



**UNIVERSITY OF
TECHNOLOGY SYDNEY**

ANNUAL REPORT

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

For the Period
1st February 2008 to the 31st January 2009

July 2009

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1. STAFF OF THE OFFICE

The Student Ombuds Office consisted of the following persons during 2008 on a part-time basis:

- Layna Groen - Student Ombud
Senior Lecturer
Faculty of Science
City Campus
- Angela Dwyer - Assistant Student Ombud
Senior Lecturer & Director of Students
Faculty of Law
Markets Campus
- Bronwen Dalton - Assistant Student Ombud
Senior Lecturer
Faculty of Business
Kuring-gai Campus
- Maxine Evers - Assistant Student Ombud
Lecturer
Faculty of Law
Markets Campus
- Jenny Murphy - Administration Manager
Student Ombuds Office
City Campus

2. PREAMBLE

The Student Ombuds Office operates within the Office of the Deputy Vice-Chancellor (Teaching, Learning and Equity) under the *Terms of Reference* approved by the University Council which can be found at the end of this report.

The University, in accordance with its past practice, continues to provide the Student Ombuds Office with sufficient resources to continue its role effectively. During 2008 the Student Ombuds Office handled 22 complaints, an increase of 6 in the number of complaints the previous year. 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 20 years. During this period the Office has established itself as an integral part of the University grievance handling procedures. The value of the Office is that it is one of "last resort", that is, the Student Ombuds Office will only intervene in a complaint when all other avenues have been exhausted. It is inherent in the role of the Office that it does not exist to advocate for an individual student, rather it adds value to the University by providing a specialist complaint unit which aims to ensure that University processes are implemented fairly and improved where necessary. Thus the Student Ombuds Office contributes to the overall quality of student education.

3. COMPLAINTS

The complaints that led to a formal enquiry by the Office are set out in Table 1 of this Report. These complaints are further analysed in Graphs 1, 2, 3 and 4. Statistics in relation to the number of informal requests for assistance have also been included in this report. The Student Ombuds Office Terms of Reference only allows the Office to accept formal requests for assistance from students after all other levels of UTS grievance handling have been exhausted. Informal requests for assistance are approaches from students that have been resolved after the Office has assisted students with advice or appropriate referrals.

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 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.

Graph 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.

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

Faculty. Any analysis should therefore take into account the material in Table 1 where both the nature of the complaint and the Faculty are provided.

Graph 3 gives the incidence rate per 1,000 students of complaints by students enrolled in each Faculty in 2008. Once again, note that the students of a particular Faculty may not be complaining about a matter or decision that has not arisen in their own Faculty.

Graph 4 demonstrates the decline or incline in the incidence rate per 1,000 students of complaints by students enrolled at UTS from 2002/03 to 2007/08. This graph was included in the 2005 Annual Report after it was noted that since 2001/02 there had been a yearly decline in the number of formal requests for assistance to the Office.

Referrals of complaints are monitored so that the Office can better gauge visibility and accessibility for students who use the Office. When filling out the Request for Assistance form required when making a formal complaint, students are required to indicate how they heard about the Office.

The results of this survey for 2008 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	1
Faculty	1
Lecturer	2
Other	1
Pamphlet	0
Referrals	7
Students Association	3
Student Centre	1
Web site	6

The source of referrals is similar to those in 2007. This year we have also included the UTS Student Centre as a specific area for referrals. Overall the above complaint referrals demonstrate coverage of the University that is pleasing both in terms of the visibility and awareness across the University community. This year we used information gathered from previous years to target our resources into redesigning the Student Ombud web site as it is the second most used resource for students accessing the Office.

4. COMMENTS ON COMPLAINTS

During the course of 2008, a disturbing proportion of requests for assistance were received from students exhibiting signs of mental illness. These signs included depression, paranoia, threats of self-harm including contemplation of suicide, obsessive and unreasonable behaviour, threats to staff, and behaviour that may

occasion disciplinary action under University Rules for non-academic misconduct. Other students requesting assistance were currently receiving treatment for just such conditions. Some students were of the view that the reason for their mental health issues was the poor management of their complaint by the University. Some of the students with pre-existing conditions also attributed what they felt was poor management of their complaint to contributing further to their discomfort. While it is not possible to conclude that this observation is the beginning of a trend, never the less it cannot be ignored and is of great concern. It may not be unreasonable to conclude that the 2009 review of the policy and procedures for handling student complaints is timely.

All such cases were examined without prejudice. However 2008 marks the first instance where an investigation was terminated over concerns about its impact on a student's mental health. Staff of the Ombuds Office were encouraged to take the Mental Health Workshop provided by the University. Arrangements were also made for staff of the Office to attend the Mental Health First Aid Course organised by the University. Security of staff in the Office was also assessed and upgraded in line with recent University-wide security upgrades. Further consideration of this aspect of the operation of the Office is envisaged.

Overall number of requests for assistance: The number of formal requests for assistance recorded in 2008 was 22, 6 more than the previous 2007 when the Student Ombuds Office received the least number of requests for assistance on record. This year the number is the similar to 2006-07 when 21 formal requests for assistance were recorded.

In 2005, 2006 and 2007 there was a relatively even spread of complaints throughout the year. However in 2008 almost half of the 22 formal complaints were lodged in the February to April period.

Informal Complaints: Approaches from students that do not fall within our Terms of Reference because they were either not enrolled or registered students at UTS or the Office was not a last resort are confidentially recorded as informal requests for assistance. In 2008 there were 78 informal requests for assistance, an increase of 18 informal requests from the previous year.

In past years higher numbers of informal requests for assistance have been attributed to international students seeking help for fee related problems or advice. In 2008 there were 20 informal requests for assistance from international students, double the amount in 2007. Of these only half were related to fees. Many of these were students enquiring about fee schedules.

The remaining informal requests for assistance covered a wide range of complaint categories. These students were directed to Student Centres, other UTS grievance handling units or to the Students Association.

Co-operation with the Office: It is gratifying 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 is carried out more effectively. Naturally there are exceptions however these are in the minority of cases.

Formal Reports: The Terms of Reference provide that if the Student Ombud is unable to resolve a complaint to the satisfaction of the parties, a report may be submitted to the Deputy Vice-Chancellor. The report would contain the views of the Student Ombud and normally any recommendations thought appropriate. These formal reports are made on only a small number of occasions. During 2005-2009 period there has been no formal reports made to the Vice-Chancellor for consideration.

5. VISIBILITY

In 2008 the Student Ombuds Office approached the UTS Web Team for assistance in redesigning our web site and URL to make the Office more visible to current and past student as well as UTS staff members. The UTS Web Team used content from the previous Ombud web site and designed the new site to be consistent with UTS Web standards and protocols. The new web site which includes a link to the Student Ombuds Office Satisfaction Survey was launched in October 2008 and can be viewed at <http://www.ombuds.uts.edu.au/>

The Office also investigated the feasibility of having a online Request for Assistance Form for students. After consultation the UTS Web Team the Office decided against using the form as absolute student confidentiality could not be ensured when the form was lodged online.

This year the Student Ombuds Office again produced promotional pens intended on making the Office more visible to students. The pens were distributed to new students with other UTS orientation information. The Office will provide pens with the new Student Ombuds Office web site URL in 2010.

In November 2008 the Student Ombuds Office updated our pamphlets in line with current UTS design standards. The new pamphlets were distributed to Student Centres, Faculties and Units. For supplies of pamphlets and bookmarks please contact Jenny Murphy on 9514 2575 or email ombuds@uts.edu.au.

6. PERSONNEL

In early 2008 expressions of interest were called for an Assistant Student Ombud from continuously appointed academic staff at UTS interested in UTS policy and procedure. The position of Assistant Student Ombud is for a two-year term with a possible 12 month extension.

Council approved the appointment of Maxine Evers from the Faculty of Law. Maxine began her term with the Office on 1 April 2008.

The Student Ombuds Office would like to congratulate Assistant Student Ombud Angela Dwyer on her promotion to Director of Students in the Faculty of Law. Angela began her new role on 12 January 2009.

7. CONFERENCE AND COURSE ATTENDANCE

In September 2008, Maxine Evers and Angela Dwyer attended a three day mediation conference in Perth. This conference had been suggested by a number of Australian university Ombuds as the alternative to the OMDOSHEAA conference which was not held in 2008. The conference attracted mediation practitioners, researchers and trainers as well as delegates from industry, the community sector and government, and targeted mediation and related processes in Australia and overseas.

The theme for the 2008 conference was 'Transforming the Landscape' and provided opportunities for presentations on a wide range of topics ranging from employment, Indigenous issues, ethical dimensions in mediation and the role of organisational culture in the initiation of and resolution of conflict.

As it transpired there were very few Ombuds in attendance but the comprehensive program and the diversity of participants provided an exceptional opportunity for us to listen to informative presentations, participate in workshops and mix with and learn from experts in the field of mediation and conflict resolution, an area that has great relevance in the conduct of Ombuds's enquiries. In particular the areas of cultural diversity and conflict within institutions attracted a great deal of attention and this was invaluable from an Ombuds perspective.

In August Dr Layna Groen and Maxine Evers attended 'Law for Educators' course presented by Dr Sally Varnham (UTS) and Professor Jim Jackson (SCU) The course provided an introduction to the legal issues which confront educators in Australian Universities. In particular, the course looked at what comprises a university, and the legal framework under which they operate. In the course particular emphasis was placed on academic freedom, workplace reform, employment issues, intellectual property, students and the legal framework in which they study, complaint handling, and equal opportunity and discrimination. Nearly all of these issues have impacted on the operations of the Student Ombuds Office over recent years, and are likely to continue to do so in the future. The course was therefore very useful, providing a clear and concise overview of the legal issues that impact on higher education and on student complaint handling.

In December Dr Layna Groen attended a conference 'It's Academic – A National Student Ombudsman for Australian Universities' organised by Southern Cross University

The conference dealt exclusively with student complaint handling and the current environment under which this is undertaken. Examples of best practice were presented by Baroness Ruth Deech, the immediate past Independent Adjudicator UK Office of Higher education, Liz Humphry from the office of the NSW Ombudsman, Professor Penny Oakes, Dean of Students at ANU, and Nancy Hennessey from the NSW Administrative Decisions Tribunal. Preliminary findings of an ALTC project into university student grievance handling and disciplinary matters were also presented. UTS had previously been involved in the data collection stage of this project, and some of the project officers are also UTS staff members. The conference was particularly informative and also provided an opportunity to network on best practice in student grievance handling.

8. CASE STUDIES OF COMPLAINTS

Case Study 1

A PhD candidate was in receipt of a faculty scholarship which provided for living expenses, the scholarship was faculty approved and was discretionary. The student received a notification of discontinuance of his PhD and an appeal had been lodged against this determination. As a result of the discontinuance the stipend was suspended. The determination of the appeal could take a number of months and in the meantime the student lost the benefit of the stipend. A query was raised as to the students' status and the right to the stipend during a period of a 'candidature discontinuance with a right of appeal.'

The appeal was not a matter that the Ombud's Office could consider but the suspension of the stipend was investigated by the Ombud's Office. The Student Ombud's Office found that the university's policies and procedures had been correctly followed in this case.

Case Study 2

An undergraduate student complained that he had to redo the assessment for a subject as a consequence of requests for special consideration from a previous semester. This took the form of the re-submission of one assignment and a supplementary exam (after failing the final exam at his first attempt). Initially he claimed that he had not been notified that the result of his request for special consideration in the final exam was that he undertake a supplementary exam. Upon the Office producing evidence that communications had been received and responded to by the student (concerning the supplementary exam), he then expressed the view that a supplementary exam was not a reasonable outcome of his request for special consideration. The student passed the supplementary assessment and was seeking to have all marks credited to the final result. As the Office views the choice and nature of assessment as an expression of academic judgement, the Office made no recommendations for action with regard to final result for the subject. In association with this matter the student was also seeking to view his supplementary exam. This had initially been denied by the Faculty. The Office made arrangements for the student to view his supplementary exam.

Case Study 3

A postgraduate student was excluded and approached the Office to obtain a remission of fees that had been incurred during the course of a previous year. He felt that his lack of attempt over that year and special circumstances warranted a remission of fees. The student had previously approached the University for a remission of the fees, but this had been denied. On examining the circumstances in Autumn semester, it was found that correct University procedures had been followed, and that the student bore the responsibility for his failure to withdraw from the subjects and hence was responsible for the fees incurred. However, for the subjects enrolled in Spring semester, it was found that the fees should be removed, as the Faculty concerned failed to follow its advertised rules for progression in that particular course and the student should have been withdrawn at the end of Autumn semester. Arrangements were made for the fees from Spring semester incurred to be removed from the student's debt.

9. QUALITY

The UTS Student Ombuds Office provides to students an independent avenue of dispute resolution that gives an assurance of:

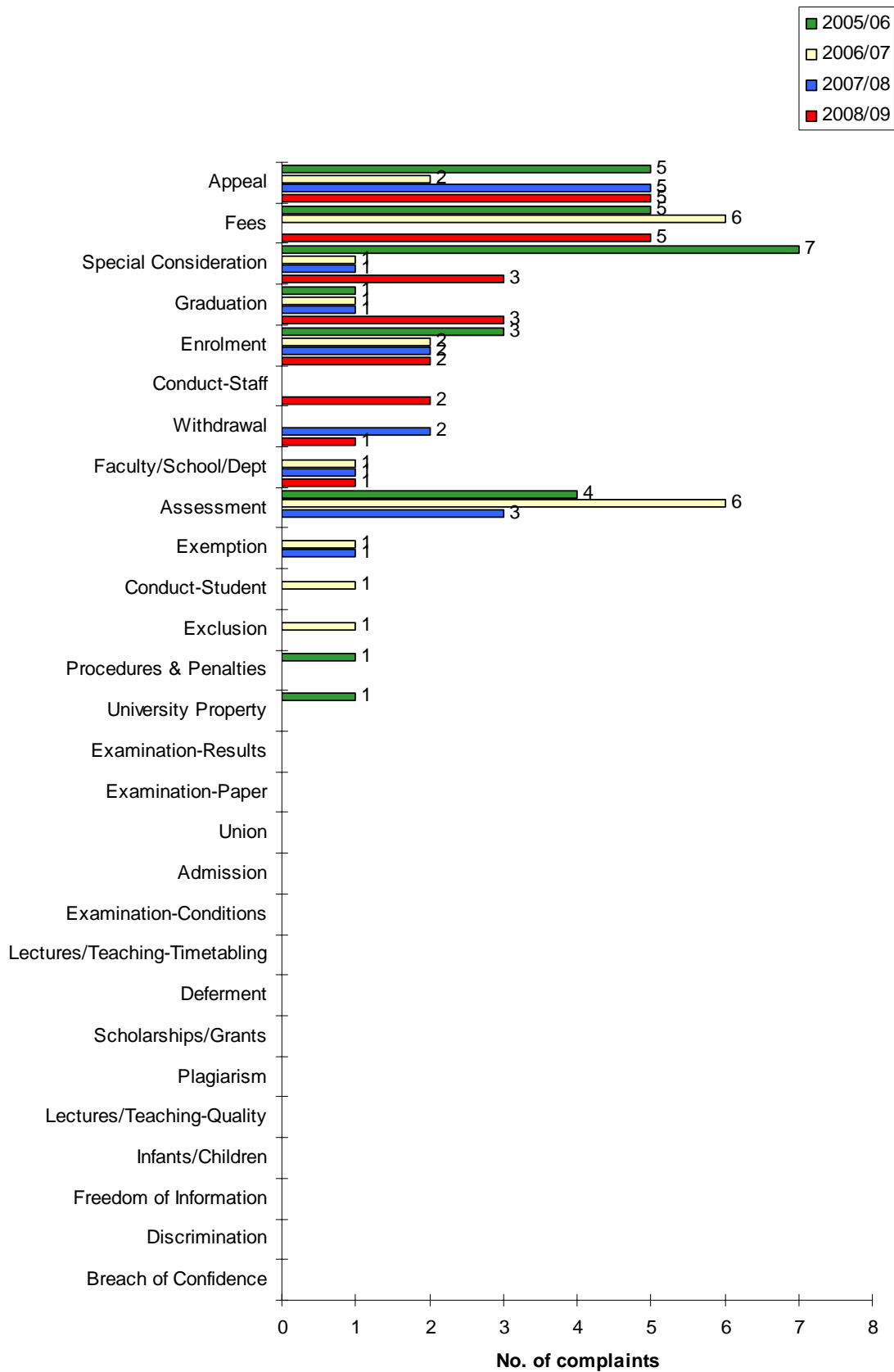
- Natural justice (fairness)
- Thoroughness in investigating a complaint
- Awareness of a student's personal situation
- Access to all staff and all documentation
- Expertise as to University processes and structure

The Student Ombuds Office has explored many methods of tracking the quality of the service it provides students at UTS while maintaining confidentiality. This year with the assistance of the Planning and Quality Unit at UTS, the Office has provided students with a satisfaction survey. Students can access the survey via a link to the newly designed Student Ombuds Office web site at <http://www.ombuds.uts.edu.au/>.

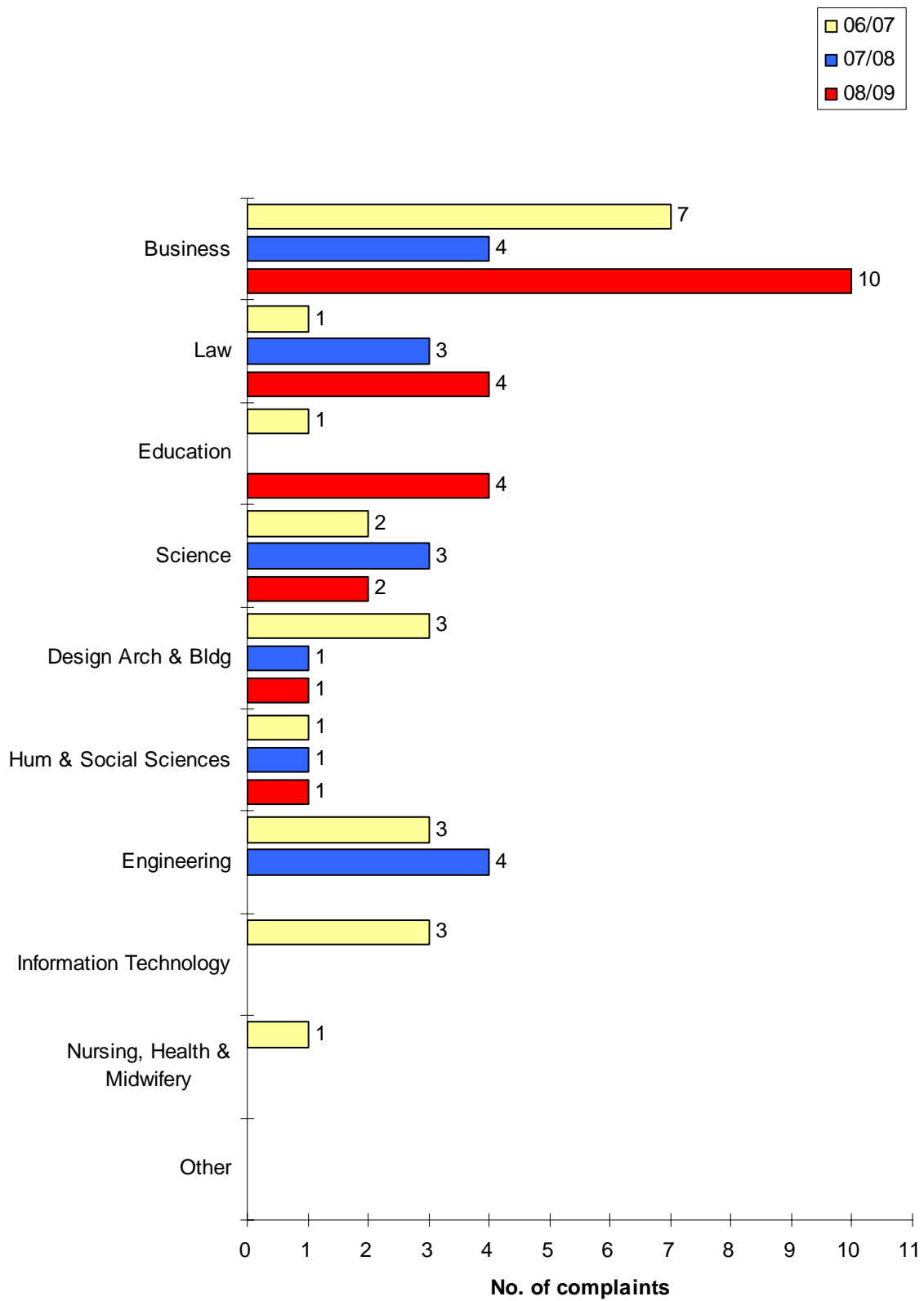
TABLE 1 - SOURCE & NATURE OF COMPLAINTS

	Science		Other		Hum & Social Sciences		Information Technology		Nursing, Health & Midwifery		Education		Engineering		Design Arch & Building		Law		Business		TOTAL						
	08/09	07/08	08/09	07/08	08/09	07/08	08/09	07/08	08/09	07/08	08/09	07/08	08/09	07/08	08/09	07/08	08/09	07/08	08/09	07/08	08/09	07/08	06/07				
Admission																											
Appeal		3																									
Assessment																											
Breach of Confidence																											
Conduct-Staff																											
Conduct-Student																											
Deferment																											
De-registration																											
Discrimination																											
Enrolment																											
Examination-Conditions																											
Examination-Paper																											
Examination-Results																											
Exclusion																											
Exemption																											
Faculty/School/Department																											
Fees																											
Freedom of Information																											
Graduation																											
Infants/Children																											
Lectures/Teaching-Quality																											
Lectures/Teaching-Timetabling																											
Plagiarism																											
Procedures & Penalties																											
Scholarships/Grants																											
Special Consideration																											
Union																											
University Property																											
Withdrawal																											
TOTAL	2	3	2			1	1	1	1	1	1	4	1	4	3	1	1	3	4	3	1	10	4	7	22	16	22

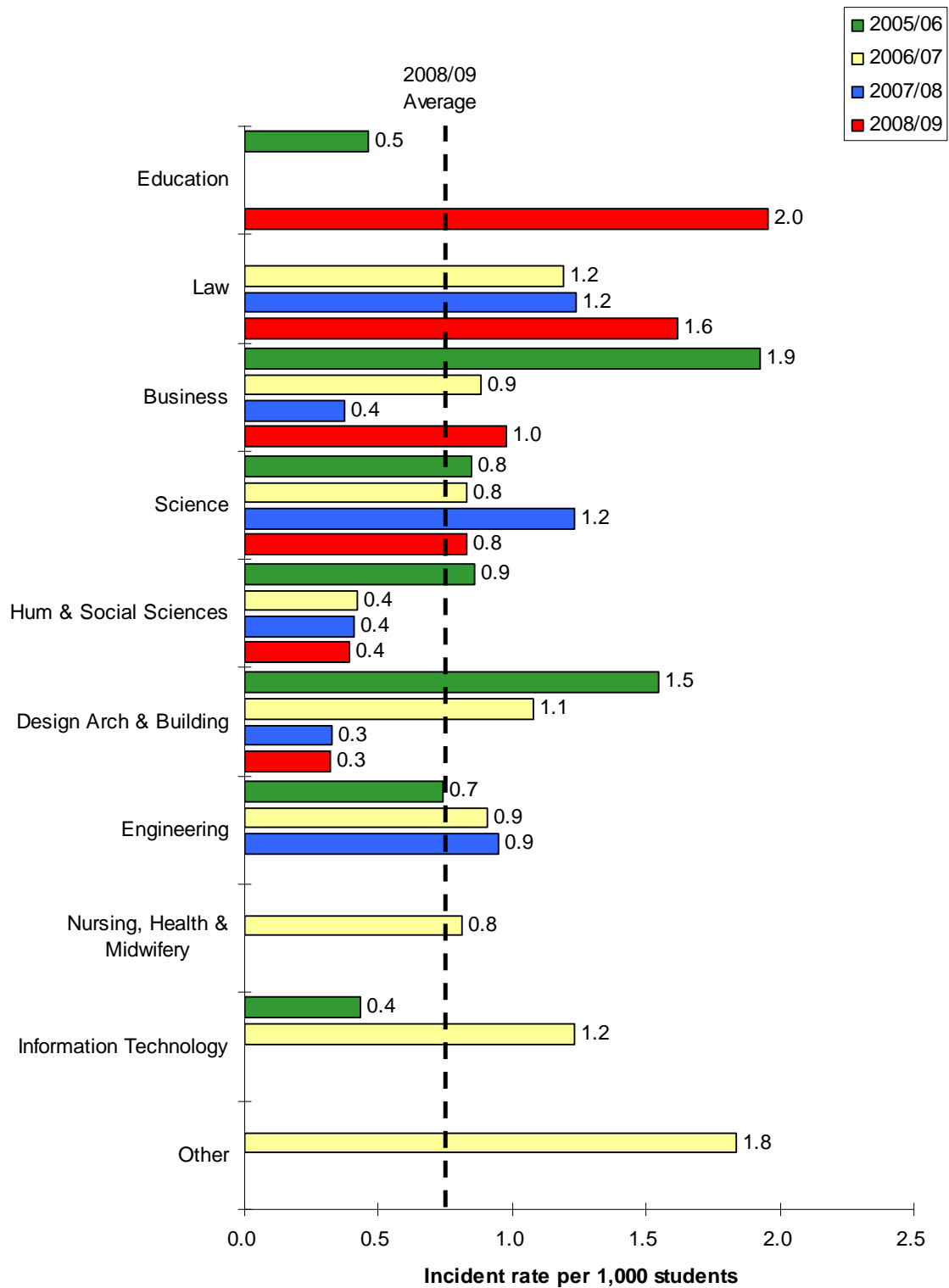
GRAPH 1 - NATURE OF COMPLAINTS



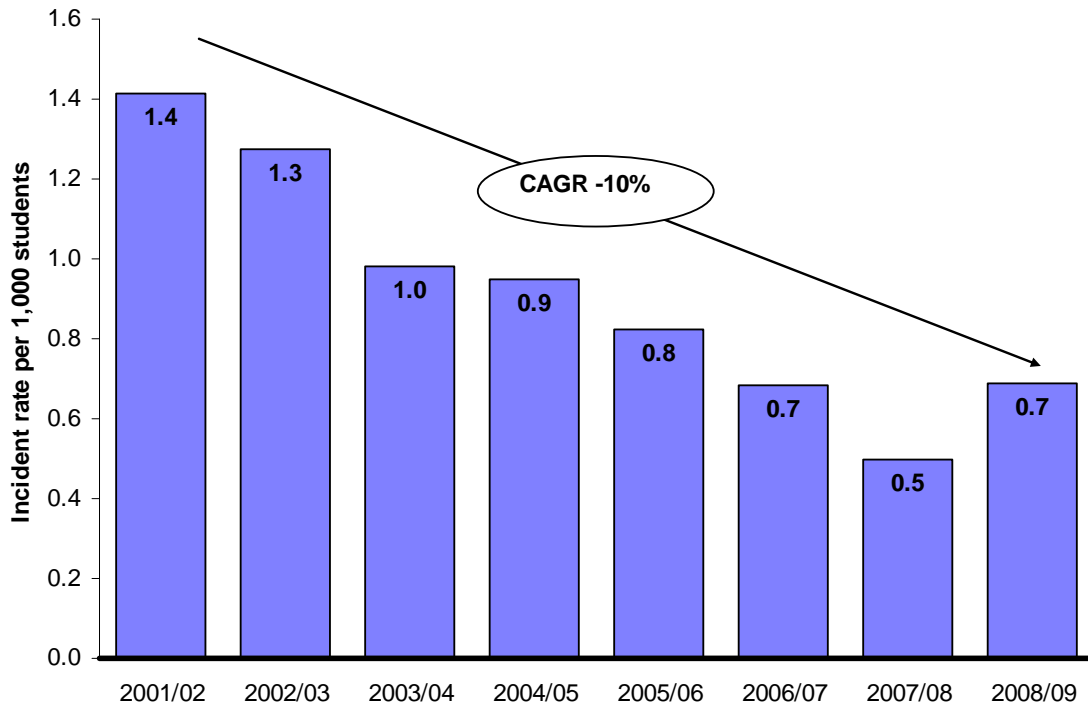
GRAPH 2 - SOURCE OF COMPLAINTS



GRAPH 3 - RELATIVE % OF COMPLAINTS BY FACULTY



GRAPH 4 - LONG TERM AVERAGE INCIDENT RATE



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.