



THE OFFICE OF THE STUDENT OMBUD 2020 ANNUAL REPORT

1 JANUARY 2020 – 31 DECEMBER 2020

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1. STAFF OF THE OFFICE

The Student Ombud Office consists of the Student Ombud and three Assistant Student Ombuds, employed from different faculties for a term of three years. Until December 2020, there was also a permanent part-time Administrative Manager. The Office of the Student Ombud comprised the following persons during the 2020 reporting year:

Elizabeth Humphrys	- Student Ombud Senior Lecturer Faculty of Arts and Social Sciences
Francis Johns	- Assistant Student Ombud Lecturer Faculty of Law
David Eager	- Assistant Student Ombud Professor Faculty of Engineering and Information Technology
Tracey Booth	- Assistant Student Ombud – 1 January to 30 June 2020 Professor Faculty of Law
Wing Bui	- Interim Assistant Student Ombud – 1 July to 31 December 2020 Senior Lecturer Faculty of Business
Jenny Murphy	Administrative Manager

From July to December, while Tracey Booth was on PEP and several staff members took extended leave to assist with the budget impacts of COVID-19, former Student Ombud Wing Bui assisted us and acted in the Student Ombud role while Elizabeth Humphrys was on leave.

2. PREAMBLE

The Office of the Student Ombud operates within the Office of the Deputy Vice-Chancellor (Education and Students) under the *Terms of Reference* approved by the University Council. The Terms of Reference can be found in the appendix at the end of this Report.

The UTS Office of the Student Ombud 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

The Office of the Student Ombud has now been in operation at UTS for 32 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, a Student Ombud will only investigate 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 investigation unit to ensure that University processes are implemented fairly and improved where necessary. Thus, the Office contributes to the overall quality and experience of student education. The University, in accordance with its past practice, continues to provide the Office with sufficient resources to perform its role effectively.

2020 saw two significant changes for the office in regard to resourcing.

Firstly, there was a significant decline in formal and informal complaints made to the Office in 2020, most particularly in the second half of the year. It is unclear why this decline was so significant, but it is likely three things contributed: 1) most significantly, the introduction of the Student Complaints Resolution Office (SCRO) in July 2019 appears to have reduced the number of formal complaints; 2) a detailed redrafting of our webpages to more clearly direct students to the SCRO has likely reduced informal complaints in particular; and, 3) paradoxically, in some ways, the impact of COVID-19 appeared to have reduced complaints to the office, and there were very few complaints about the impact of COVID-19 specifically despite the enormous changes that occurred.

During 2020 the Office handled 8 formal complaints, and 59 informal complaints. Most of these matters were resolved through discussion with the parties involved, or complainants were referred to the SCRO for assistance as their matter was premature for our office. Given both the decline in complaint numbers, and the establishment of the SCRO area, in 2021 the UTS Student Ombud will conduct a self-review of the Office and its functions, to assess whether any further changes to the structure and resourcing of the Office should be recommended to the university.

Secondly, Jen Murphy, the Administrative Manager left UTS in December 2020. Jen was an instrumental part of best practice complaint handling at UTS, commencing with the Office in October 1992. She was highly regarded by the Student Ombuds she worked with and is a significant loss to the University. Jen took a voluntary separation package as part of a university wide process to address the financial impact of COVID-19. Relatedly, this means our office no longer has a separate physical location. Jen deftly facilitated these changes before she left us, and we are deeply grateful for all she contributed over many years.

3. FORMAL COMPLAINTS

The number of formal complaints (formal requests for assistance) received in 2020 was 8, which is 9 less than those lodged in 2019. The main complaint categories for formal requests for assistance in 2020 were matters directly related to Policies and Procedures (4), followed by Special Consideration (2). There was one complaint about Assessment (access to results)

and one about Exams. Chart 1 (page 4) presents the complaint issue categories about over the last four years. The range of issues is largely in line with previous years, although overall there were fewer matters.

CHART 1 – NATURE OF COMPLAINTS

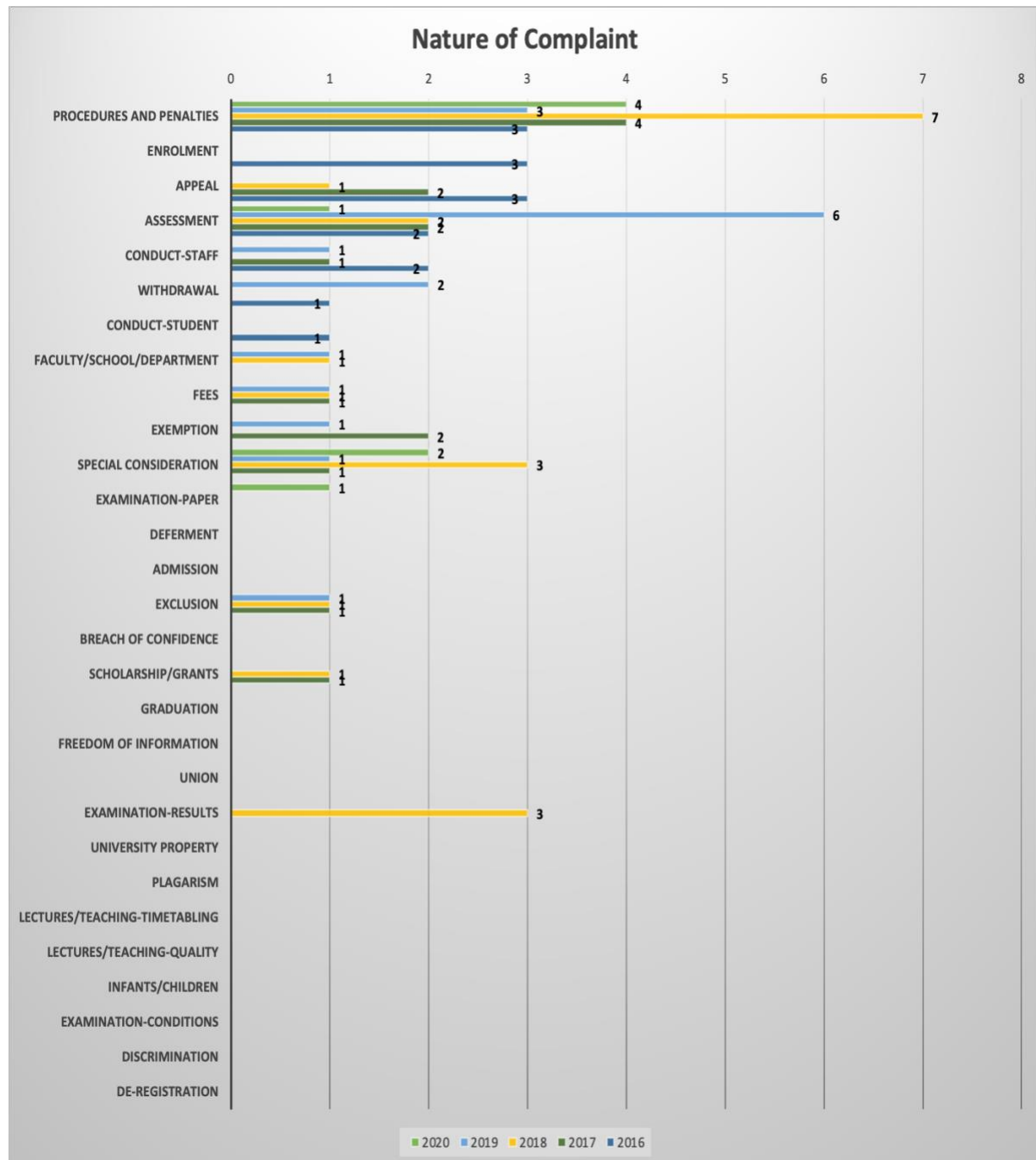


Chart 2 details the home faculty of the student, although it is important to note that student complaints are often not about their home faculty (or the faculty alone) but a decision by another business unit of the University. With a smaller number of complaints received overall, this chart is largely in line with previous years.

Chart 3, overleaf, demonstrates the incidence rate of complaints per 1,000 students enrolled in each Faculty in 2020. Law students continue to lodge complaints at a higher rate than other faculties, a trend that is not unique to UTS.

CHART 2 – SOURCE OF COMPLAINTS

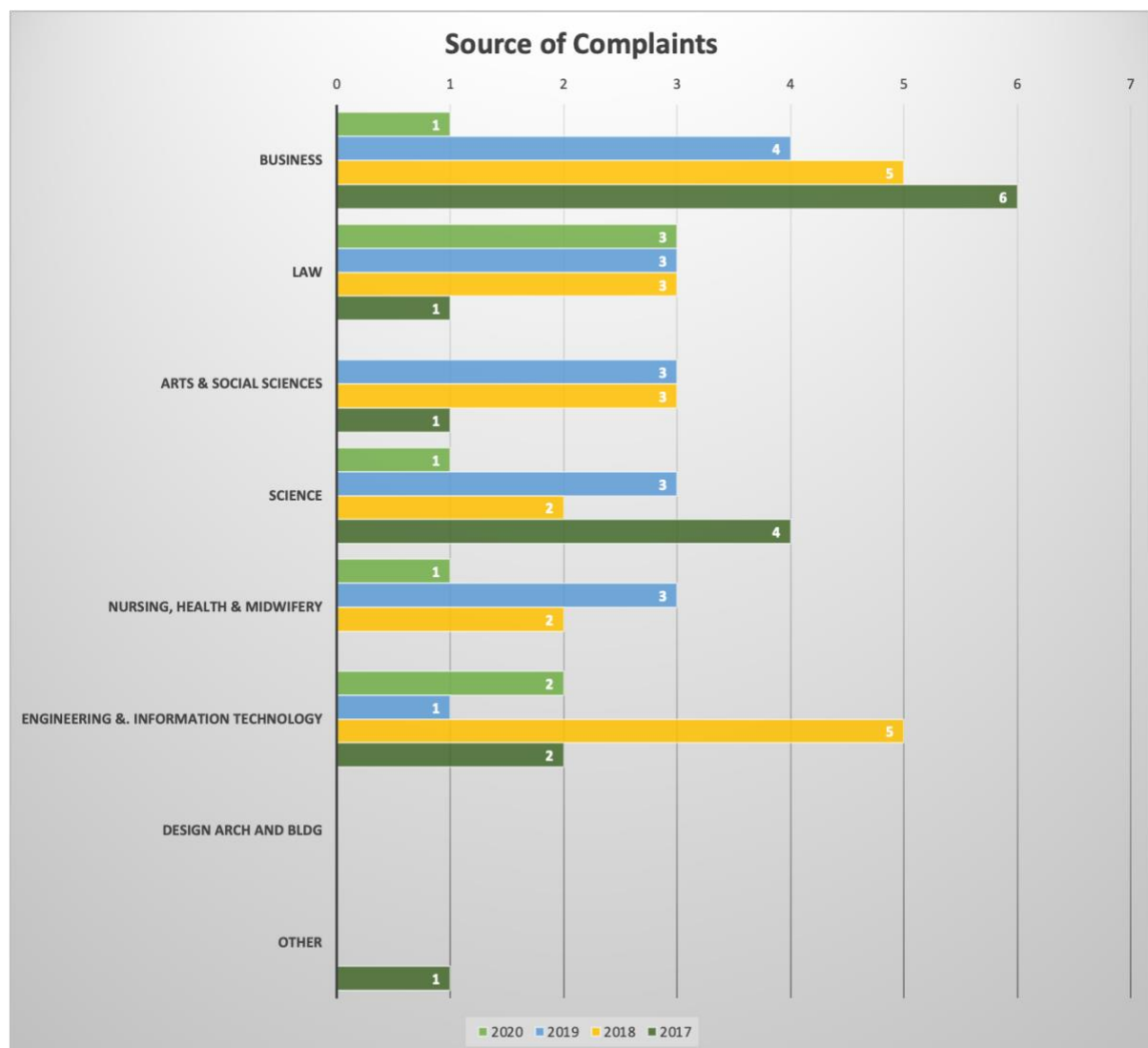


CHART 3 – INCIDENCE OF COMPLAINTS BY FACULTY

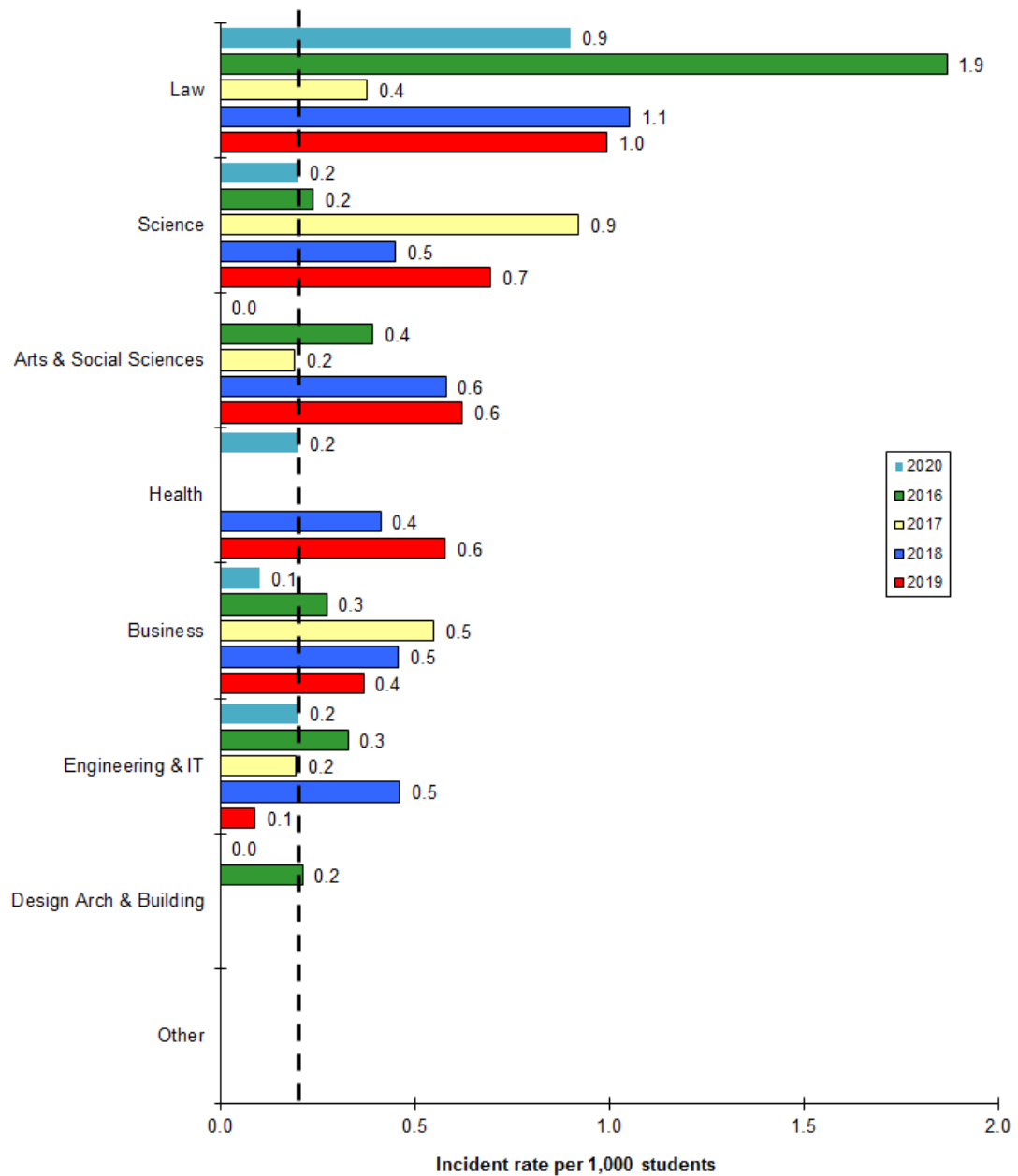
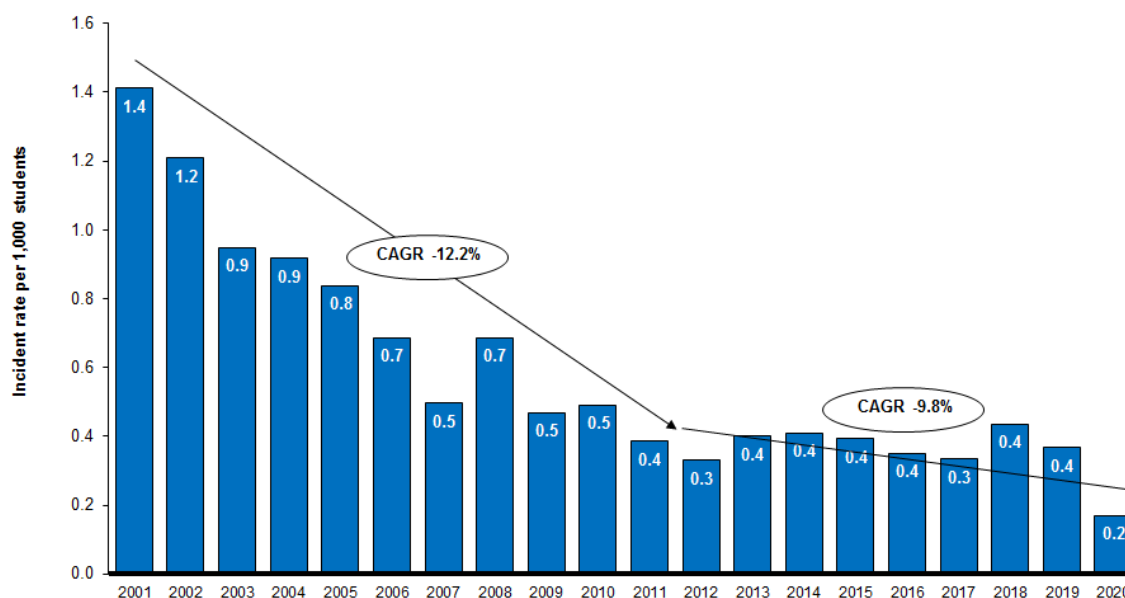


Chart 4 presents the incidence rate of formal complaints per 1,000 students, from 2001 to 2020. The compound annual growth rate (CAGR) depicts a significant long-term decline. The 2020 incident rate is at its lowest level in two decades, and notably below its plateau level — of 0.3 to 0.4 incidents per 1,000 students — over the last decade.

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 then used to better target information and resources.

In 2020 seven students were referred to us by the SCRO, and one student found us via Google. As we indicated in last year's report, we expected that most referrals beyond 2019 would be generated by the new established SCRO. We note for context that in 2019 the largest source of referrals was academic staff, with students also finding us via the Student Centre and the Student's Association.

5. INFORMAL COMPLAINTS

Approaches from students that do not fall within the Terms of Reference either because they are 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, or informal complaints, cover 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. As mentioned above, students contacting our Office are now directed to the SCRO first, who will only refer them to our Office if their complaint falls within our Terms of Reference.

There were 59 informal requests for assistance in 2020, a decrease from 214 in 2019. The largest number of informal requests was from students experiencing problems related to assessment (10). This was followed by those related to enrolment (7), exemptions (7) and rules and procedures (7). There were only three informal complaints about staff conduct, which was the second largest category in 2019. Chart 5 details the nature of informal requests for assistance over the last four years.

CHART 5 – INFORMAL COMPLAINTS BY TYPE

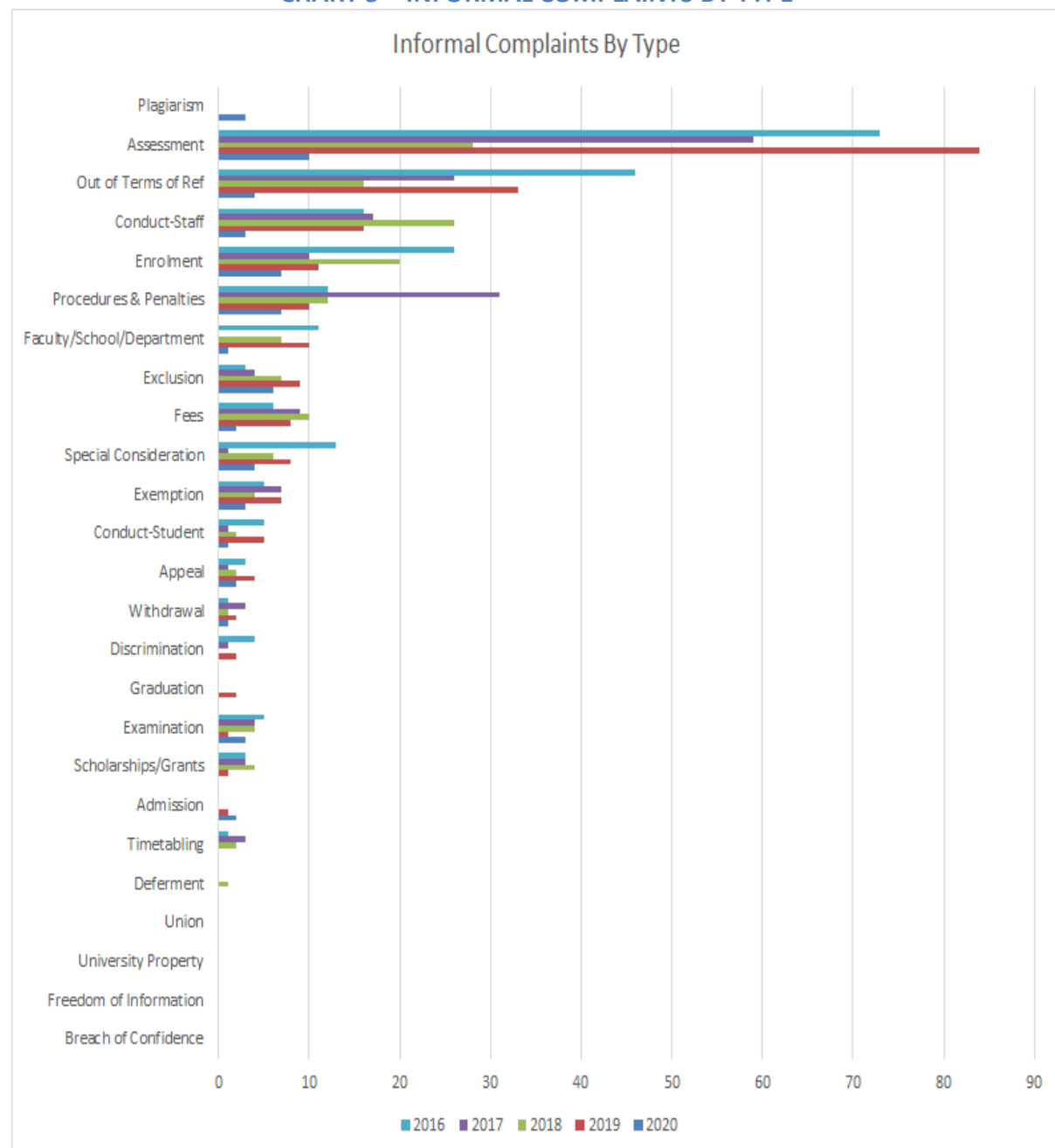
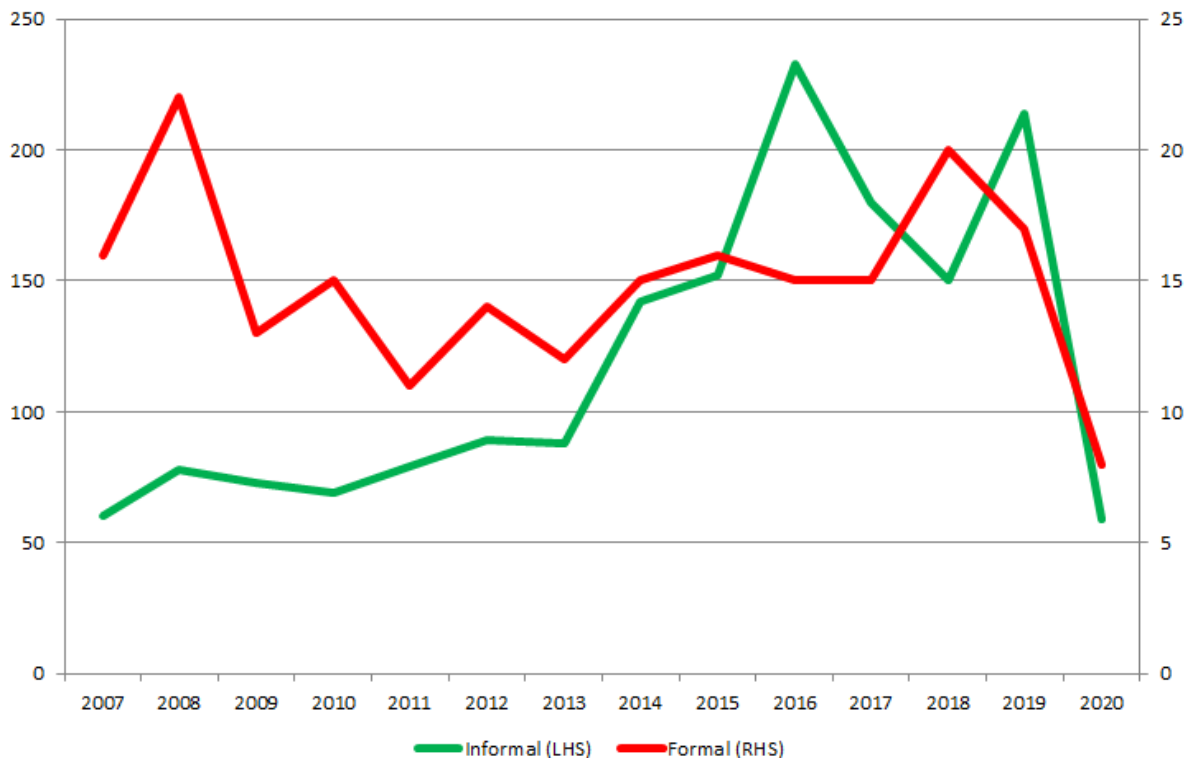


Chart 6 shows that in 2020 informal complaints fell significantly, but prior to that had been trending upwards. Between 2007 and 2019, the incidence of informal complaints had grown from 60 to 214 even while formal complaints held steady through many of those years. The number of informal complaints peaked in 2016 at 233 complaints.

CHART 6 – FORMAL VERSUS INFORMAL COMPLAINTS TREND



6. INTERNATIONAL STUDENTS

In regard to complaints received by international and local students, Table 1, overleaf, shows that formal and informal complaints by all students fell in 2020, but that this fall was more pronounced amongst international students. Formal complaints per 1000 students was 0.07 for international students, and 0.21 for local students. In regard to informal complaints per 1000 students the rate was 1.57 for international students, and 1.14 for local students.

This is a reversal of the previous uptrend of informal complaints lodged by international students, which began in 2014. Between 2014 and 2019 international students averaged 5.10 complaints per 1000 students, as compared to average 3.68 for local students.

TABLE 1 – INTERNATIONAL VERSUS LOCAL STUDENT COMPLAINTS

	Student population			Formal requests			Informal Requests			Formal complaints per 1,000 students		Ratio Local: Int		Informal complaints per 1,000 students		Ratio Local: Int		Ratio of Informal to Formal	
	Total	Local	Int	Total	Local	Int	Total	Local	Int	Local	Int	Local	Int	Local	Int	Local	Int	Local	Int
2020	46,318	32,355	13,963	8	7	1	59	37	22	0.21	0.07	0.05		1.14	1.57	0.73	5.43	22.43	
2019	46,159	30,709	15,450	17	11	6	214	114	100	0.36	0.39	0.92		3.71	6.47	0.57	10.36	16.67	
2018	45,930	30,796	15,134	20	12	8	152	84	68	0.39	0.53	0.74		2.73	4.49	0.61	7.00	8.50	
2017	44,887	30,598	14,289	15	10	5	180	105	75	0.33	0.35	0.93		3.43	5.25	0.65	10.50	15.00	
2016	42,674	30,290	12,384	15	13	2	233	162	71	0.43	0.16	2.66		5.35	5.73	0.93	12.46	35.50	
2015	40,639	29,221	11,418	16	12	4	152	102	50	0.41	0.35	1.17		3.49	4.38	0.80	8.50	12.50	
2014	39,074	28,339	10,735	15	11	4	142	96	46	0.39	0.37	1.04		3.39	4.29	0.79	8.73	11.50	
2013	37,381	27,631	9,750	12	7	5	88	83	5	0.25	0.51	0.49		3.00	0.51	5.86	11.86	1.00	
2012	36,357	26,886	9,471	14	9	5	89	84	5	0.33	0.53	0.63		3.12	0.53	5.92	9.33	1.00	
2011	36,235	26,535	9,700	11	9	3	79	77	2	0.34	0.31	1.10		2.90	0.21	14.07	8.56	0.67	
2010	34,646	25,530	9,116	15	11	4	69	62	7	0.43	0.44	0.98		2.43	0.77	3.16	5.64	1.75	

7. FORMAL REPORTS

Under the Terms of Reference for the Office, Reports may be submitted to the Deputy Vice-Chancellor should a satisfactory conclusion not be reached and where specific recommendations are required. During 2020 there were no formal reports made to the Deputy Vice-Chancellor for consideration.

The Office continues to maintain a high level of cooperation for its work amongst University staff. The willingness of staff to assist us in the resolution of complaints, or providing further information as to their decision making, enables the Office of the Student Ombud to carry out its work effectively and efficiently.

8. VISIBILITY AND PROMOTION OF THE OFFICE

The Office web site is <http://www.uts.edu.au/current-students/support/when-things-go-wrong/appeals-and-complaints/uts-student-ombud>. The text on this and related pages was significantly revised in 2020, which appears to have contributed to a fall in inquiries and informal complaints — most particularly in the second half of the year — with the information more clearly directing students to the SCRO before contacting our office.

The Office of the Student Ombud continued in 2020 to provide promotional pens with the Student Ombud Office web site address, that were distributed to new students with other orientation information. The Ombuds Office has previously done this with the intention of making the Office more visible to new students. In light of falling complaint numbers and budget considerations, we decided not to continue this practice in 2021.

9. COMPLAINT CASE STUDIES

Below are three sample cases of formal complaints investigated by the Office in 2020.

To demonstrate the wide range of matters and outcomes we deal with, we have included a case study where the students' complaint was upheld, one where the student's matter was resolved by the Faculty during inquiries and the matter was closed with no further action, and one case we found no evidence that would warrant a change in decision. The UTS Student Ombud Office always seeks to provide further information to students if it will clarify decisions made by the University, even where no remedial action is taken on the substance of the student's concerns.

Case Study 1

An international student contacted the Office in relation to the costs and stress associated with delays in finalising a pass grade for her final subject. These delays resulted in the expiry of their student visa, and not being able to commence working in Australia when the complainant argued they ought to have reasonably expected to be able to do so.

On balance it was concluded that the University could and should have handled this matter in a more expeditious manner. The fault did not lie with any individual UTS staff member,

but rather with factors such as stretched resources and lacked a redundancy system in administrative decision making when staff were on leave. At numerous times in the handling of the matter, UTS was single point (person) critical and because of this there were several unnecessary hold points prior to the matter being finally resolved. The perception by the complainant was that numerous people within UTS were deliberately delaying because they had lodged a complaint, when it was instead the case that UTS did not have inbuilt redundancy in critical academic decision-making roles.

The University issued an apology to the complainant and paid the out-of-pocket expenses incurred by the student as a result of the delays.

Case Study 2

A student wrote to us and complained the University had wrongly rejected their application and appeals for remission of a HELP debt and for no academic penalty. The student argued that the university had failed to appropriately consider the full circumstances of the matter, including the medical evidence provided. The student also complained the SCRO had refused their complaint about discrimination. We reviewed the matter and made several rounds of inquiries to the students' Faculty, the SCRO and other relevant decision makers.

We determined the original applications, appeals, and a subsequent complaint to the SCRO about discrimination, had all been handled in accordance with UTS procedures. Further, we found there was insufficient evidence of a breach of procedural fairness or discrimination for us to take further action. However, we provided further information about why the applications and appeals were refused, and how their circumstances and medical evidence had been assessed by the decision makers in relation to the relevant guidelines. The student had already been made aware of their right to appeal the decisions to the Administrative Appeals Tribunals, and we provided further information regarding potential external review if the student was dissatisfied by our office's decision.

Case Study 3

A student contacted us for assistance after their complaint about assessments in their final subject was rejected by the SCRO. The complaint related to a lack of feedback on a cumulative assessment task, which contributed to them failing the subject. The student requested the removal of a fail grade from their academic record, and that they be granted either a 50% Pass or be offered a supplementary exam.

A range of investigative tasks were undertaken by our office, including an appraisal of the subject assessments, program completion requirements, and other university administrative records. Before final correspondence could be prepared, the student withdrew their matter after being offered a supplementary exam. The investigation was terminated as the matter was considered resolved by the Faculty, the student and our Office.

APPENDIX 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 Office of the Student Ombud.
- 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**
- 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.