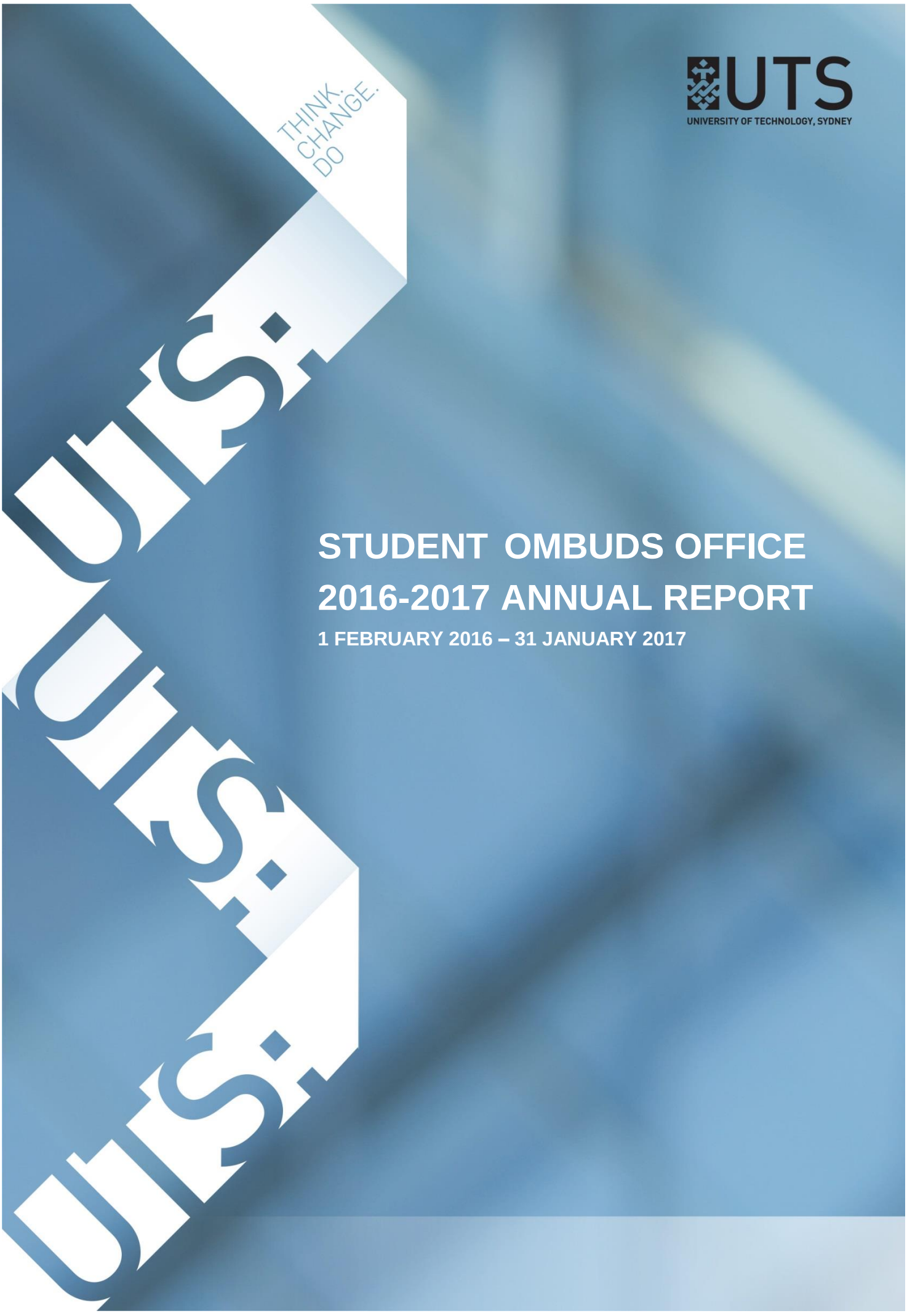

STUDENT OMBUDS OFFICE 2016-2017 ANNUAL REPORT

1 FEBRUARY 2016 – 31 JANUARY 2017

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1. STAFF OF THE OFFICE

The Student Ombuds Office comprised the following persons during the 2016/17 reporting year:

Angela Dwyer	-	Student Ombud Senior Lecturer Faculty of Law
David Eager	-	Assistant Student Ombud Associate Professor Faculty of Engineering and Information Technology
Layna Groen	-	Assistant Student Ombud (leave) Senior Lecturer Faculty of Science
Mai Hansford	-	Assistant Student Ombud Senior Lecturer Faculty Arts and Social Science
Anita Stuhmcke	-	Assistant Student Ombud (April – December 2016) Professor Faculty of Law
Wing Bui	-	Assistant Student Ombud (August – December 2016) UTS Business School
Elizabeth Humphrys	-	Assistant Student Ombud (began term 1 January 2017) Scholarly Teaching Fellow Faculty Arts and Social Science
Jenny Murphy	-	Administrative Manager Student Ombuds Office

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 2016 the Student Ombuds Office handled 15 formal complaints. The majority of complaints were resolved through discussion with the parties involved.

The Student Ombuds Office has now been in operation at UTS for 28 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. COMPLAINTS

Formal Requests for Assistance: The number of formal requests for assistance recorded in 2016 was 15, a decrease of one (2015). The main complaint categories for formal requests for assistance in 2016 were unsuccessful appeals, enrolments issues and matters directly related to policies and procedures.

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 & NATURE OF COMPLAINTS

	Science			Other			Arts & Social Sciences			Health			Engineering & Information Technology			Design Arch & Building			Law			Business			TOTAL		
	16/17	15/16	14/15	16/17	15/16	14/15	16/17	15/16	14/15	16/17	15/16	14/15	16/17	15/16	14/15	16/17	15/16	14/15	16/17	15/16	14/15	16/17	15/16	14/15	16/17	15/16	14/15
Admission																				1					3	1	6
Appeal								1					1						1			1			2	4	
Assessment			1						1			2			1			1	1	2		2					1
Breach of Confidence													1		1				1					1	2		
Conduct-Staff							1																		1	1	
Conduct-Student																1											
Deferment																									3	1	
De-registration																			2	1							
Discrimination													1														
Enrolment																						1					
Examination-Conditions																				1					1		
Examination-Paper																					1						
Examination-Results																									1		1
Exclusion																				1					1	1	
Exemption								1	1	1			1							1					2	2	1
Faculty/School/Department									1						1					1					1	1	
Fees																											
Freedom of Information															1												1
Graduation																											
Infants/Children																											
Lectures/Teaching-Quality																											
Lectures/Teaching-Timetabling																											
Plagarism														1		1									3	2	1
Procedures & Penalties	1						1			1																	1
Scholarships/Grants									1														1			1	
Special Consideration																											
Union																											
University Property																						1			1		2
Withdrawal																											
TOTAL	1		1				2	2	4	2	2	2	3	1	4	1	1	1	5	6	2	3	4	1	15	16	16

Chart 1 presents the same information as in Table 1, with its focus being on the nature of complaints rather than their faculty. It provides this information in a different format to Table 1 and compares it with the previous three years. Complaints were mostly related to the categories of Procedures & Penalties, Enrolment and Appeals with a decreasing trend in Assessment matters.

CHART 1 - NATURE OF COMPLAINTS

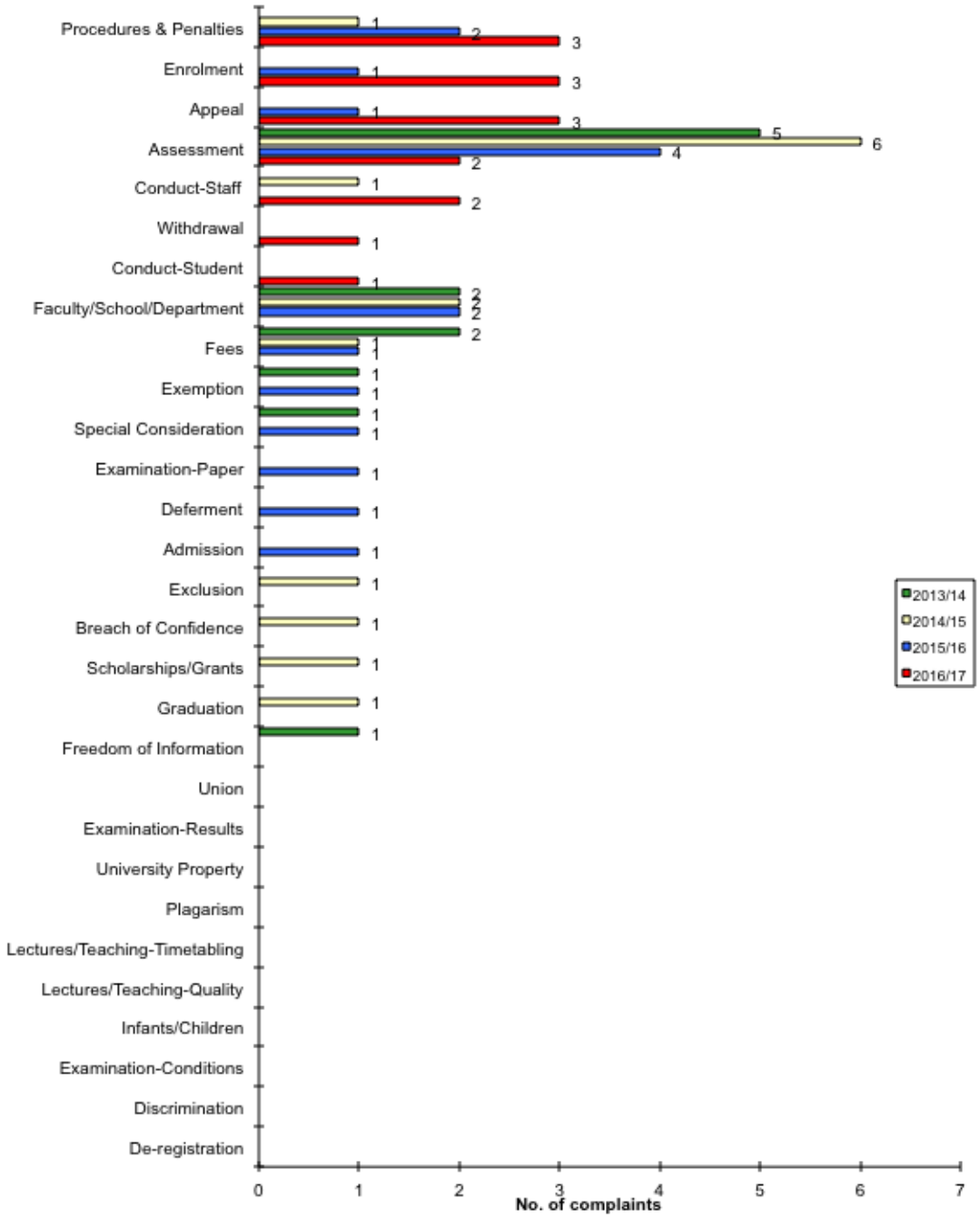


Chart 2 sets out the complaints according to the enrolled Faculty of the complainant. This information is not broken down by school. It should be noted that when a student of a Faculty makes a complaint, it does not necessarily follow that the complaint is associated with a matter or decision directly 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

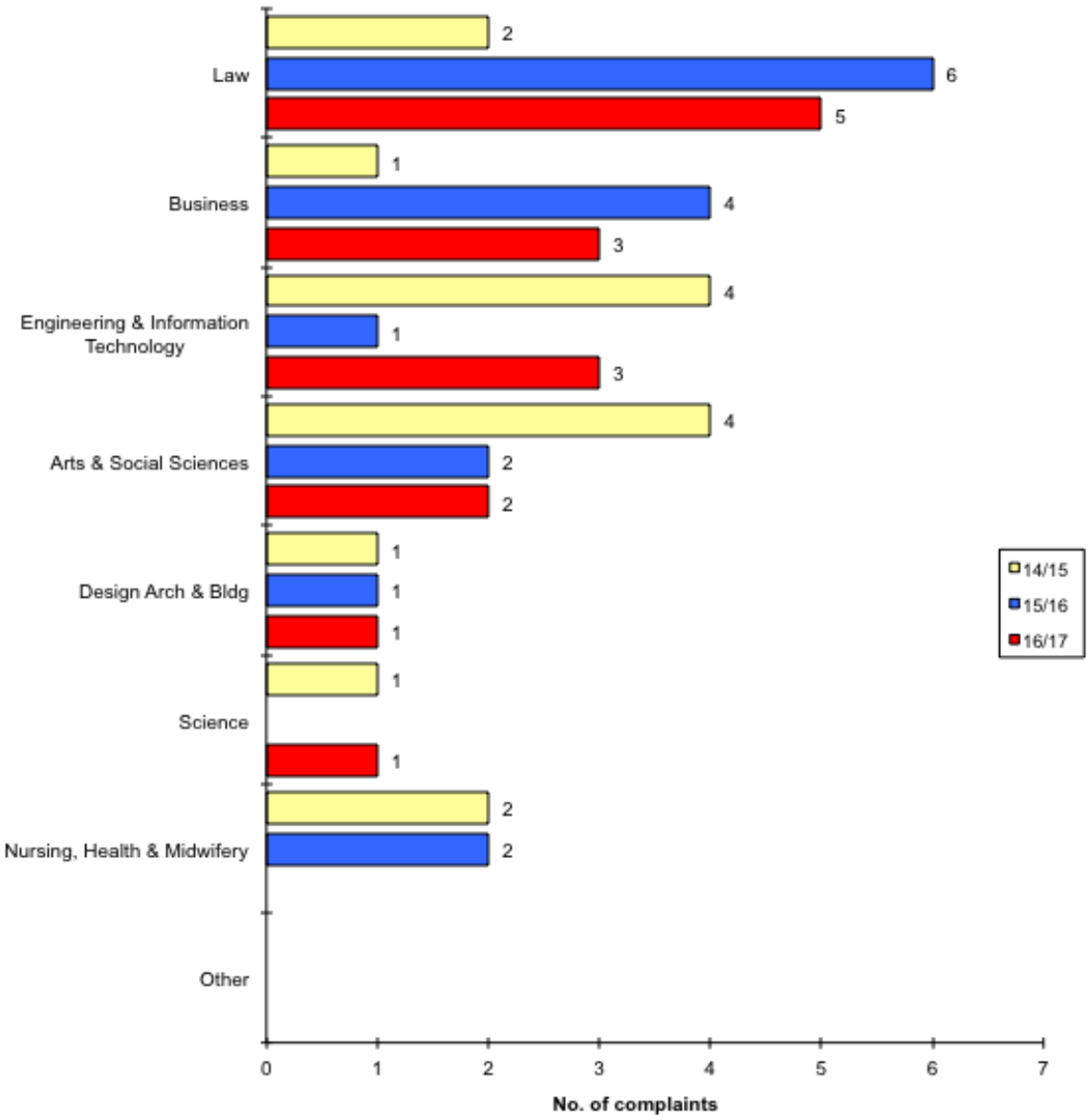


Chart 3 demonstrates the incidence rate per 1,000 students of complaints by students enrolled in each Faculty in 2016, noting that the students of a particular Faculty may be complaining about a matter or decision that has not arisen in their own Faculty.

CHART 3 - INCIDENCE RATE OF COMPLAINTS BY FACULTY

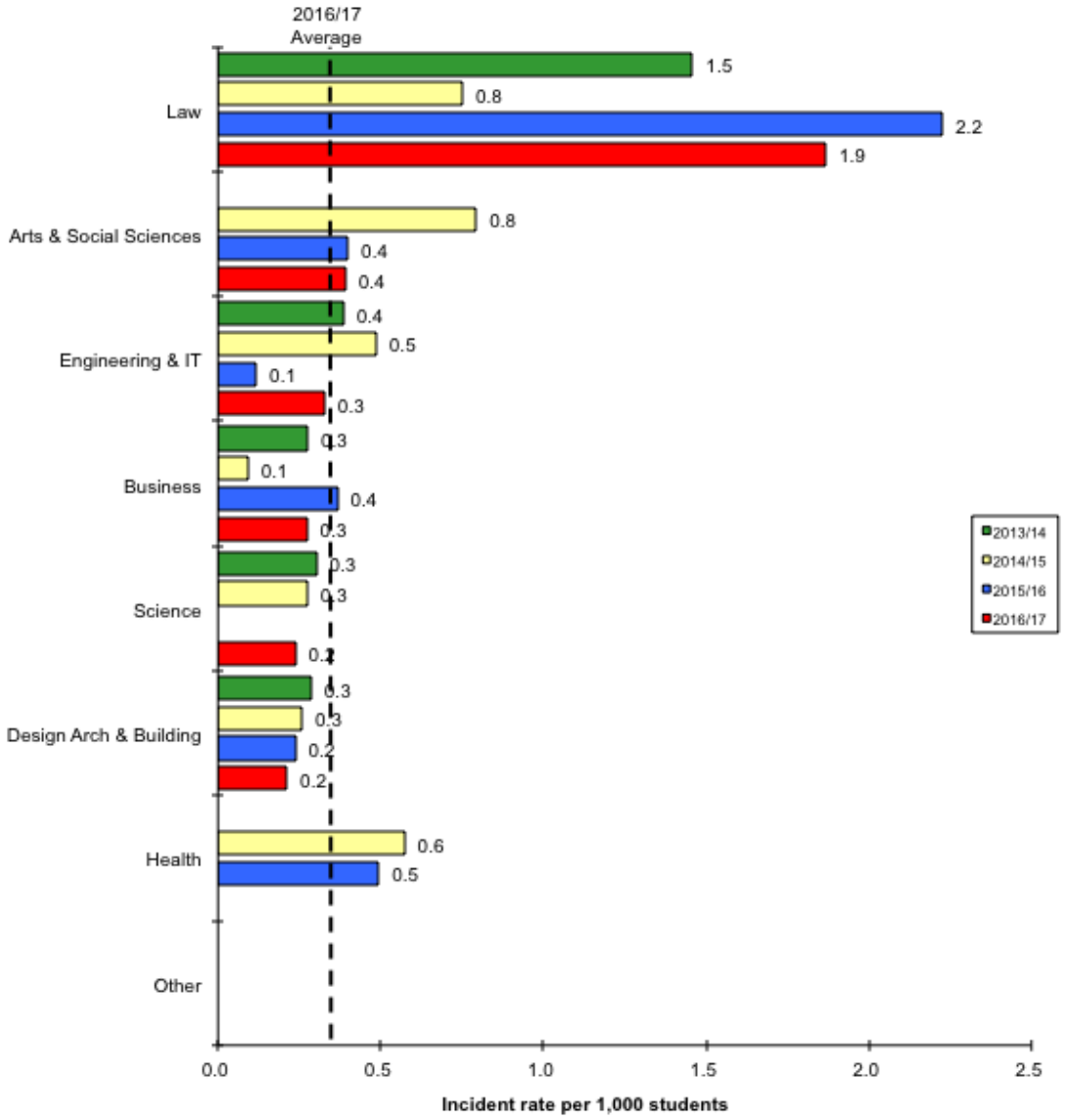
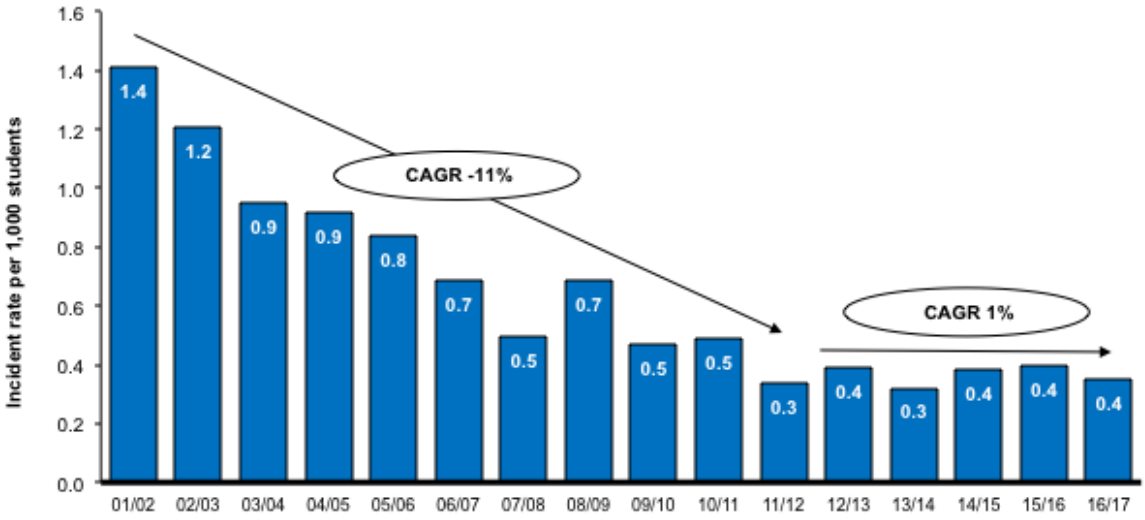


Chart 4 presents the incidence rate per 1,000 students of complaints by students enrolled at UTS from 2001/02 to 2016/17. This Chart tracks the changes in the number of formal requests for assistance to the Office from 2001/02.

The compound annual growth rate (CAGR) depicts a significant long term decline and that the incident rate has plateaued in the last five years to 0.3 to 0.4 incidents per 1,000 students. From 2011/12 through to current date there has been a consistent incident rate of formal complaints on or around 0.4 per 1,000 students indicating an underlying level of complaints relating to UTS processes and procedures.

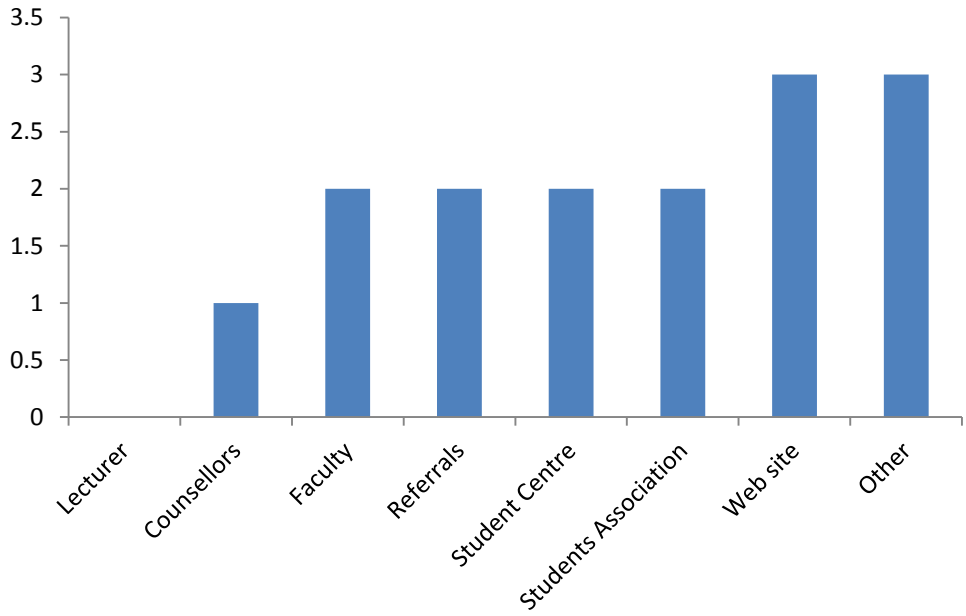
CHART 4 - LONG TERM AVERAGE INCIDENT RATE



Referrals of complaints: The Office monitors referrals of complaints to 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 used by the Office to better target information resources towards the student community.

The results of this survey for 2016 are presented in Chart 5 below.

CHART 5 – REFERAL OF COMPLAINTS



This year we have added referrals received from the Student Centre to this chart. Overall there was a slight decrease in the number of students referred to the Office by their Faculties and the Students Association. Students mostly find out about the Office by the web site or word of mouth.

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 because all other avenues have not been exhausted are recorded as informal requests for assistance. 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 new category, *Out of Terms of Ref* is added to cover approaches to the Office such as staff seeking assistance, requests for legal advice or course information.

The largest number of informal requests for assistance was again from students experiencing problems related to assessment. This was followed by matters outside *Out of Terms of Ref* and enrollment.

Chart 6 details the nature of informal requests for assistance over the last four years. Informal complaints for assessment continued to 73 (2016). There has been a substantial increase in the number of matters *Out of Terms of Ref* from 18 (2015) to 46 (2016). To this extent the Office met with the UTS web team to review the Ombud web site to more accurately delineate the scope of the Student Ombuds Office.

The most significant increase was in informal complaints related to enrollment with a rise from 5 (2015) to 26 (2016) although this increase was not indicative of a rise of formal requests assistance during the same period. In October the Office met with Student Centre staff to discuss ways to reduce informal requests related to enrolment. It is pleasing to note that there has since been a reduction to this category of informal complaints.

CHART 6 – INFORMAL COMPLAINTS BY TYPE

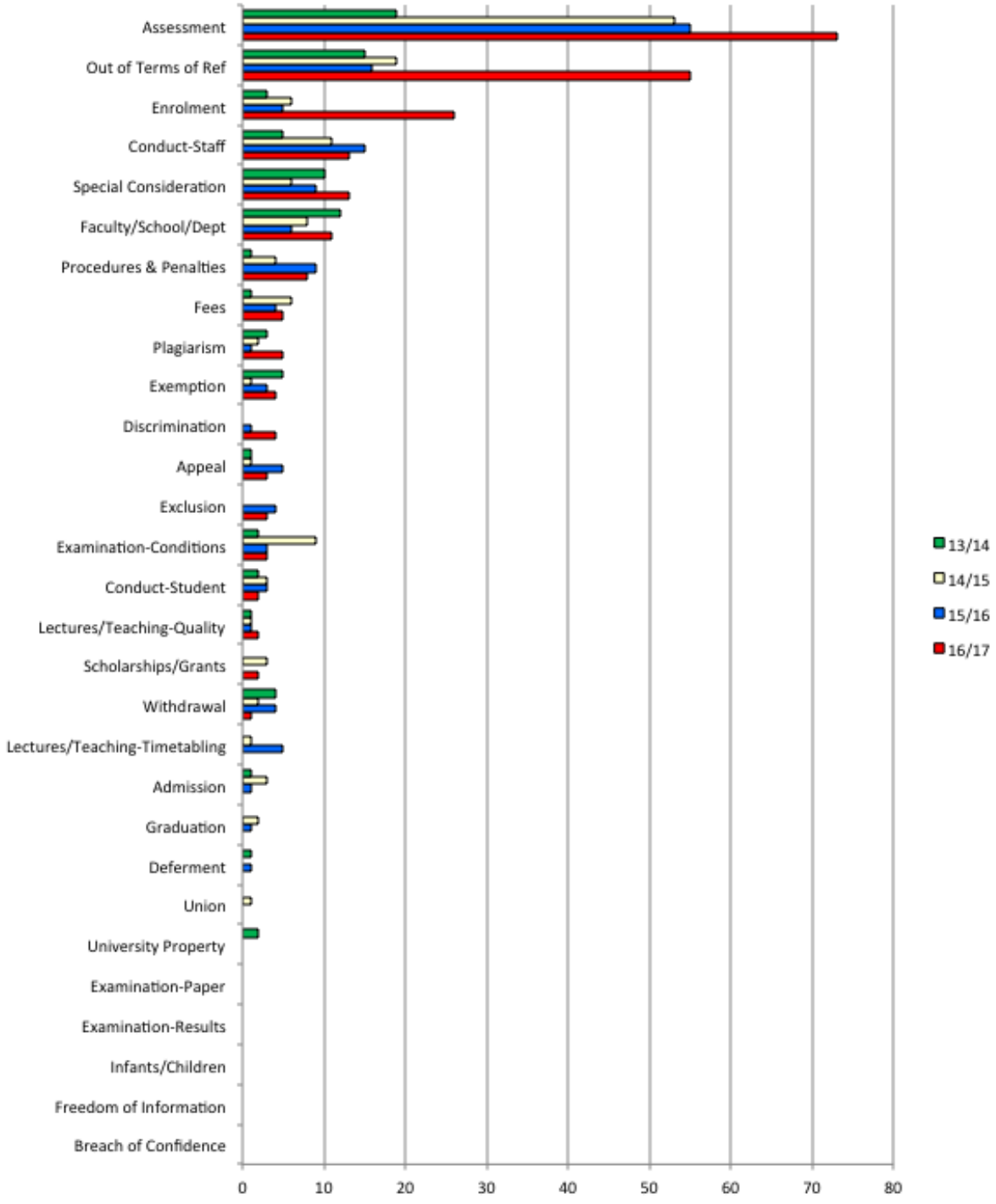
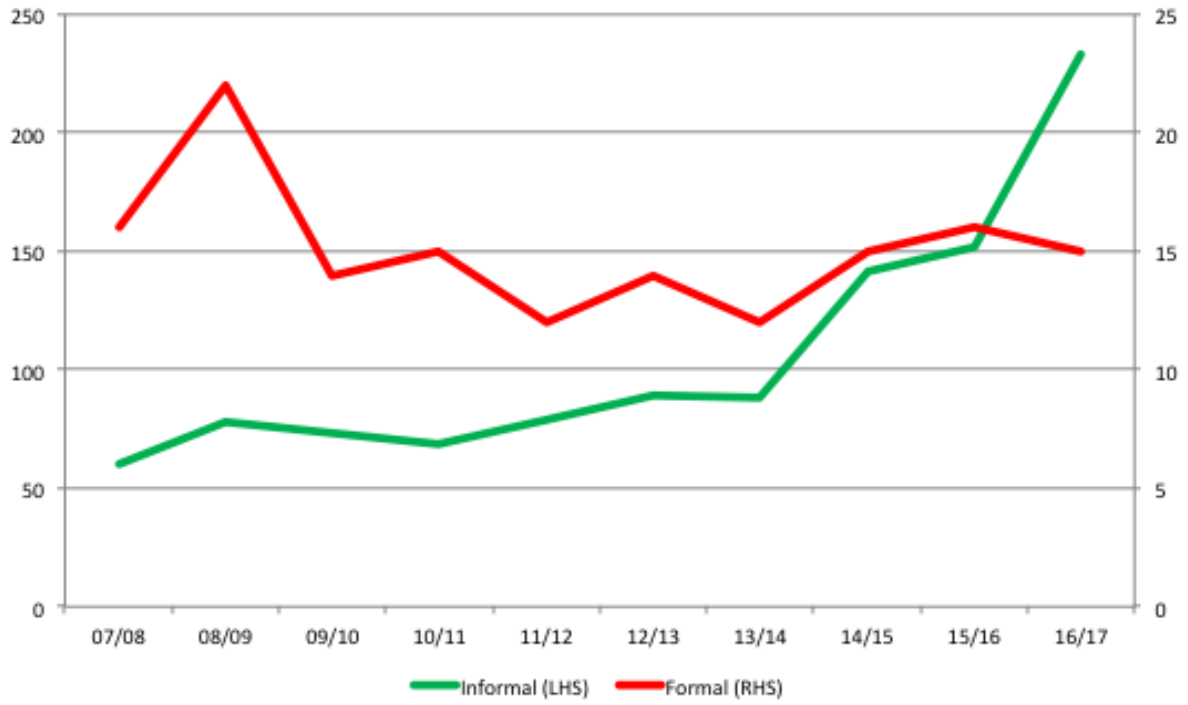


Chart 7 shows that since 2007 the incidence of informal complaints has grown 14.5% from 60 to 233, while formal complaints are consistent at 15 complaints.

The cause of the growth in informal complaints is unclear. However the spike in 2016 is consistent with a general decline in student satisfaction during this time related to the increased centralisation of the Student Centres and the shift to new teaching periods, both significant university initiatives that would naturally attract concern in the transitionary stages. Further and increase in enquires from the web site and automatic email responses referring matters to the office prematurely.

In July the Office met with the Web Platform and Strategy team to make modifications to the current Student Ombud web site to reduce the number of informal requests for assistance by better reflecting our Terms of Reference and by rationalising complaint categories.

CHART 7 – FORMAL VERSUS INFORMAL COMPLAINTS TREND



International Students complaints: Data in Table 2 reveals that 2016 saw a heavy weighting to local students making formal complaints to the Office. This is inconsistent with the long term average where local and international students make formal complaints with the same incidence. Informal complaints in total grew 53% from the previous year with local and international students making complaints with very similar incidence. This trend has been consistent for the last 3 years.

TABLE 2 – INTERNATIONAL STUDENT COMPLAINTS

	Student population			Formal requests			Informal Requests			Formal complaints per 1,000 students		Ratio Local:Int
	Total	Local	Int	Total	Local	Int	Total	Local	Int	Local	Int	
16/17	42,674	30,290	12,384	15	13	2	233	162	71	0.43	0.16	2.66
15/16	40,639	29,221	11,418	16	12	4	152	102	50	0.41	0.35	1.17
14/15	39,074	28,339	10,735	15	11	4	142	96	46	0.39	0.37	1.04
13/14	37,381	27,631	9,750	12	7	5	88	83	5	0.25	0.51	0.49
12/13	36,357	26,886	9,471	14	9	5	89	84	5	0.33	0.53	0.63
11/12	36,235	26,535	9,700	11	9	3	79	77	2	0.34	0.31	1.10
10/11	34,646	25,530	9,116	15	11	4	69	62	7	0.43	0.44	0.98
09/10	33,811	25,538	8,273	13	9	4	73	59	14	0.35	0.48	0.73
08/09	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 2005-2016 period there have been no formal reports made to the Vice-Chancellor for consideration.

4. VISIBILITY AND PROMOTION OF THE OFFICE

In May the Student Ombuds Office was relocated from Building 2 to a newly refurbished office in Building 3, Level 3, Room 42.

The old Student Ombud Office web site www.ombuds.uts.edu.au had been available until this year, but has now been decommissioned. The Office web site is http://www.uts.edu.au/current-students/support/when-things-go-wrong/appeals-and-complaints/uts-student-ombud).

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 before sessions begin. The Ombuds Office does this with the intention of making the Office more visible to new students.

5. PERSONNEL

The Student Ombud Office model of a Student Ombud and three Assistant Ombuds employed from different faculties for 3 years is unique to UTS. At times we benefit from being able to drawer from a pool of experienced and dedicated past Student Ombuds who make themselves available when needed.

The Office would like to thank past Student Ombuds Anita Stuhmcke and Wing Bui for temporarily filling the role of Assistant Student Ombud when two staff were on extended leave during 2016.

In October expressions of interest were called for the position of Assistant Student Ombud from continuously appointed full-time academic staff interested in UTS policy and procedure that have a commitment to confidentiality and professional. The successful candidate was Elizabeth Humphrys from the Faculty of Arts and Social Science. Elizabeth's three year contract with the Office began 1 January 2017.

The Office is presently staffed by the following:

Angela Dwyer, Student Ombud
David Eager, Assistant Student Ombud
Mai Hansford, Assistant Student Ombud
Elizabeth, Assistant Student Ombud
Jenny Murphy, Administrative Manager

6. NSW OMBUDSMAN FORUM 2016

The Student Ombuds Office continued its strong working relationship with the NSW Ombudsman's Office. In February the Student Ombud Angela Dwyer and Assistant Student Ombud David Eager and Mai Hansford attended the University Complaint Handling Forum held by the NSW Ombudsman's Office at the University of Sydney. The Forum looked at current issues and challenges facing University Ombudsman, Deans of Students and Complaint Managers. Each university gave a brief summary of its structure and processes. The annual Forum is an excellent opportunity to discuss matters of interest and concern with other universities in regional NSW, Sydney and throughout Australia.

7. CASE STUDIES OF COMPLAINTS

Given below are three sample cases of Requests for Assistance investigated by the Office in 2016.

Case Study 1

A UTS student lodged a formal request for assistance claiming that his faculty had failed to use its broad discretion by not allowing him to substitute one subject for another within an elective stream. He also claimed that the Faculty had allowed him to enrol into undergraduate subjects without first preparing him by not enforcing the prerequisite rules. He further claimed that this resulted in his obtaining poor grades in these subjects.

The Complainant requested that he be allowed to substitute the subject for a subject within an elective stream. He also requested that his WAM for calculating his eligibility for Honours not include 2 of his undergraduate subjects that he completed while enrolled in another undergraduate program.

The Office interviewed the student then examined his Academic Transcript, TRIM file and the University Calendar. The Office then met with the met with the Responsible Academic Officer.

The Office found that the University has no discretion to allow the student to substitute the subject for another in an elective stream and that the calculation of WAM was detailed within the University and included undergraduate subjects. It was concluded that in this case the Faculty had followed correct procedure.

Case Study 2

A student lodged a complaint claiming that he had been denied a group mark due to his group members leaving his name of a group work sheet and although he have been given the opportunity to do further make up work this was well past the end of semester so he was at a disadvantage at that point of time.

The Office interviewed the student, reviewed correspondence then met with the Subject Coordinator.

The Subject Coordinator accurately reflected the student's version of events and had not agreed with the group members leaving the students name of the work sheet. He understood this had happened as the group had not considered the student part of the group. The subject Coordinator believed that the student had tried to make contact with the group and it was because of this he had offered the student the opportunity for an additional make-up assignment (which was handed in by the student well after the date it was expected and which was therefore not assessed).

The Office concluded that the Faculty had followed the correct policies and procedures and that the student's individual issues had been appropriately resolved by the Faculty.

Systemic change to the subject was discussed and it was suggested that the subject would benefit from slight adjustments, the inclusion of a student signature column to the work sheet next to each group member's name as well as additional wording such as 'if you believe a group member is not contributing you should attempt to raise and resolve this directly with that individual, and do so well in advance of submission of the group work.

In addition the Subject Coordinator undertook to make announcements concerning group members and obligations during the subject.

Case Study 3

An enrolled international student lodged a request for assistance after an unsuccessful appeal to be released to study at another university. International students who have not completed six months of their principal course need to obtain a letter of release before accepting an offer with a new provider. Students that have not obtained the letter of release are at risk of having their student visa cancelled.

The Office interviewed the student accompanied by a relative, examined correspondence and documentation including the UTS Release Protocol and the students file.

After reviewing all the information the Office found evidence that the student had agreed to the terms and conditions of the acceptance and did not have adequate supporting documentation, therefore there were no grounds for complaint.

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.