



ANNUAL REPORT

**STUDENT OMBUDS OFFICE
UNIVERSITY OF TECHNOLOGY, SYDNEY**

For the Period
1st February 2001 to the 31st January 2002

June 2002

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1. STAFF OF THE OFFICE

The Student Ombuds Office consisted of the following persons during 2000 on a part-time basis:

- | | | |
|---------------|---|---|
| A. Stuhmcke | - | Student Ombud
Senior Lecturer
Faculty of Law
Markets Campus |
| A. Ross-Smith | - | Assistant Student Ombud
Acting Head of School
School of Marketing
Faculty of Business
Markets and Kuring-gai Campus |
| P. Lewis | | Assistant Student Ombud
Senior Lecturer
Faculty of Engineering
City Campus |
| J. Edwards | | Assistant Student Ombud
Associate Professor
Faculty of Information Technology
City Campus |
| J. Murphy | - | Administrative Assistance
Student Ombuds Office
City Campus |

2. PREAMBLE

The Student Ombuds Office operates within the Office of the Deputy Vice-Chancellor (Academic) under the *Terms of Reference* approved by the University Council which can be found at the end of this report. These *Terms of Reference* were introduced by Council in May 1989 when the Office was established and were revised and amended in December 1995.

The University, in accordance with its past practice, continues to provide the Student Ombuds Office with sufficient resources to continue its role effectively. During 2000 the Student Ombuds Office dealt with 39 complaints, two less than 2001. All of these complaints were able to be resolved through discussion with the persons involved. No complaints were referred to the Deputy Vice-Chancellor (Academic) for intervention during this period.

The Student Ombuds Office has now been in operation at UTS for over a decade. 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 of student education.

3. COMPLAINTS

The complaints that led to a formal enquiry by the Office are set out in Table 1 to this Report. These complaints are further analysed in Graphs 1, 2 and 3.

Table 1 shows the source 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 complaints according to the Faculty of the complainant. This information is not broken down by school. When viewing these figures please note that because a student of a Faculty makes a complaint, it does not necessarily follow that the complaint is associated with a matter or decision directly concerning that Faculty. Any analysis should therefore take into account the material in Table 1 where both the nature of the complaint and the Faculty are provided.

Graph 3 gives the percentage of complaints from students in a Faculty relative to the total number of students enrolled in each Faculty in 2000. Once again, note that the students of a particular Faculty may not be complaining about a matter or decision that has arisen in their own Faculty.

Referrals of complaints were monitored for the first time in 2000 so that the Office could better gauge visibility and accessibility for students who use the Office. When filling out the Request for Assistance form required when making formal complaint, students are asked how they heard about the Office.

The results of this survey are illustrated in the following table. This information is being used by the Office to better target information resources towards the student community (also see Visibility below).

Business Card	0
Counsellors	5
Faculty	6
Lecturer	3
Other	2
Pamphlet	5
Referral	6
Students Association	9
Web site	3

It seems that the source of referrals is diverse and also that it changes from year to year. For example last year this Office had 1 referral from a Faculty this year there are six. Overall the above complaint referrals show a coverage of the University that is pleasing in terms of the visibility and awareness about this Office across the University community.

4. COMMENTS ON COMPLAINTS

Overall number of complaints: The number of formal complaints recorded in 2000-2001 is slightly down on last year. However it is interesting to note that most of the complaints came in during the first 2 months of the year resulting in a busy caseload for Ombuds staff.

Co-operation with the Office: It is again pleasing to note that the Office still maintains a very high level of support for its work amongst University staff. This co-operation and genuine willingness to assist in resolution of complaints means that the role of the Student Ombuds Office within the institution is carried out more effectively. Naturally there are exceptions however these are in the minority of cases.

Informal Complaints: The Student Ombuds Office will formally record a student request for assistance as a complaint only when a student has lodged a "Request For Assistance" form with the Office. It is only these formal complaints which are recorded for the purposes of this report. Naturally, there are many other instances where students phone, e-mail or visit the Office for advice. Sometimes they are directed to other services which are more relevant to their particular need and sometimes students are able to solve their problem without further assistance from the Office. Occasionally students approach the Office because they are upset by what they perceive as unhelpful and discourteous behaviour of staff but do not want to lodge a formal complaint.

5. GRIEVANCE HANDLING AT UTS

Grievance handling at UTS continues to be the focus of discussion and review. The Student Ombuds Office, together with other relevant units such as the Equity and Diversity Unit and the Human Resources Unit, has been actively involved in the review of existing policy and procedures and the implementation and refining of the new grievance handling policy/procedure. In 2001 this involvement continued in the following ways:

Development of staff grievance handling training programs

The original grievance handling project working party identified a need for a consultant to be employed to develop guidelines and implementation of staff training in grievance handling. At the invitation of the Equity & Diversity Unit, the Ombuds Office continued to provide input into the selection, guidelines, feedback and requirements for the NSW Anti-Discrimination Board who were appointed as consultants for the project.

Revision of UTS procedures/policies

The Ombuds Office was also invited to participate in a working party that was established to review the Assessment Procedures Manual. The working party is comprised of Faculty representatives, students, representatives from units such as ELSSA and Students Services and provided detailed and comprehensive discussion over the current guidelines and how they should be modified. The review is still underway.

The above involvement of the Ombuds Office in providing input in terms of systemic change for grievance handling at UTS is appropriate use of the expertise and knowledge that the Office has accumulated in over a decade of service to the University. While the Office continually and consistently provides suggestion for systemic change where it becomes obvious in our investigations that such change is needed the opportunity to provide input into formal working parties allows for the exchange of generic type knowledge in a formal setting.

6. VISIBILITY

This year the Student Ombuds Office reproduced the Office pamphlet and bookmark aimed at making the Office more visible to the University community. Pamphlets continue to be disseminated throughout University Units, Faculty Offices and orientation information for new students. It is pleasing to note that extra supplies of pamphlets and bookmarks are often now requested by Faculties and Units.

7. PERSONNEL

In July 2001, both past and present members of the Student Ombuds Office gathered at the Loft to farewell Professor Brian Low as Deputy Vice-Chancellor (Academic). The Office has reported through to him in this role since 1996. We thank him for his generous support and wish him well in his future retirement.

In second semester Associate Professor Jenny Edwards from the Faculty of Information Technology and a previous member of the Student Ombuds Office, returned to provide assistance during the absence of Peter Lewis who was on PEP.

Previous members of the Office have always been generous with their time when they have been asked to help out in this way. Indeed, this is the second time that Jenny has assisted, the other being Spring 1998. It is one of the benefits of the unique structure of the Student Ombuds Office at UTS that previous members of the Office who have returned to their normal roles in the academic community still support the Office and provide assistance with it is asked. We thank her very much.

This year the Office produced an internal grievance handling manual for Ombud staff. Based on the Equity and Diversity Unit Grievance Handling Manual, it is designed to assist new members of Office by providing them with a checklist of processes as well as guidelines on how and where to access information in relation to University policies and procedures.

8. INTERNATIONAL CONFERENCE

UCOA Conference, New York 2001.

Anne Ross-Smith
Assistant Student Ombud

In April 2001, on behalf of the Office, I attended the Conference of the American Universities and Colleges Ombuds Association at the City University of New York. The conference provided me with the opportunity to meet fellow Ombuds and Deans of Students from all over North America. One the most interesting aspects of the conference was learning about the more difficult the issues that Ombuds in North America have to contend with. More than one delegate talked about having to deal with matters involving on campus violence and the use of firearms by students and, indeed, of occasions where they feared for their own lives. The Australian delegates at the conference agreed that by comparison matters that we dealt with were usually somewhat more benign.

One of the more inspiring key note addresses at the Conference was given by Ella Wheaton one of the founders and former presidents of UCOA. In her address, Ella who recently became the Ombud for the US Department of Transport – a government Department of over 250,000 people - told of her passionate commitment to justice and civil rights and of her own personal struggles as an African American women to gain a voice in American society. She spoke of immense satisfaction that can come from having the role of Ombud and reminded us that one of our greatest challenges was to remain impartial at all times and of the importance of giving all parties a fair hearing. Given that some Ombuds offices at Australian universities are now assuming responsibility for staff as well as students, it was also instructive to hear of the experiences of offices with this dual role in the North America where this tends to be the norm.

9. OMDOSHEAA

OMDOSHEAA, the Ombud Dean of Students Higher Education Association Australasia listserv is still providing a forum for University grievance handlers to discuss related issues. The association was initiated from The Second Australasian University Ombudsman Conference at University of Technology, Sydney in February 2000 at UTS. The aims of OMDOSHEAA are to facilitate communication and the sharing of professional knowledge amongst Ombudsmans, Ombuds and Deans of Students and to initiate and contribute to discussions of Ombudsmans, Ombuds and Deans of Students in national and international forums.

The membership is comprised of local, international academic, administrative or student staff who hold a recognised position as Ombudsman, Ombuds or Deans of Students with their institution. Members gain entry through an expression of written interest. There is a national Convenor, and an executive committee whose function shall be to facilitate the aims of the organisation through regular consultation with its members and oversee the maintaining of the listserv (and the appointment of a membership secretary as necessary). The Ombuds Office at UTS coordinator, monitors and oversees the listserv.

10. CASE STUDIES OF COMPLAINTS

Case Study 1

Student requested assistance from this Office with a matter concerning payment of fees. The student had enrolled in a 1 year full-time course at UTS in Spring semester and was charged for 2 years as fees are measured annually. The Office ascertained that students who enrol in both Spring - Autumn semester for a 12 month course must pay twice and in effect pay double the cost of the same course that a student does who enrolls in Autumn – Semester. After discussing the matter with all the relevant Units a non-payment was arranged to occur for the student. The Office was advised that the University is adopting a new system in 2002 to enable payment of semester fees more easily.

Case Study 2

Two students requested assistance from this Office after an exemption that was initially approved by a subject coordinator was later refused by the Faculty. After some investigations by the Office it appeared that the exemption paperwork had been submitted to two academics who came to different decisions. The Faculty agreed to review the documentation and whilst they were not able to grant an exemption agreed to provide the students with an exemption assessment test which the students agreed to undertake.

Case Study 3

Student contacted the Office after being excluded from the University. The student claimed that as they were overseas at the time of notification they did not have an opportunity to appeal the decision. The student provided the Office with documentation confirming that they were overseas at the time of notification. Investigations by the Office found that the University had notified the student of their exclusion by registered mail, as is the normal UTS procedure. Further investigations

found that Australia Post policy is to allow the collection of items that are not delivered personally to 'representatives' of the addressee holding notification of an article waiting collection.

The Office found that the steps that led to the exclusion were not the result of University maladministration. Rather the University acted correctly as it sent the exclusion notice by registered mail that had subsequently been picked up by an individual showing proof of a connection to the student. Further, notification of the students results had also been available on the internet and by telephone.

Case Study 4

Student requested assistance from the Office after they discovered that they had completed the same subject in their degree twice. The student who was a busy mature age post-graduate had been told by the Faculty that they needed to do a further two subjects in order to graduate.

The student argued that while they had done the wrong thing, the University shared some responsibility for allowing them to incorrectly enrol in this manner. The Office was unable to make formal recommendations to support the student as University processes and procedures had been followed. However, the Office feels that in this case ambiguity arose from the lack of a written statement in the University literature as to whose responsibility it is to ensure accurate enrolment. The Office has recommended that such a statement be made in University literature.

11. STUDENT MATTERS FORUM

In November 2001 the Student Ombuds Office coordinated a Student Matters Forum attended by representatives from the Ombuds Office, Equity and Diversity, Student Services, Jumbunna and Students Association. The aim of the Forum was to gain an understanding of the various units grievance handling roles as well as exchange experiences in an informal and anonymous setting.

The Equity and Diversity Unit arranged to have John Hill from the Anit-Discrimination Board give the Forum a presentation on the outcomes of its consultation into the training in grievance handling for UTS staff.

It was generally felt that future Forums would be of use as a means of assisting communication between grievance handling units as well as a method of potentially identifying systemic issues which may then be forwarded to the DVC (Academic) for attention within policy making committees within UTS.

12. QUALITY

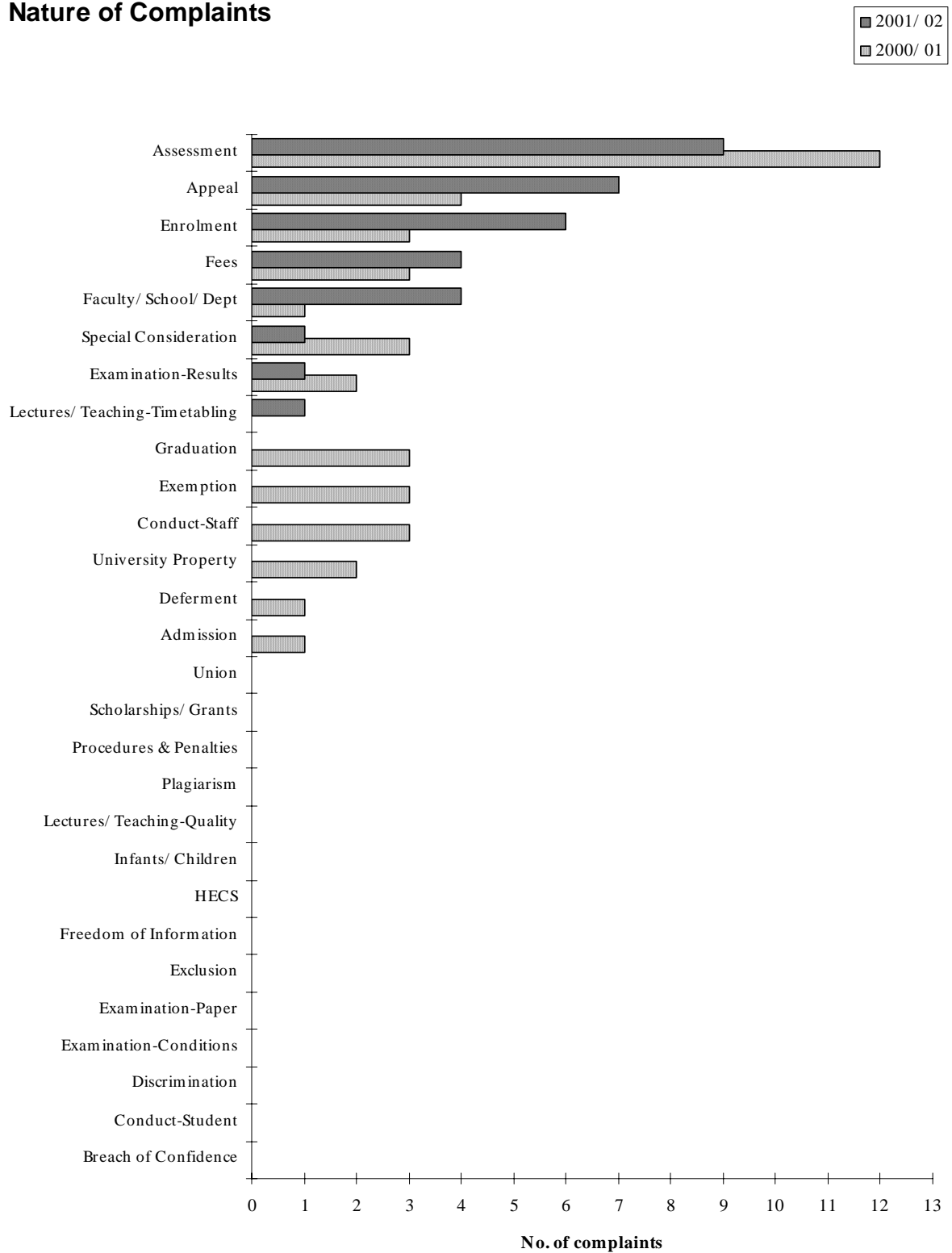
The UTS Student Ombuds Office provides to students in handling their grievances an independent avenue of dispute resolution that gives a assurance of:

- Natural justice (fairness)
- Thoroughness in investigating a complaint
- Awareness of a student's personal situation
- Access to all staff and all documentation
- Expertise as to University processes and structure

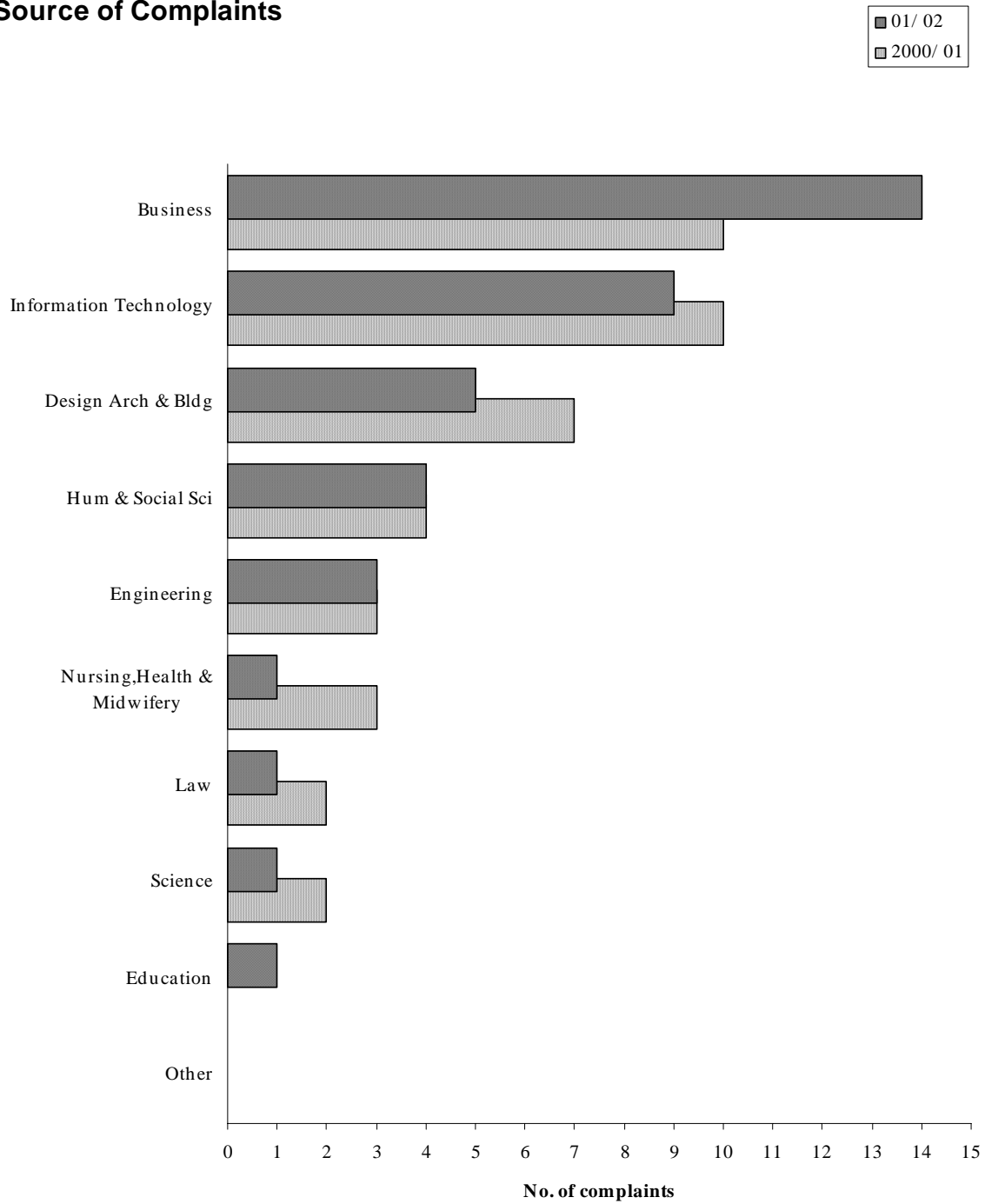
TABLE 1 - SOURCE & NATURE OF COMPLAINTS

	Science		Other		Hum & Social Sciences		Information Technology		Nursing, Health & Midwifery		Education		Engineering		Design Arch & Building		Law		Business		TOTAL	
	01/02	00/01	01/02	00/01	01/02	00/01	01/02	00/01	01/02	00/01	01/02	00/01	01/02	00/01	01/02	00/01	01/02	00/01	01/02	00/01	01/02	00/01
Admission	1																					1
Appeal																						4
Breach of Confidence																						12
Conduct-Staff																						3
Conduct-Student		1																				1
Deferral																						1
De-registration																						3
Discrimination																						1
Enrolment																						3
Examination-Conditions																						1
Examination-Paper																						6
Examination-Results																						3
Exclusion																						2
Exemption																						1
Faculty/School/Department																						2
Fees																						3
Freedom of Information																						1
Graduation																						3
HECS																						1
Infants/Children																						3
Lectures/Teaching-Quality																						1
Lectures/Teaching-Timetabling																						1
Plagiarism																						3
Procedures & Penalties																						1
Scholarships/Grants																						3
Special Consideration																						1
Union																						2
University Property																						2
TOTAL	1	2	4	4	4	9	10	1	3	1	1	3	3	5	7	1	2	14	10	39	41	

**Graph 1
Nature of Complaints**

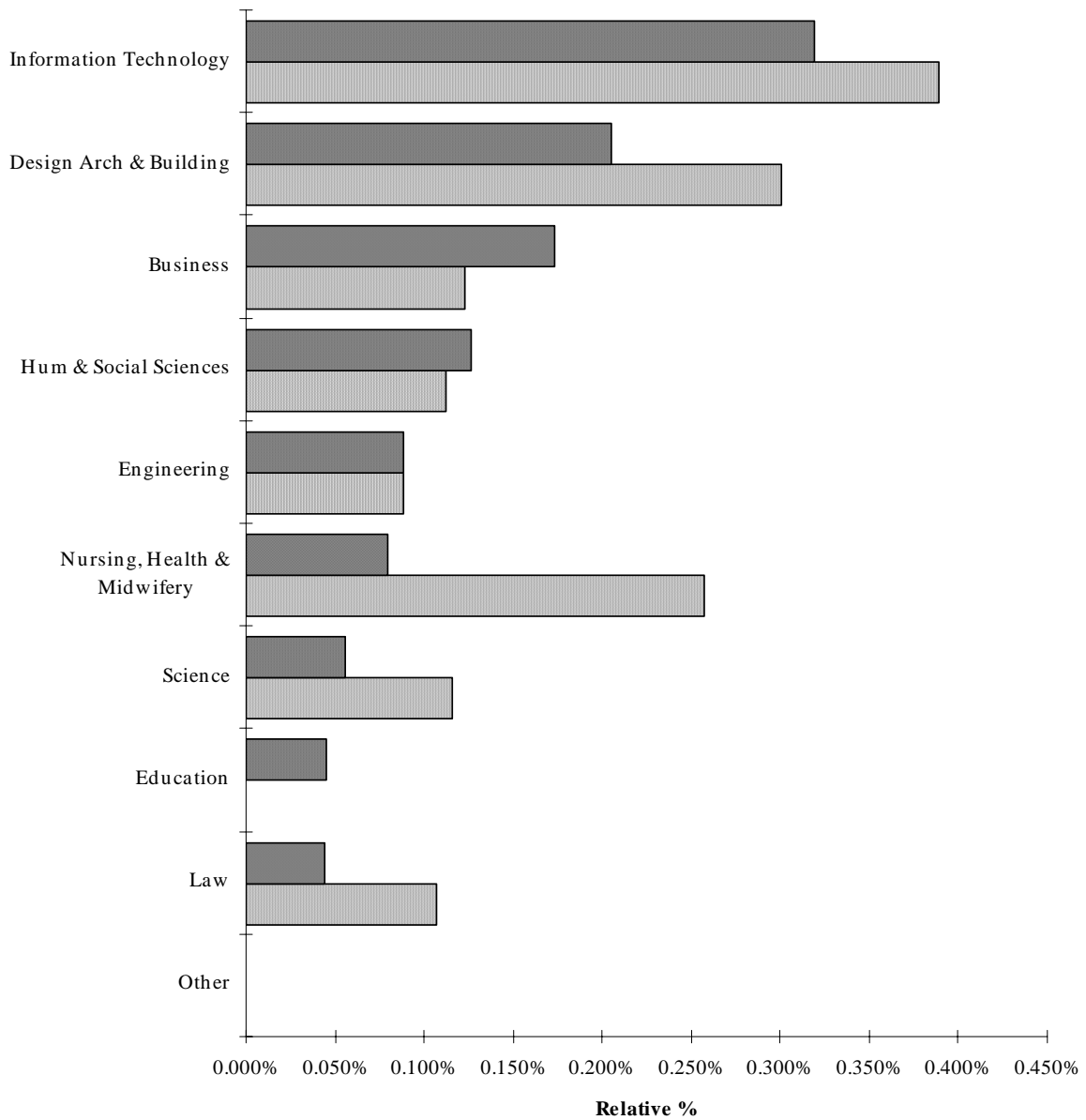


Graph 2
Source of Complaints



Graph 3
Relative % of Complaints by Faculty

■ 2001/ 02
 ■ 2000/ 01



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 Ombuds shall be responsible to the Deputy Vice-Chancellor.

2. Authority to Enquire

- 2.1 The Student Ombud has the authority to conduct enquiries relating
- 2.2 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.
- 2.3 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.
- 2.4 The Student Ombud may, for any reason including possible conflict of interests, refer a complaint to an Assistant Student Ombud.
- 2.5 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:
 - 2.5.1 the complaint is frivolous, trivial, or not in good faith;
 - 2.5.2 the complainant has an insufficient interest in the matter;
 - 2.5.3 the conduct complained of occurred at too remote a time to justify investigation;
 - 2.5.4 in relation to the conduct complained of there is available to the complainant an alternative and satisfactory means of redress;
 - 2.5.5 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. Conduct of Enquiry

- 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.