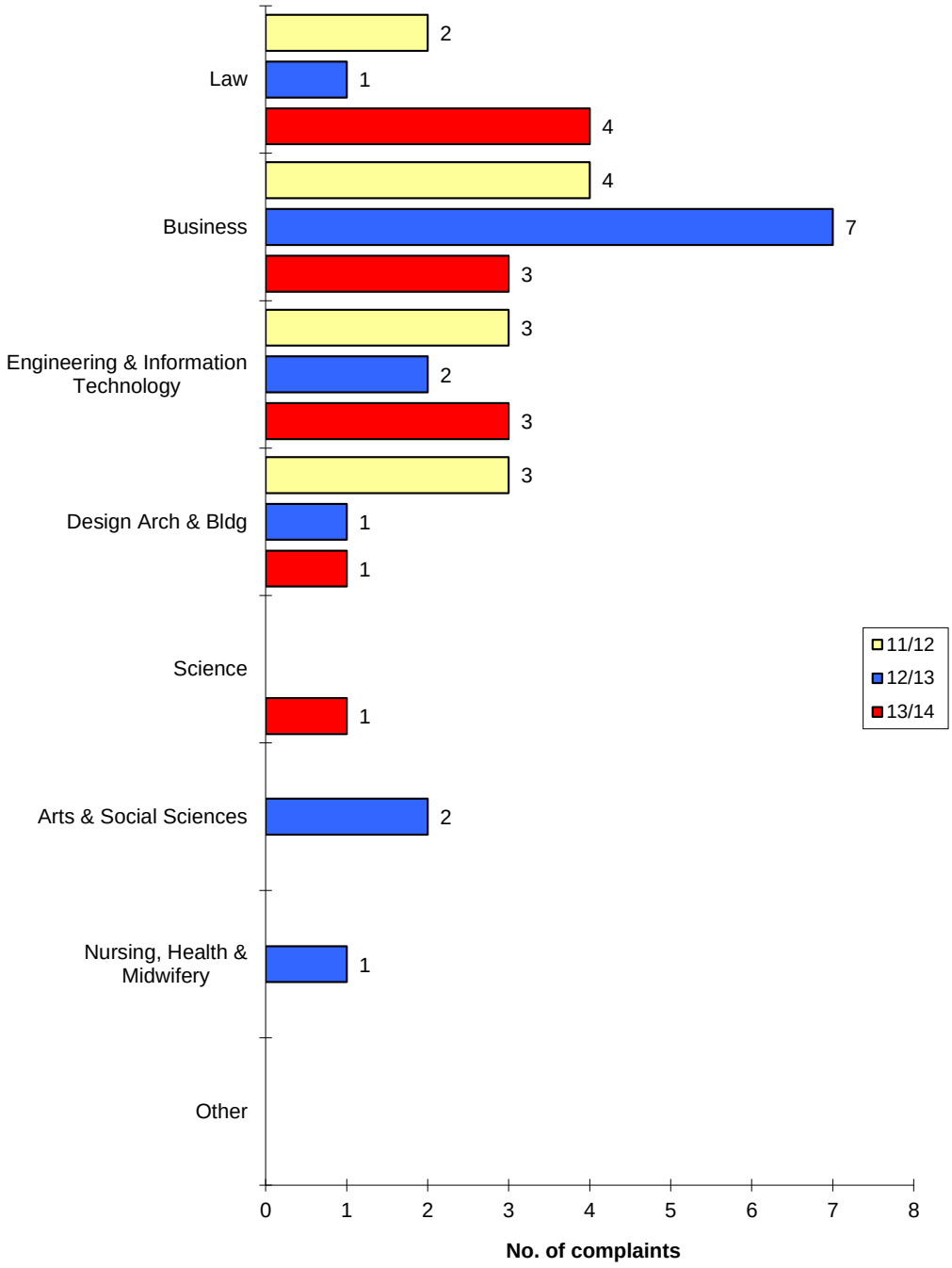


Chart 3 gives the incidence rate per 1,000 students of complaints by students enrolled in each Faculty in 2013. Once again, note that the students of a particular Faculty may be complaining about a matter or decision that has not arisen in their own Faculty.

CHART 3 - INCIDENCE RATE OF COMPLAINTS BY FACULTY

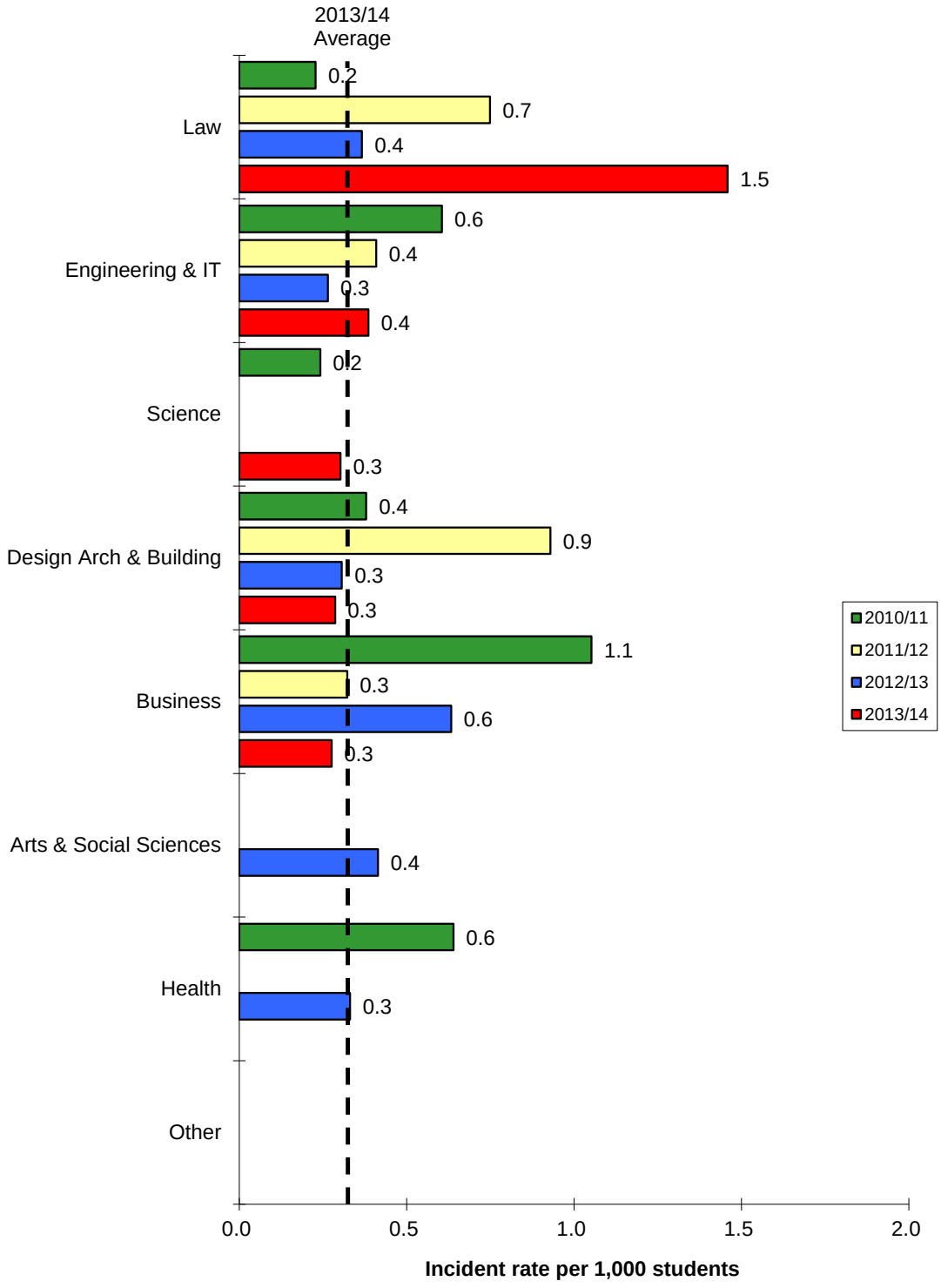
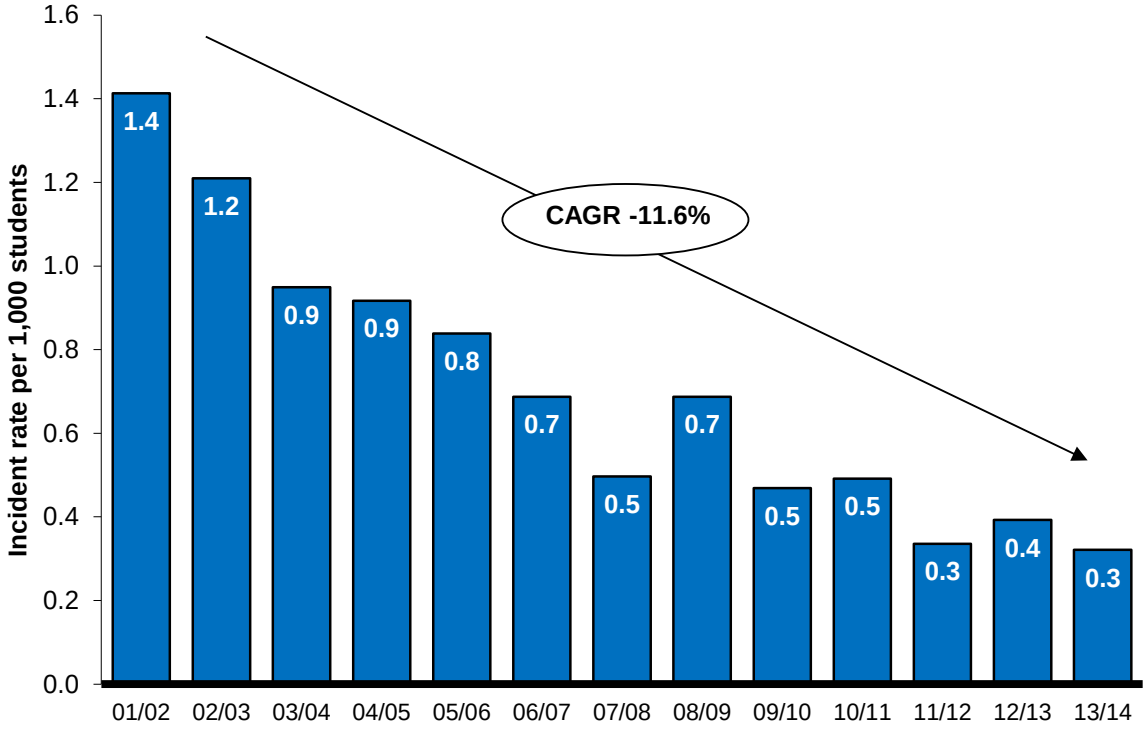


Chart 4 demonstrates the decline or incline in the incidence rate per 1,000 students of complaints by students enrolled at UTS from 2001/02 to 2013/14. This Chart was included in the 2005 Annual Report after it was noted that since 2001/02 there had been a yearly decline in the number of formal requests for assistance to the Office.

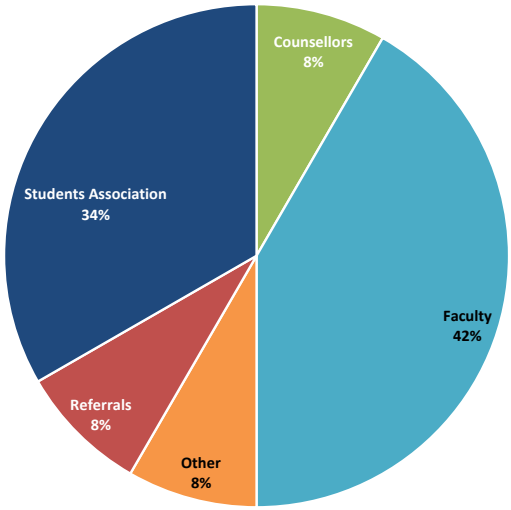
CHART 4 - LONG TERM AVERAGE INCIDENT RATE



Referrals of complaints: The Office monitors referrals of complaints so that we 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 2013 are illustrated in the Charts below. This information is being used by the Office to better target information resources towards the student community.

CHART 5 – REFERAL OF COMPLAINTS



In 2013 42% (5) of the students who made a formal request for assistance were referred to the Office by their Faculty. This is around the same as last year. This can be attributed to an ongoing campaign of promoting the Office to the UTS community by visits to Faculties by the Student Ombud and continued use of electronic signage. The Office received 34% (4) referrals from the Students Association, 2 more than in 2012.

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 2013 there were 88 informal requests for assistance, 1 less than in 2012.

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. Chart 6 details the nature of informal requests for assistance over the last four years.

CHART 6 – INFORMAL COMPLAINTS BY TYPE

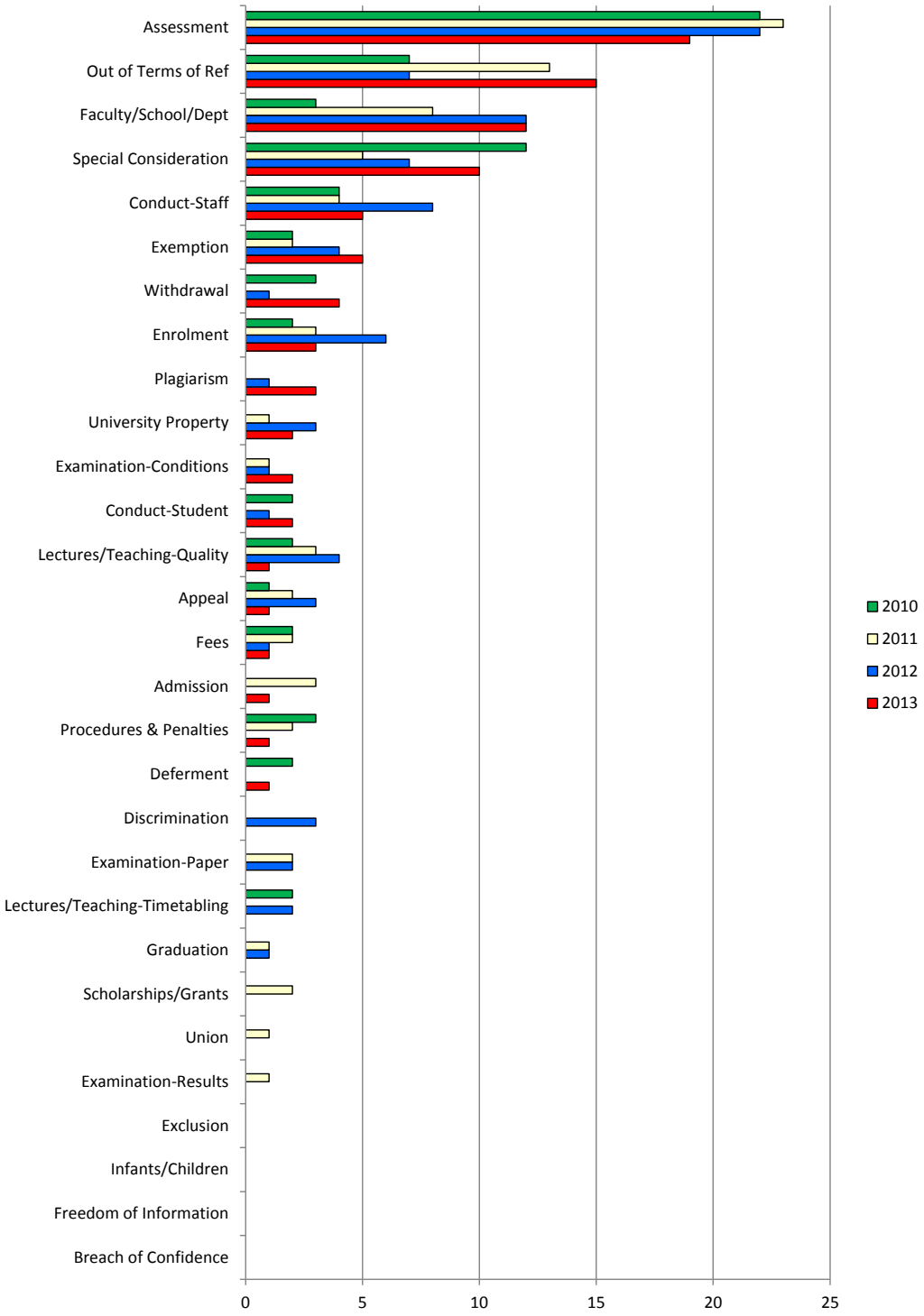
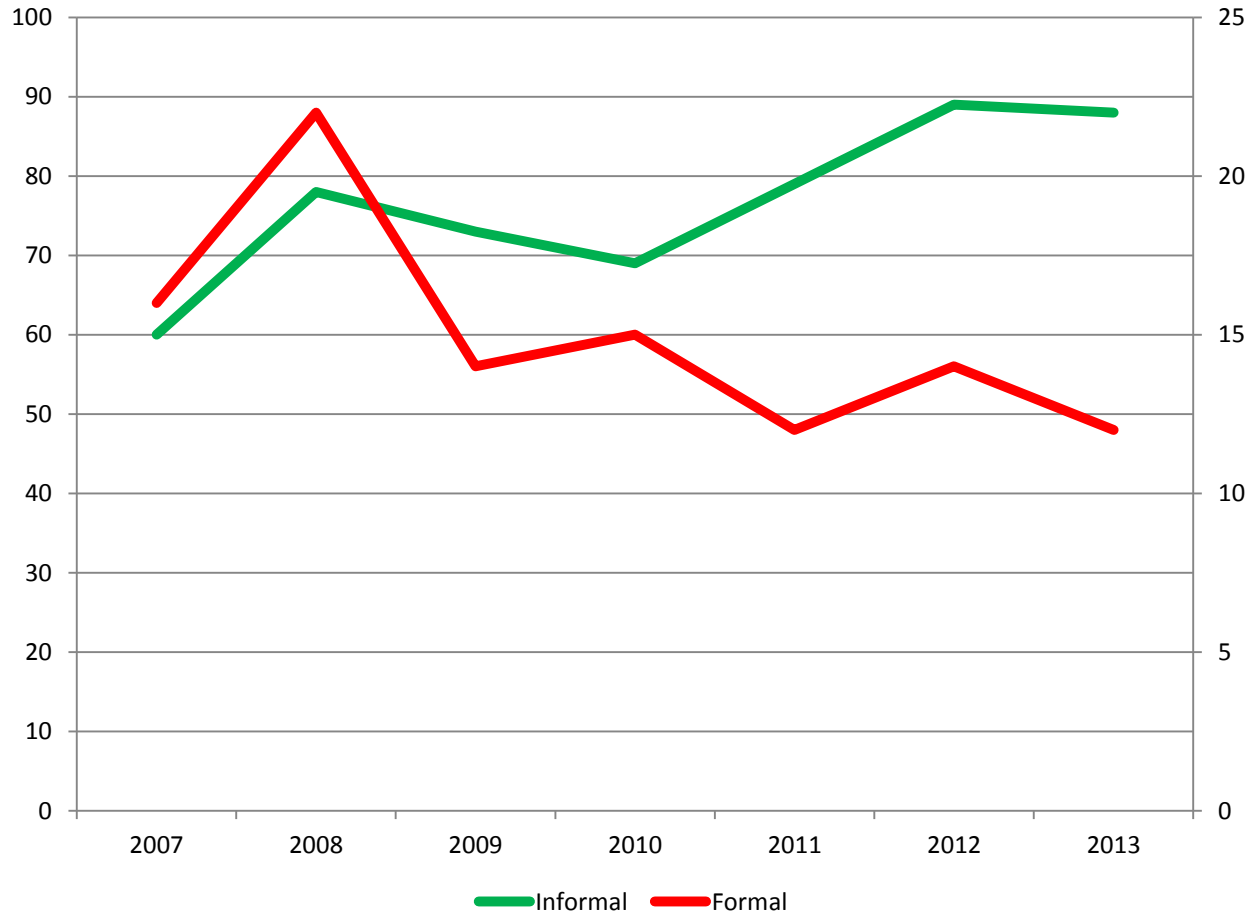


Chart 7 shows that since 2007 the incidence of informal complaints has grown 6.6% from 60 to 88 while formal complaints have declined an annual average -4.7% from 22 (2008) to 12 complaints from outside the Office. We still believe that faculty and alternate grievance handling avenues within the university 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 (22%), matters out of the Ombuds Office terms of reference (17%), Faculty (14%) and special consideration (11%).

CHART 7 – FORMAL VERSUS INFORMAL COMPLAINTS TREND



International Students complaints: A review of the data below in Table 2 International Student Complaints indicates there is no discernible trend in the incident rate of formal requests from either local or international students. For the 2008, 2009, 2012 and 2013 years the incident rates were 23%, 37%, 58% and 102% higher for international versus local students. For 2010 and 2011 the incident rate was 2% more and 9% less respectively. The overall incident rate per 1,000 students continues to trend downwards from 0.68 (2008) to 0.30 (2013).

TABLE 2 – INTERNATIONAL STUDENT COMPLAINTS

	Student population			Formal requests			Formal complaints per 1,000 students		Ratio Local:Int
	Total	Local	Int	Total	Local	Int	Local	Int	
2013	37,381	27,631	9,750	12	7	5	0.25	0.51	0.49
2012	36,357	26,886	9,471	14	9	5	0.33	0.53	0.63
2011	36,235	26,535	9,700	11	9	3	0.34	0.31	1.10
2010	34,646	25,530	9,116	15	11	4	0.43	0.44	0.98
2009	33,811	25,538	8,273	13	9	4	0.35	0.48	0.73
2008	32,276	24,717	7,559	22	16	6	0.65	0.79	0.82

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 2005-2013 period there have been no formal reports made to the Vice-Chancellor for consideration.

4. VISIBILITY AND PROMOTION OF THE OFFICE

In 2013 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.

Student Ombud met with academic and administrative staff of the Faculty of Arts and Social Science and the Faculty of Science in May and June to promote the work of the Office and provide information for dealing with student concerns.

5. PERSONNEL

The Student Ombuds Office is currently staffed by a Student Ombud, three Assistant Student Ombuds, and an Administrative Manager. The Student Ombud and Assistant Student Ombud contracts are for 2 years with a possible one year extension, while the Administrative Manager is permanent part-time position.

After a number of personnel changes to the Office in the previous year there were no changes in 2013. 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

6. NSW OMBUDSMAN FORUM 2013

The Student Ombuds Office continued its strong working relationship with the NSW Ombudsman's Office. In 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.

7. CASE STUDIES OF COMPLAINTS

Here are sample cases of Requests for Assistance that the Office investigated in 2013:

Case Study 1

An undergraduate student contacted the Office and lodged a Request for Assistance claiming that some time ago he had been given incorrect advice that led him to being granted only two exemptions. He had been told by another student who had taken the same course that he had been given three exemptions. The student believed that because of this wrong information he had made decisions about his study plan that he otherwise would not have made and this resulted in wasted time and money.

The student was interviewed by the Office but was unable to provide any supporting documentation or identify the staff member who he claimed gave him the wrong information. Sometime later the student was able to identify staff member and the Office began an investigation.

The Office interviewed the alleged staff member. The staff member could not recall this particular student but stated that the advice alleged by the student would not have been provided, as it was policy to refer students to the relevant person within the relevant Faculty. The Office met with the staff member's supervisor who confirmed that this was the procedure.

The supervisor provided the Office with a chronological account of the events preceding the matter including evidence of exemptions for advanced standing and exemptions from study undertaken at UTS. The Office then sought and received confirmation from the Faculty Student Centre Manager that the student received exemptions for the full 24 credit points.

The Office found that there had been no incorrect advice but rather a misunderstanding by the student of the UTS 24 credit point exemption / advanced standing policy that the maximum credit points a student can obtain as either advanced standing and /or credited subjects is 24 credit points.

Case Study 2

A postgraduate student contacted the Office after receiving a fail grade for a subject. The student maintained that the Subject Outline stated that the subject would be delivered in a lecture format but that 3.5 of the 12 lectures were cancelled. The student felt that this put him at a serious disadvantage and led to his eventual failure as the majority of the multiple choice questions in the final exam were from the cancelled lectures.

The Office began the investigation by interviewing the Associate Dean, Teaching and Learning (ADTL) who confirmed that two evening lectures had been cancelled and another shortened due to a lecturer becoming ill during the lecture. The ADTL also confirmed that in all three cases audio recordings of the lectures were available to all students enrolled in the subject. The ADTL confirmed that the Student's exam had been re-marked and that the reassessment had established that he had been awarded an appropriate mark. The ADTL also stated the need to maintain equity between this student and the other students in the cohort. An analysis of Subject Feedback Surveys had not shown any irregularities. This was verified by the Office.

As part of the investigation the Office also interviewed the Subject Coordinator and sighted the exam paper and marking sheets for the class. The office also reviewed the TRIM files for this student.

The Office concluded that there is an expectation that students enrolled in a graduate degree are capable of self-directed learning when required. Evidence was sighted and confirmed that only two lectures had been cancelled and the other had been foreshortened. No evidence was found to confirm that any other students were adversely disadvantaged by the cancellation or shortening of these lecturers. Therefore the Office found no substantive reason to adjust the student's final grade or reimburse subject fees.

Case Study 3

A student requested assistance to resolve issues relating to the grading of his major assignment. The student was dissatisfied with the decision of the Associate Dean to not grant his request for a remark under Procedures for the Assessment of Coursework Subjects Section 5.5.2. The student also claimed that he had received no feedback other than the result.

The Office undertook the investigation by obtaining the Assignment Marking Criteria Sheet and the Review Report prepared by the subject coordinator. The Office then contacted the Faculty for feedback on the grading of the assignment and received documentation from the subject coordinator. On examination of the relevant material the Office observed that the assignment had been marked twice. Once by the original assessor and then moderated by the subject coordinator. The Office also found evidence that the mark had again been reviewed by the subject coordinator in response to the students application for a review of the mark awarded for the assessment task.

The Office found that the grading process was deemed reasonable and in compliance with UTS Procedures for the Assessment of Coursework Subjects. The Office forwarded Assignment Feedback Reports to the student together with an offer from the subject coordinator to meet with the student to clarify the grading process.

8. 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

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.