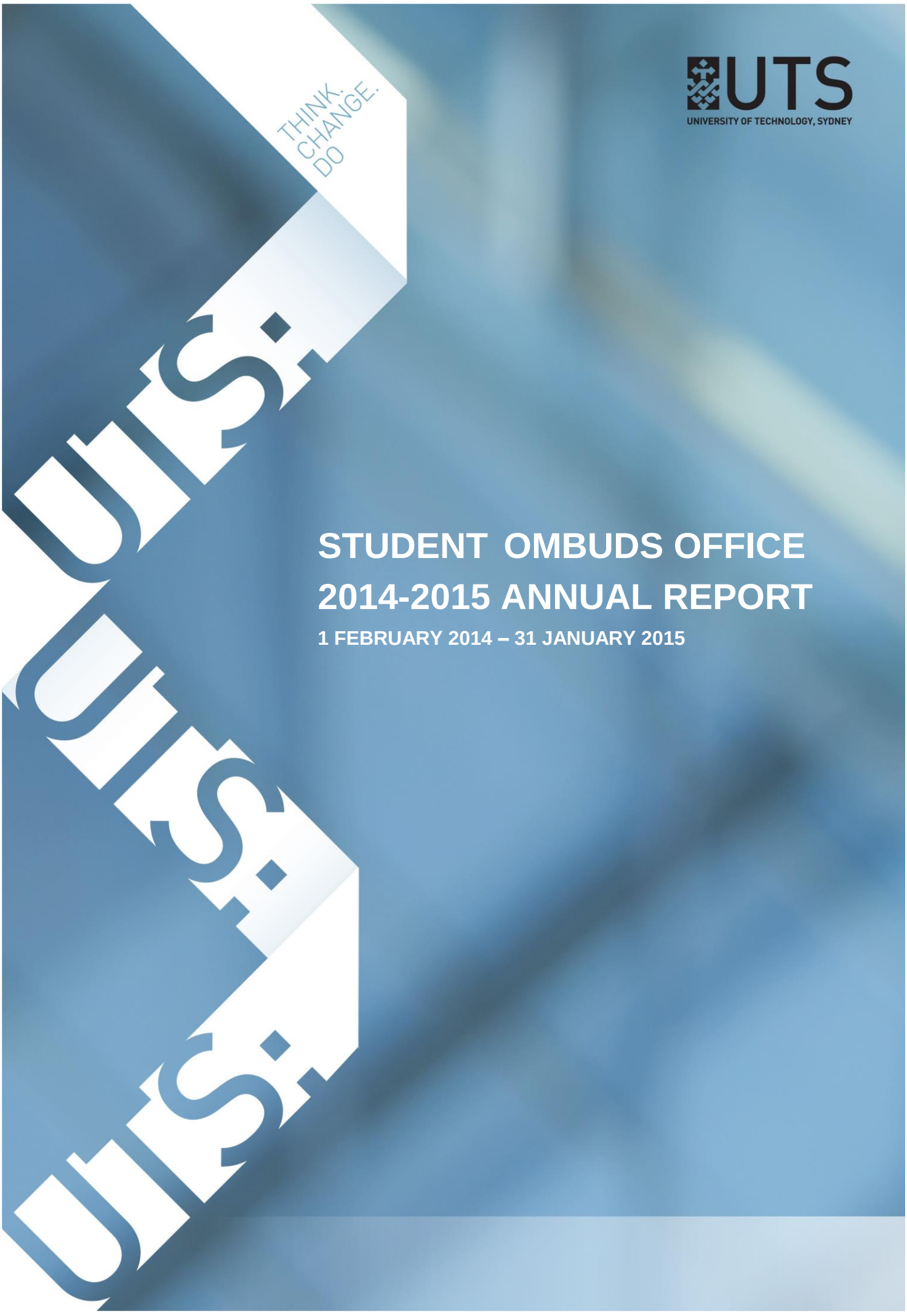


STUDENT OMBUDS OFFICE 2014-2015 ANNUAL REPORT

1 FEBRUARY 2014 – 31 JANUARY 2015

TABLE OF CONTENTS

1. STAFF OF THE OFFICE 2
2. PREAMBLE 3
3. COMPLAINTS 3
4. VISIBILITY & PROMOTION OF THE OFFICE 12
5. PERSONNEL 12
6. NSW OMBUDSMAN FORUM 2014 13
7. CASE STUDIES OF COMPLAINTS 13
8. QUALITY 14

TABLE 1 - SOURCE & NATURE OF COMPLAINTS 4
TABLE 2 - INTERNATIONAL STUDENT COMPLAINTS 12
CHART 1 - NATURE OF COMPLAINTS 5
CHART 2 - SOURCE OF COMPLAINTS 6
CHART 3 - INCIDENCE RATE OF COMPLAINTS BY FACULTY 7
CHART 4 - LONG TERM AVERAGE INCIDENT RATE 8
CHART 5 - REFERAL OF COMPLAINTS 9
CHART 6 - INFORMAL COMPLAINTS BY TYPE 10
CHART 7 - FORMAL VERSUS INFORMAL COMPLAINTS TREND 11

ATTACHMENT 1
TERMS OF REFERENCE 15

1. STAFF OF THE OFFICE

The Student Ombuds Office consisted of the following persons during 2014 on a part-time basis:

Wing Bui - Student Ombud
Senior Lecturer
UTS Business School
Markets 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

Joanne Gray - Assistant Student Ombud
Associate Dean (Teaching & Learning)
Faculty of Health
Kuring-gai 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 (Education and Students) under the *Terms of Reference* approved by the University Council which can be found in the attachment 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 perform its role effectively. During 2014 the Student Ombuds Office handled 15 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 26 years. During this period the Office has established itself as an integral part of the University grievance handling process. 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 advocate for an individual student, rather it adds value to the University by providing a specialist complaint investigating unit 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 2014 was 15, an increase of three from 2013. The main complaint category for formal requests for assistance in 2014 was Assessment follow by matters related to Faculty /School /Department.

Table 1 shows the source and nature of the complaints by the Faculty that students are enrolled in. It shows the volume of complaints made by a student from the enrolled 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 and Nature of Complaints

	Science			Other			Arts & Social Sciences			Health			Engineering & Information Technology			Design Arch & Building			Law			Business			**TOTAL**		
	14/15	13/14	12/13	14/15	13/14	12/13	14/15	13/14	12/13	14/15	13/14	12/13	14/15	13/14	12/13	14/15	13/14	12/13	14/15	13/14	12/13	14/15	13/14	12/13	**14/15**	**13/14**	**12/13**
Admission																											
Appeal																											
Assessment	1	1				1	1			2		1	1	1		1		1		3				1	**6**	**5**	**4**
Breach of Confidence																						1			**1**		
Conduct-Staff													1												**1**		
Conduct-Student																											
Deferment																											
De-registration																											
Discrimination																											
Enrolment																					1						**1**
Examination-Conditions																											
Examination-Paper																											
Examination-Results																											
Exclusion																			1					1	**1**		**1**
Exemption														1										2		**1**	**2**
Faculty/School/Department							1		1				1							1			1		**2**	**2**	**1**
Fees							1							1									1	1	**1**	**2**	**1**
Freedom of Information																	1									**1**	
Graduation													1												**1**		
Infants/Children																											
Lectures/Teaching-Quality																											
Lectures/Teaching-Timetabling																											
Plagarism																											
Procedures & Penalties																			1						**1**		
Scholarships/Grants							1																		**1**		
Special Consideration																							1	2		**1**	**2**
Union															1												**1**
University Property																											
Withdrawal															1												**1**
TOTAL	1	1				1	4		1	2		1	4	3	2	1	1	1	2	4	1	1	3	7	**15**	**12**	**14**

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. As with previous years the complaints for assessment continue to grow and now make up 40% of the formal complaints the Office receives.

CHART 1 - NATURE OF COMPLAINTS

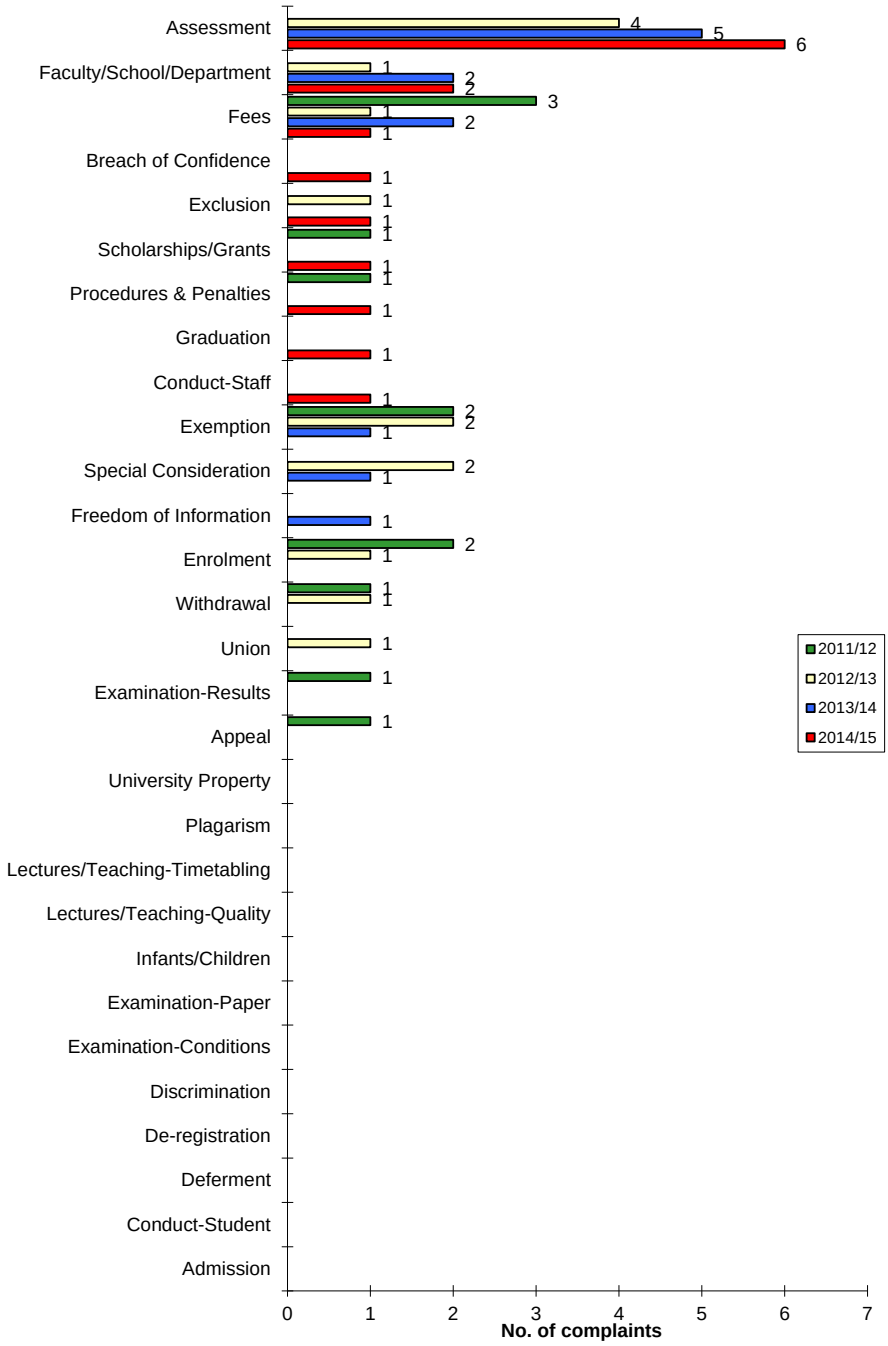


Chart 2 sets out the complaints according to the enrolled Faculty of the complainant. This information is not broken down by school. It highlights the fact that because a student of a Faculty makes a complaint, it does not necessarily follow that the complaint is associated with a matter or decision 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. Noteworthy is the dramatic decline in incidents from the UTS Business School due to the targeted communication between faculty staff and the Ombuds Office in relation to university rules and process.

CHART 2 - SOURCE OF COMPLAINTS

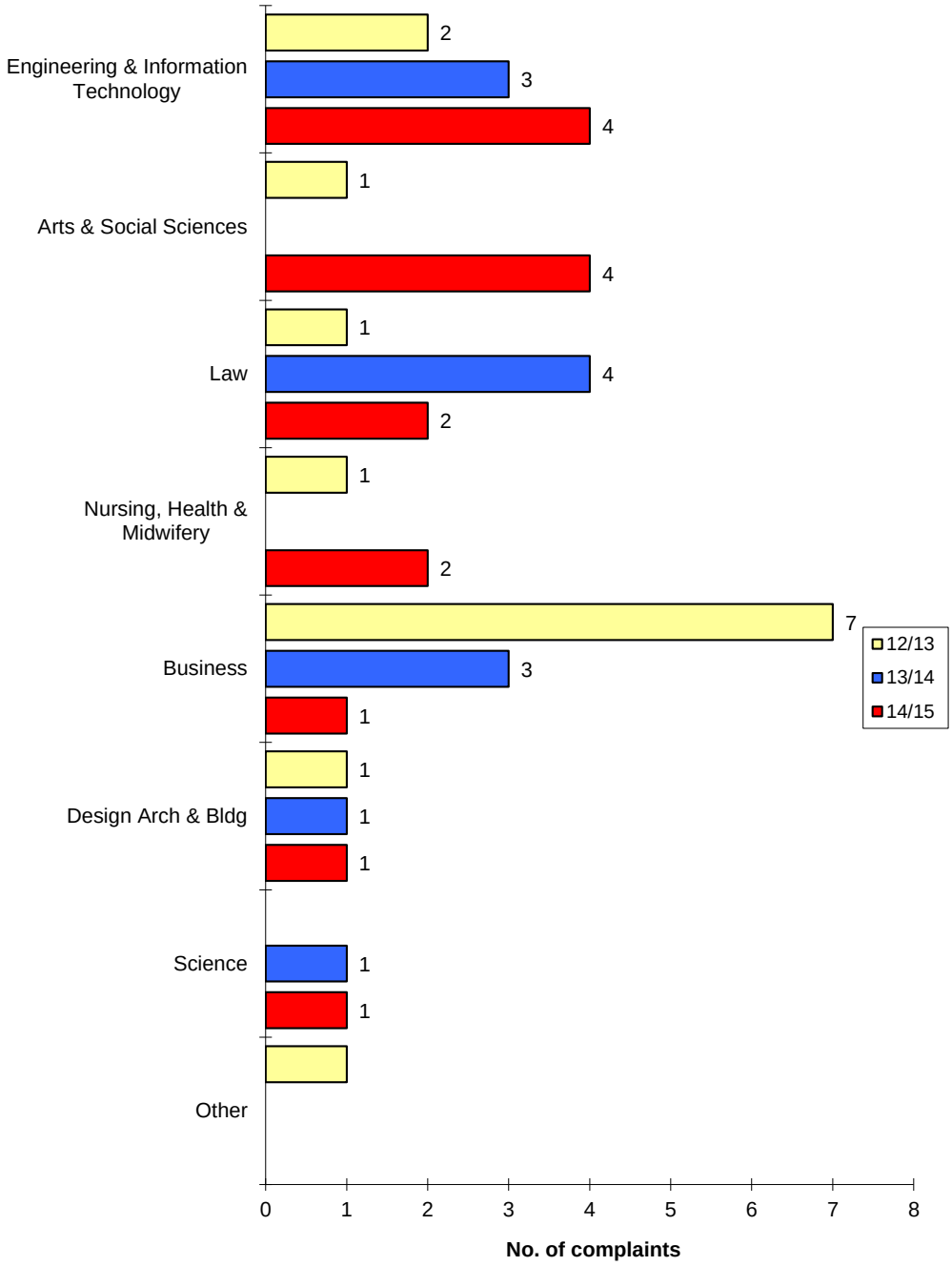


Chart 3 gives the incidence rate per 1,000 students of complaints by students enrolled in each Faculty in 2014, noting that the students of a particular Faculty may be complaining about a matter or decision that has not arisen in their own Faculty. Consistent with previous years the incident rate for the Law faculty remains above the university average. This is possibly due to law students having greater general awareness of their rights under university rules and procedures.

CHART 3 - INCIDENCE RATE OF COMPLAINTS BY FACULTY

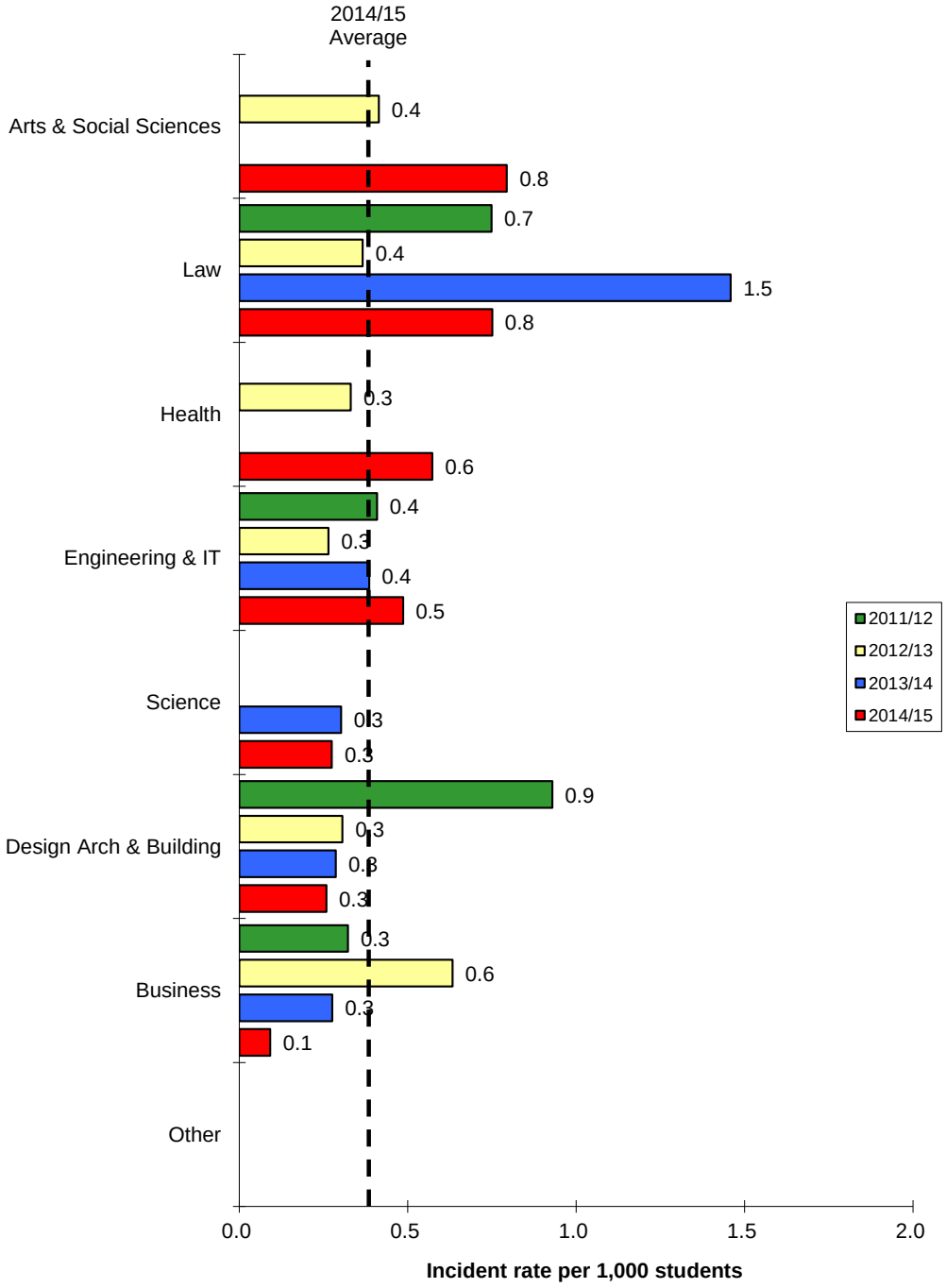
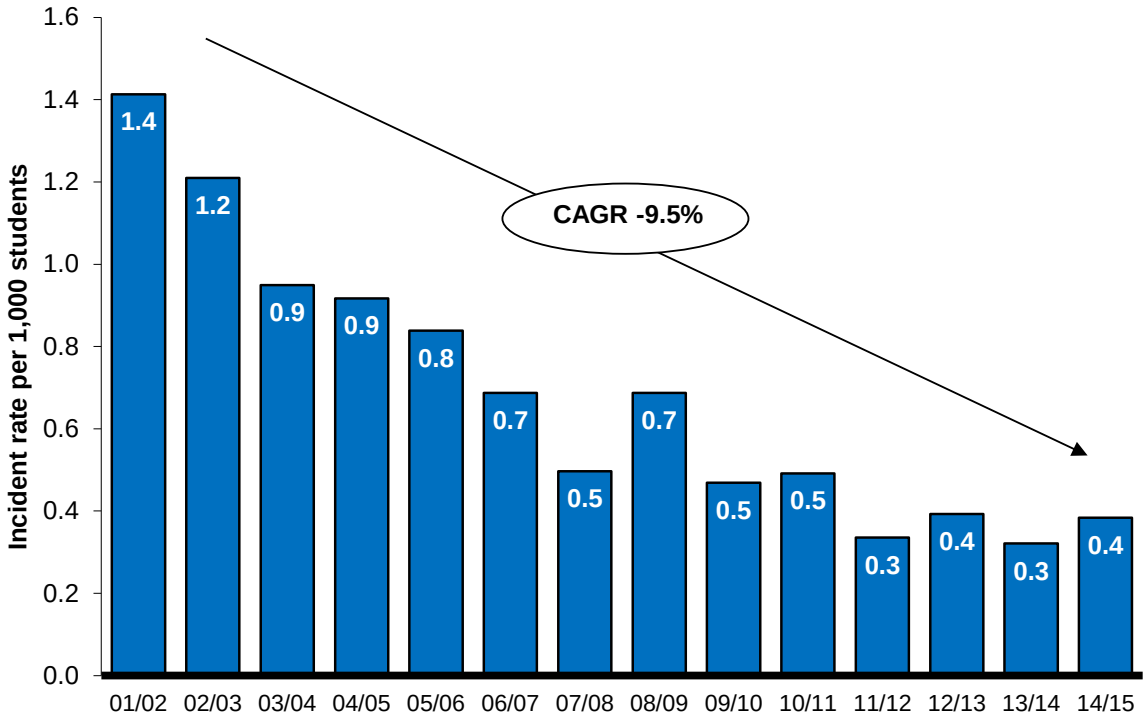


Chart 4 presents the incidence rate per 1,000 students of complaints by students enrolled at UTS from 2001/02 to 2014/15. This Chart was first included in the 2005 Annual Report to track changes in the number of formal requests for assistance to the Office since 2001/02. The data depicts a significant long term decline and that the incident rate has plateaued in the last four years to 0.4 incidents per 1,000 students. The statistics suggests that there exists an underlying level of complaints relating to UTS processes and procedures.

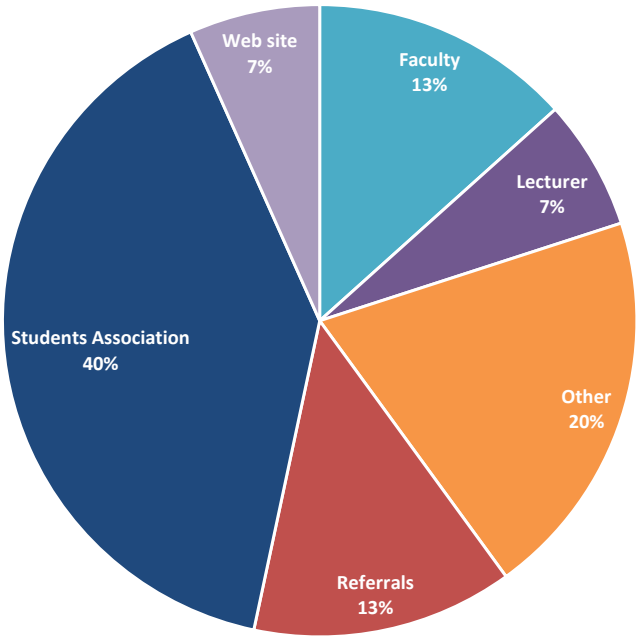
CHART 4 - LONG TERM AVERAGE INCIDENT RATE



Referrals of complaints: The Office monitors referrals of complaints to better gauge visibility and accessibility for students who use the Office. When completing the Request for Assistance Form in making a formal complaint, students are asked to indicate how they heard about the Office. This information is being used by the Office to better target information resources towards the student community.

The results of this survey for 2014 are presented in Chart 5 below.

CHART 5 – REFERAL OF COMPLAINTS



In 2014 40% (6) of the students who made a formal request for assistance were referred to the Office by the Students Association. This is a slight increase from 2013. 20% (3) students heard about the Office through 'Other' sources such as google searches or perhaps electronic signage, Faculty offices referred 13% and Lecturers 7%.

Informal Complaints: Approaches from students that do not fall within the Terms of Reference either because they were not enrolled or registered students at UTS or the Office was not a last resort are recorded as informal complaints. 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 is 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 matters outside our Terms of Reference and then general complaints relating to Faculty / School / Departments.

Chart 6 details the nature of informal requests for assistance over the last four years. In 2014 there were 142 informal requests for assistance, 54 more than in 2013 or a 61% increase in informal requests. As seen in chart 6 below the major increase in informal complaints has been for assessment.

The significant rise is attributable to the change in the UTS website and the introduction of e-requests which made the Office more prominent in the complaint resolution process. It would appear that a proportion of students would prefer to discuss their matter rather than submit an e-request.

CHART 6 – INFORMAL COMPLAINTS BY TYPE

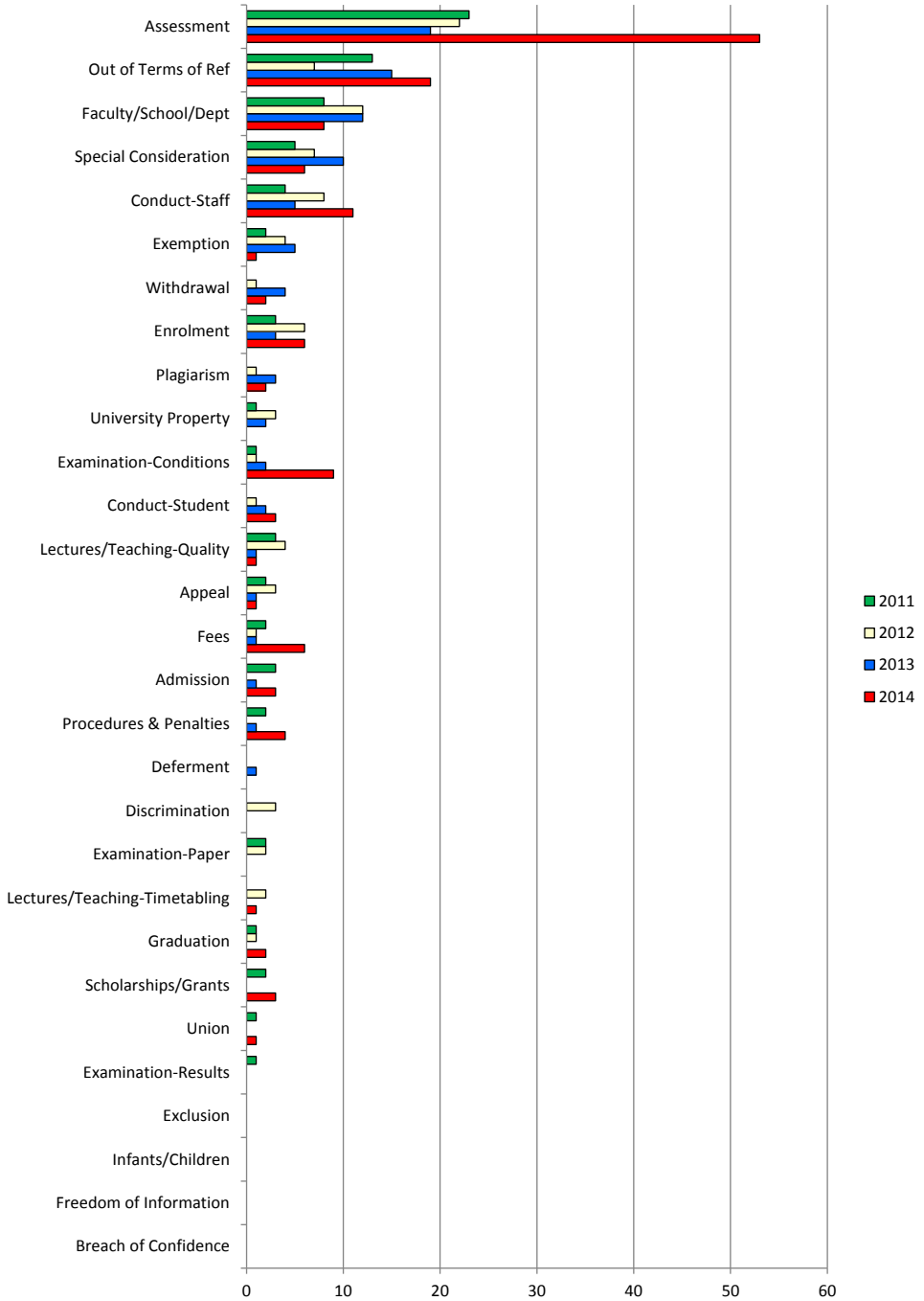
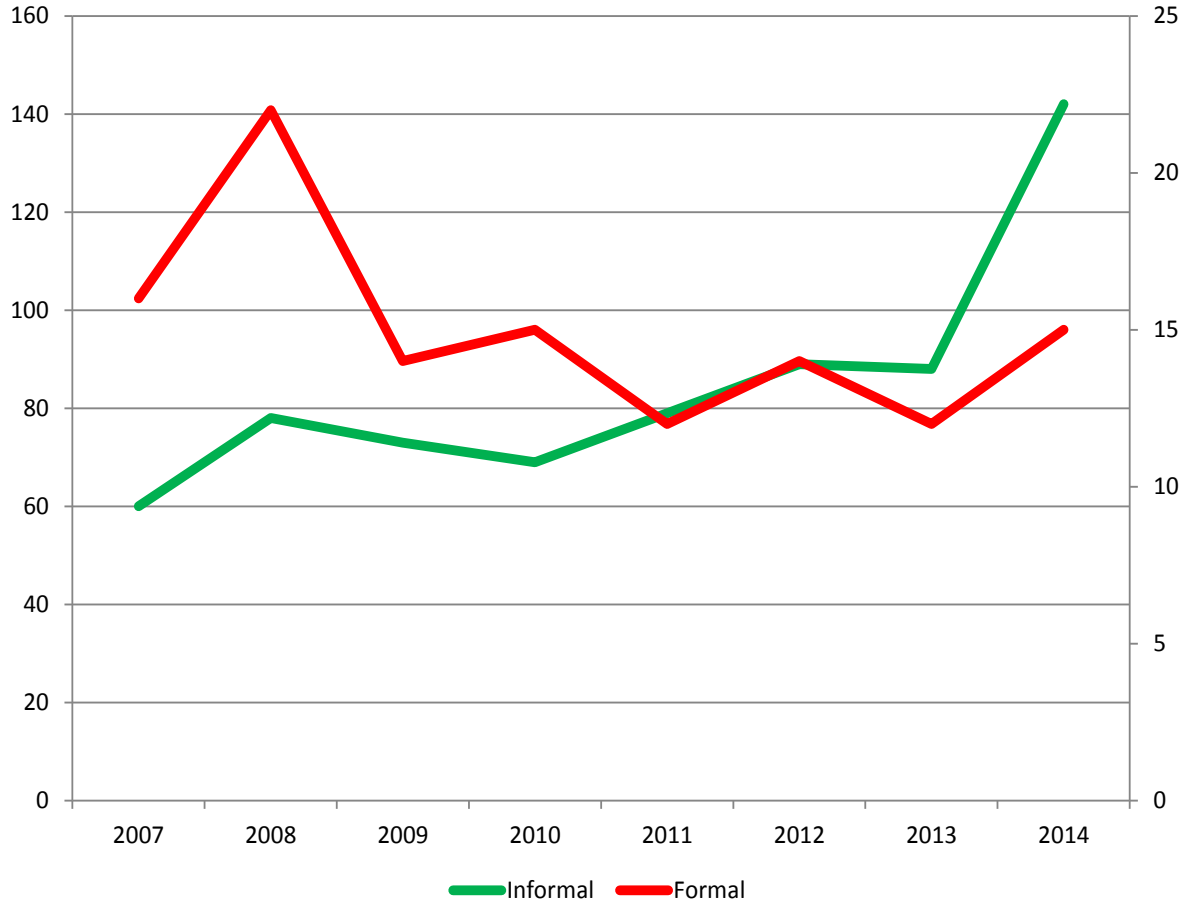


Chart 7 shows that since 2007 the incidence of informal complaints has risen from 60 to 142 while formal complaints have declined from 22 (2008) to 15 (2014). The change could be due to (1) an increased awareness of the Office and the role of Ombuds, and (2) the improved grievance handling procedures available in the faculty and within the university. It is also noteworthy that the majority of informal complaints relate to assessment (37%), matters out of the Ombuds Office terms of reference (13%), staff conduct (8%) and exam conditions (6%).

CHART 7 – FORMAL VERSUS INFORMAL COMPLAINTS TREND



International Students complaints: Data in Table 2 reveals that there is no discernible trend in the incident rate of formal requests from either local or international students. The overall incident rate per 1,000 students for both categories continues to trend downwards from 0.65/0.79 (2008) to 0.39/037 (2014). The Local/International incidence rate ratio for 2011 and 2014 reported lower relative incidences of international student complaints as compared to local students.

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	
2014	39,074	28,339	10,735	15	11	4	0.39	0.37	1.04
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: The Office continues to maintain a very high level of support for its work amongst University staff. The co-operation and willingness to assist in resolution of complaints have enabled the role of the Student Ombuds Office to be carried out more effectively and efficiently.

Formal Reports: Reports may be submitted to the Deputy Vice-Chancellor should a satisfactory conclusion not be reached and where specific recommendations are required. During 2005-2014 period there have been no formal reports made to the Vice-Chancellor for consideration.

4. VISIBILITY AND PROMOTION OF THE OFFICE

In 2014 the Student Ombuds Office continued the practice of providing promotional pens with the Student Ombud Office web site address that were distributed to new students with other orientation information in Autumn and Spring. 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 2014. The Office is presently staffed by the following:

Wing Bui, Student Ombud
Angela Dwyer, Assistant Student Ombud
David Eager, Assistant Student Ombud
Joanne Gray, Assistant Student Ombud
Jenny Murphy, Administration Manager

6. NSW OMBUDSMAN FORUM 2014

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

Given below are three sample cases of Requests for Assistance investigated by the Office in 2014.

Case Study 1

An undergraduate student contacted the Office claiming that his failure in a subject was the direct result of victimisation and retaliation for being outspoken in class. The Student claimed that he had been held to a different standard from other students in his class and that he had evidence that his grade had been calculated unfairly.

The Office conducted an extensive review of assessment sheets provided by the student and the Faculty. The Office found that there was no substantiative reason to adjust the student's result. However the Office was able to make a number of recommendations including improvements to evaluation and feedback forms. The Faculty accepted these suggestions and agreed to implement all recommendations.

Case Study 2

A student lodged a complaint related to enrolment, the release of personal information and poor university response to his concerns. The student believed there was a failure to withdraw the student from semester enrolment at a CASS level or that CASS failed to coordinate with UTSOnline to automatically withdraw the student from the subject. The result was the student's personal information remained available to other students during that semester and part of the following semester. When the student brought these concerns to the attention of the Faculty it was considered by the student that neither an appropriate explanation nor an appropriate apology was provided.

The Office considered University rules and procedures in relation UTS Code of Conduct, privacy practices for staff, legal obligations to protect peoples' privacy and the *Acceptable*

Use of Information Technology Faculties (a link on the front page of UTS Online). The student provided the Office with screen shots of relevant UTSOnline documents as evidence and the Office consulted with the Faculty and university staff.

The Office found the university system did not fail to withdraw the student from the subject at the CASS level but rather, at a faculty level, there was some confusion in processes for UTSOnline enrolment resulting in reenrolment of the student in the original semester when enrolling the student in the following semester. This resulted in a perception by the student that they had never been withdrawn from the original semester enrolment.

The Office also found that the students' details had been posted on UTSOnline in both semesters and accordingly the university had breached its own directives and code of conduct in relation to the protection of student privacy and that the student justifiably felt aggrieved.

The Faculty has since communicated its regret to the student about this matter and indicated that steps will be taken to ensure all academic staff are reminded of Privacy rules and protocol at the commencement of each semester. The University has indicated that it is reviewing the Privacy information on UTS Online to ensure that all academic staff have timely access to relevance privacy information. The Office also recommended that the university consider this after the HECS census date. Finally it was recommended that the university consider making the Privacy requirements clearer on UTS Online.

Case Study 3

A student lodged a formal request for assistance seeking a supplementary exam after receiving an X grade in a subject. The student explained that he had fallen ill at the time of the exam and was recovering when he sat for a supplementary exam. The student failed this exam and his subsequent request for another supplementary exam was refused. The student claimed that he is experiencing financial hardships and could not afford to repeat the subject.

The Office interviewed the student and reviewed all correspondence and documentation provided by the student and the faculty and then examined University rules in relation to final results. Based on this information the Office formed the view that the matter had been considered and managed in compliance with UTS rules and procedures.

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.