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# STUDENT OMBUDS OFFICE 2015-2016 ANNUAL REPORT

1 FEBRUARY 2015 – 31 JANUARY 2016

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## 1. STAFF OF THE OFFICE

The Student Ombuds Office comprised the following persons during the 2015/16 reporting year:

- Wing Bui - Student Ombud (completed term 11 January 2016)  
Senior Lecturer  
UTS Business School
- Angela Dwyer - Assistant Student Ombud and  
Student Ombud from 11 January 2016  
Senior Lecturer  
Faculty of Law
- David Eager - Assistant Student Ombud  
Associate Professor  
Faculty of Engineering and Information Technology
- Joanne Gray - Assistant Student Ombud (completed term 1 July 2015)  
Associate Dean (Teaching & Learning)  
Faculty of Health
- Layna Groen - Assistant Student Ombud (began term 1 July 2015)  
Senior Lecturer  
Faculty of Science
- Mai Hansford - Assistant Student Ombud (began term 1 January 2016)  
Senior Lecturer  
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 2015 the Student Ombuds Office handled 16 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 27 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 2015 was 16, an increase of one (2014) and 4 in 2013. The main complaint category for formal requests for assistance in 2015 was again Assessment followed by matters related to Faculty /School /Department and then Policies and Procedures.

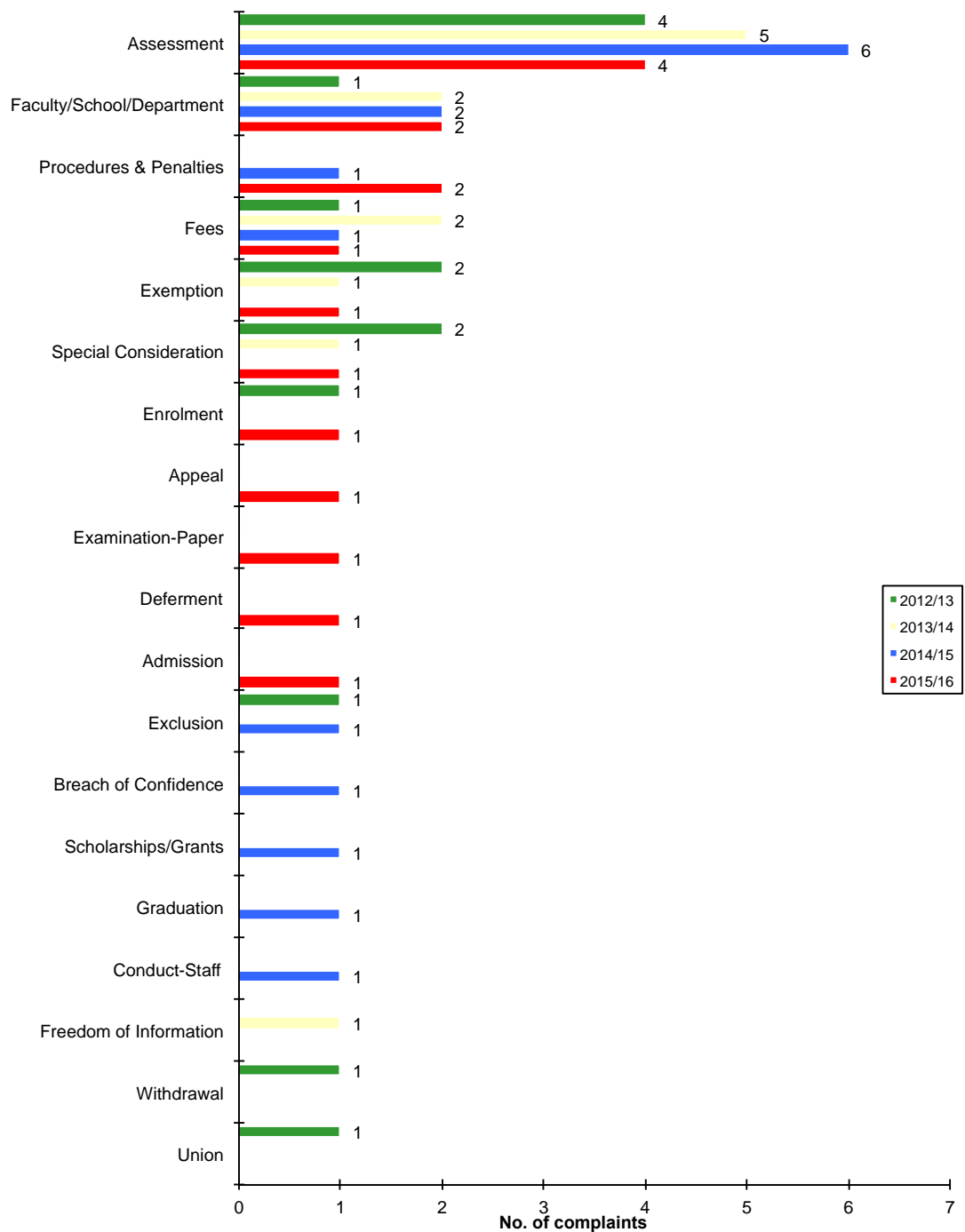
**Table 1** shows the source and nature of the complaints by the Faculty that students are enrolled in. It shows the volume of complaints made by a student from the enrolled Faculty yet the complaint itself may be with respect to a person or body external to that Faculty. For example, a student complaint 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		
	15/16	14/15	13/14	14/15	15/16	14/15	13/14	15/16	14/15	13/14	15/16	14/15	13/14	14/15	15/16	14/15	13/14	14/15	13/14
Admission																			
Appeal																			
Breach of Confidence		1				1													
Conduct-Staff																			
Conduct-Student																			
Deferment																			
De-registration																			
Discrimination																			
Enrolment																			
Examination-Conditions																			
Examination-Paper																			
Examination-Results																			
Exclusion																			
Faculty/School/Department																			
Fees																			
Freedom of Information																			
Graduation																			
Infants/Children																			
Lectures/Teaching-Quality																			
Lectures/Teaching-Timetabling																			
Pirgation																			
Procedures & Penalties																			
Scholarships/Grants																			
Special Consideration																			
Unfair																			
University Property																			
Withdrawal																			
TOTAL	1	1	1	2	2	4	2	2	1	4	3	1	1	6	4	4	3	15	12

**Chart 1** presents the same information as in Table 1, with its focus being 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 related to assessment remain the dominant reason for formal complaints.

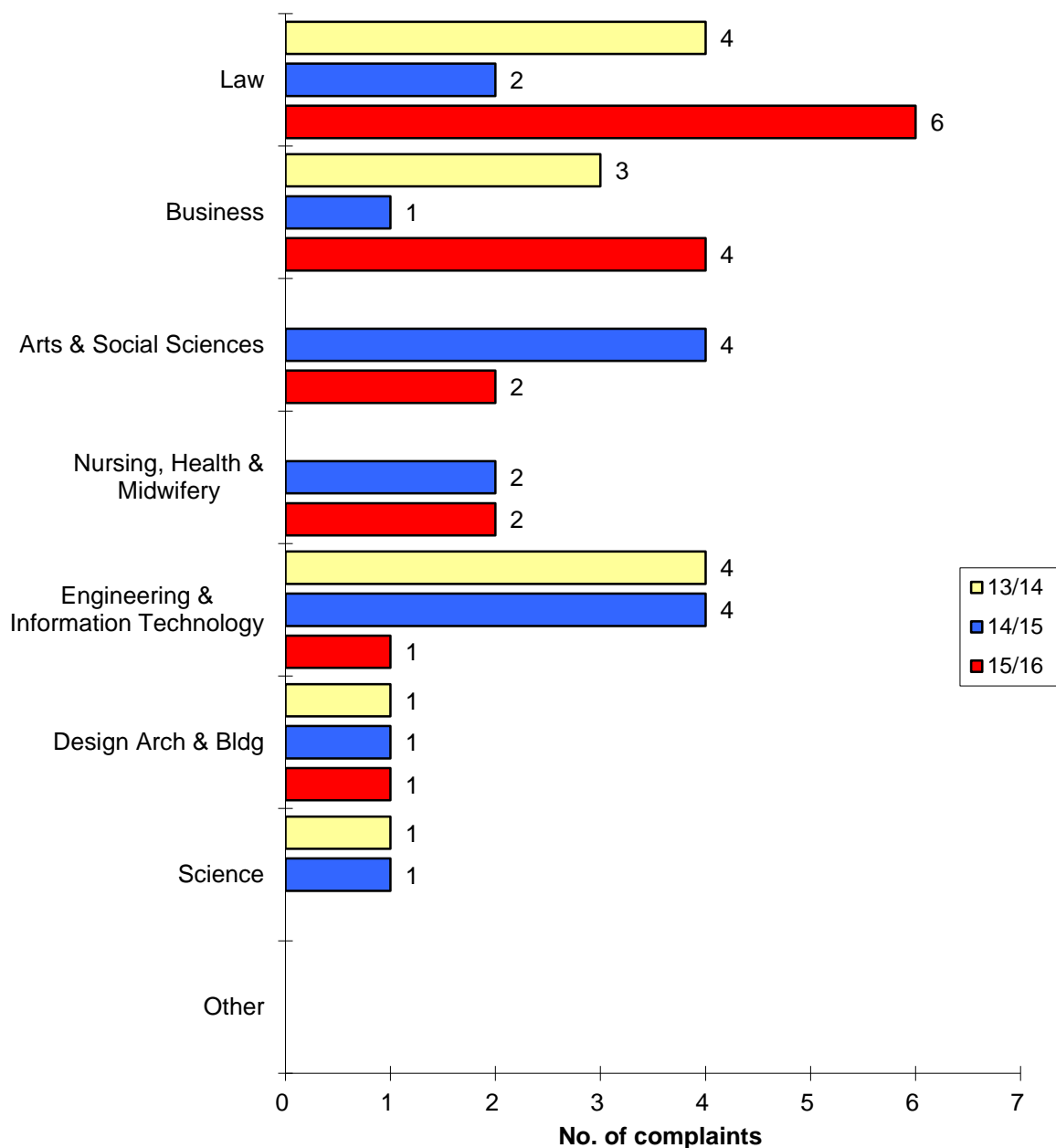
**CHART 1 - NATURE OF COMPLAINTS**



**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.

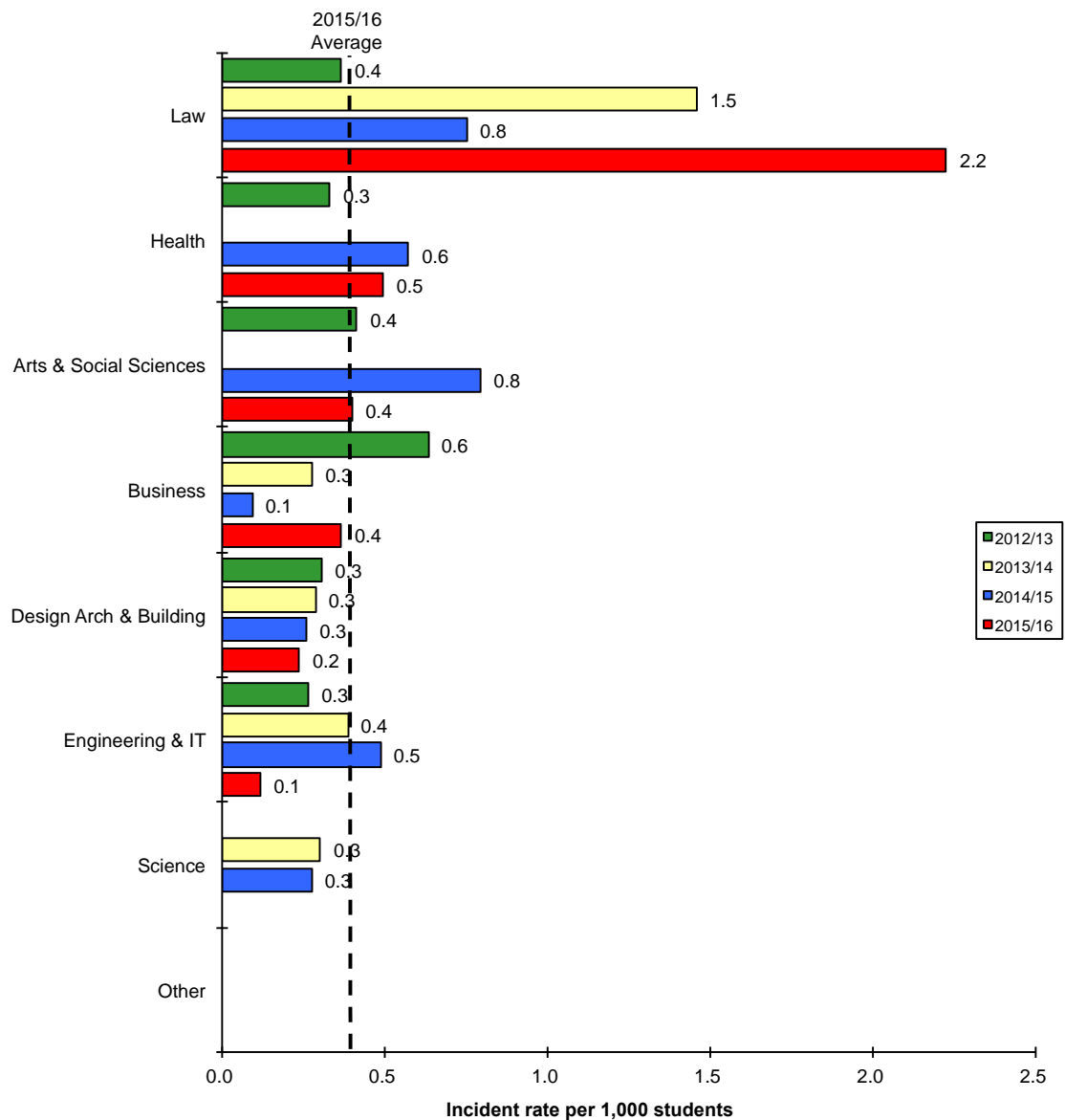
There has been a significant increase in complaints from the Law Faculty and the UTS Business School in 2015, while other faculties have remained consistent with prior years.

**CHART 2 - SOURCE OF COMPLAINTS**



**Chart 3** demonstrates the incidence rate per 1,000 students of complaints by students enrolled in each Faculty in 2015, noting that the students of a particular Faculty may be complaining about a matter or decision that has not arisen in their own Faculty. Consistent with previous years the incident rate for the Law faculty remains above the university average.

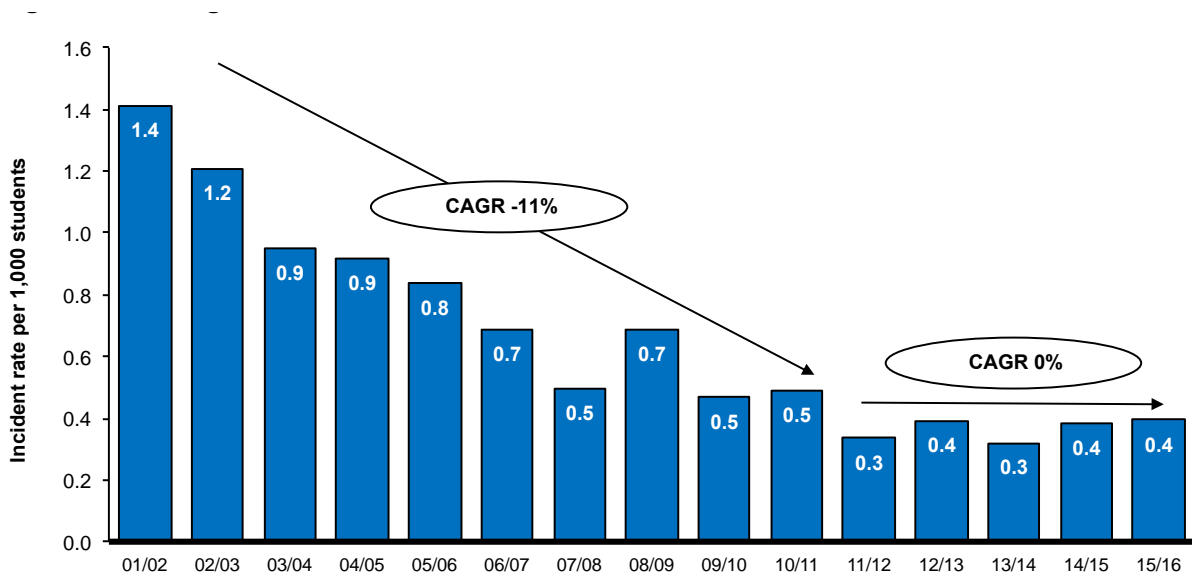
**CHART 3 - INCIDENCE RATE OF COMPLAINTS BY FACULTY**





**Chart 4** presents the incidence rate per 1,000 students of complaints by students enrolled at UTS from 2001/02 to 2015/16. This Chart was first included in the 2005 Annual Report to track changes in the number of formal requests for assistance to the Office since 2001/02. The 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.

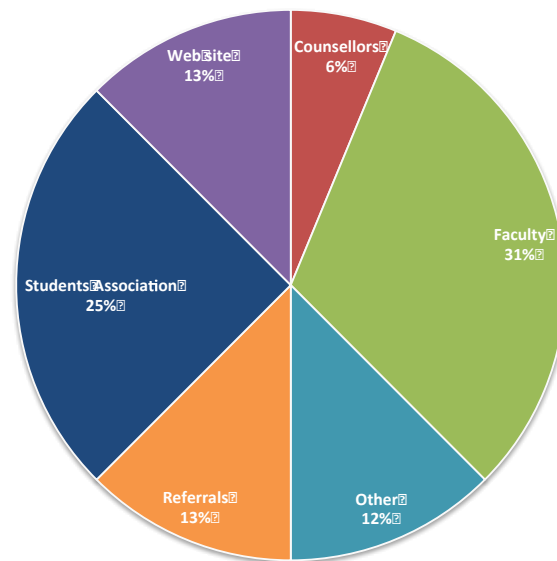
**CHART 4 - LONG TERM AVERAGE INCIDENT RATE**



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

The results of this survey for 2015 are presented in Chart 5 below.

#### CHART 5 – REFERRAL OF COMPLAINTS



In 2015 there was a significant increase from 13% (2014) to 31% (2015) in the number of students referred to the Office by their Faculties. It is pleasing to know that Faculty staff are confident in recommending students to the Office when they are no longer able to assist them.

There was also an increase in the number of students who contacted our Office after visiting our web site: an increase of 7% (2014) to 13% (2015). The number of general referrals such as friends or other students remained at 13% (2015).

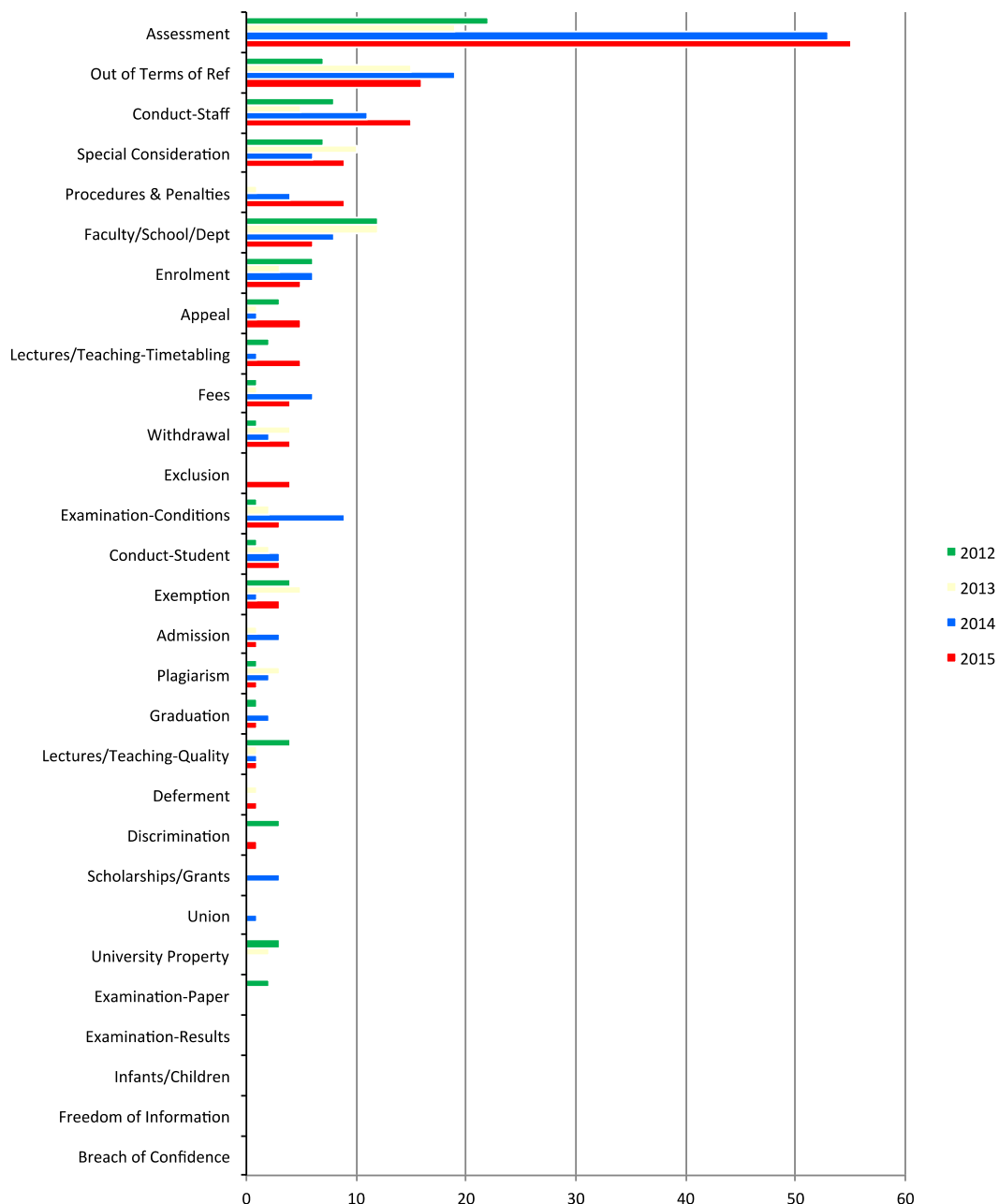
However the number of referrals received from the Students Association declined from 40% (2014) to 25% (2015). The Office continues to refer students seeking advocacy advice and assistance to the Students Association.

**Informal Complaints:** Approaches from students that do not fall within the Terms of Reference either because they were not enrolled or registered students at UTS or the Office was not a last resort are recorded as informal complaints. Informal requests for assistance covered a wide range of complaint categories. All informal complaints are logged confidentially by date, contact method, faculty and brief description. This information is allocated the same complaint categories that are used for formal requests in annual reporting. One new category, *Out of Terms of Ref* was 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 were from students experiencing problems related to assessment, followed by matters outside our Terms of Reference and then general complaints relating to staff conduct.

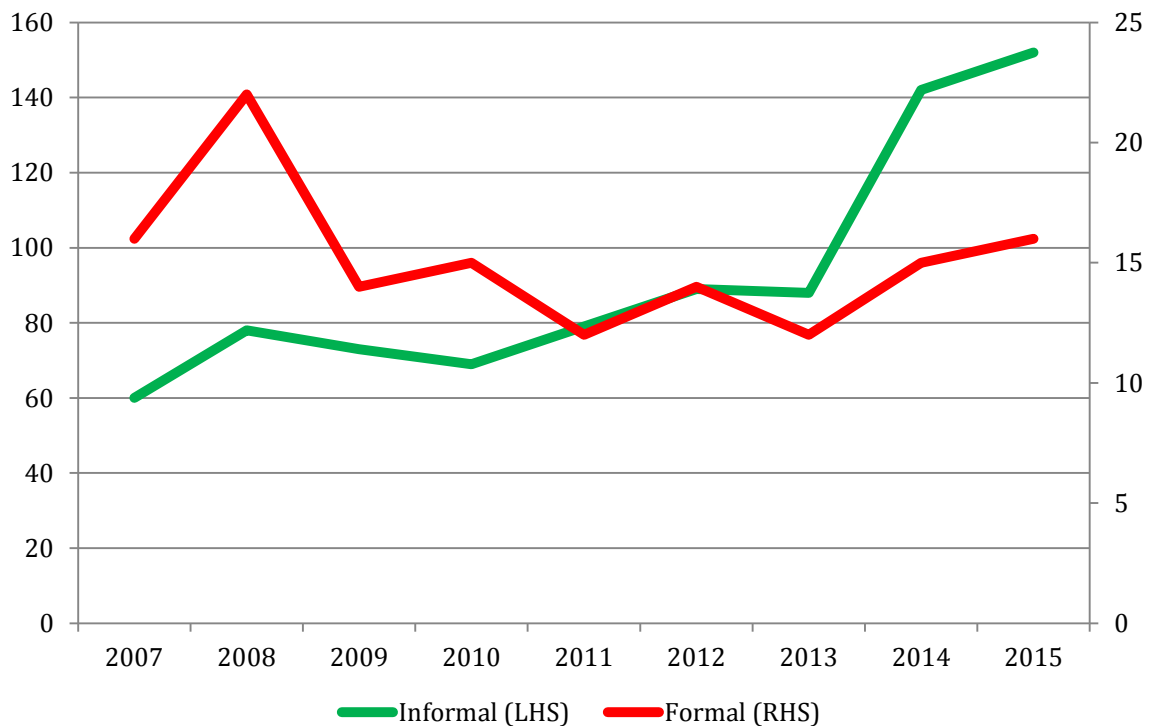
**Chart 6** details the nature of informal requests for assistance over the last four years. Informal complaints for assessment continues grow up from 22 (2012) to 55 (2015). It is noted that staff conduct is an increasing source of informal complaints increasing from 8 (2012) to 15 (2015). It should be noted that these matters were informal and might have been resolved without the assistance of the Office.

**CHART 6 – INFORMAL COMPLAINTS BY TYPE**



**Chart 7** shows that since 2007 the incidence of informal complaints has risen from 60 (2007) to 152 (2015) while formal complaints have remained constant 16 (2007) to 16 (2015). The significant rise has been attributable to the change in the UTS website and the introduction of e-requests which made the Office more prominent in the complaint resolution process. It would appear that a proportion of students would prefer to discuss their matter rather than submit an e-request. However as the Office is a last resort it is not appropriate for us to be involved at the beginning of the process. It is noted that there is currently a university review into the management of student complaints. We look forward to a more effective system for students to access the information and referrals they require.

**CHART 7 – FORMAL VERSUS INFORMAL COMPLAINTS TREND**



**International Students complaints:** Data in Table 2 reveals that there is no discernible trend in the incident rate of formal requests from either local or international students.

However the incidence of informal requests from international students has increased significantly in 2014 and this trend continued in 2015.

**TABLE 2 – INTERNATIONAL STUDENT COMPLAINTS**

	Formal requests			Informal Requests			Formal complaints per 1,000 students		Ratio	Informal complaints per 1,000 students		Ratio
	Total	Local	Int	Total	Local	Int	Local	Int	Local:Int	Local	Int	Local:Int
2015	16	12	4	152	102	50	0.41	0.35	1.17	3.49	4.38	0.80
2014	15	11	4	142	96	46	0.39	0.37	1.04	3.39	4.29	0.79
2013	12	7	5	88	83	5	0.25	0.51	0.49	3.00	0.51	5.86
2012	14	9	5	89	84	5	0.33	0.53	0.63	3.12	0.53	5.92
2011	11	9	3	79	77	2	0.34	0.31	1.10	2.90	0.21	14.07
2010	15	11	4	69	62	7	0.43	0.44	0.98	2.43	0.77	3.16
2009	13	9	4	73	59	14	0.35	0.48	0.73	2.31	1.69	1.37
2008	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 2005-2015 period there have been no formal reports made to the Vice-Chancellor for consideration.

#### 4. VISIBILITY AND PROMOTION OF THE OFFICE

In 2015 the Student Ombuds Office continued the practice of providing promotional pens with the Student Ombuds Office web site address that were distributed to new students with other orientation information in Autumn and Spring. The Ombuds Office does this with the intention of making the Office more visible to students.

#### 5. PERSONNEL

The Student Ombuds Office underwent a number of personnel changes in 2015 when the Student Ombud and Assistant Student Ombuds contracts came to an end.

In April expressions of interest were called for the position of Student Ombud from current or previously appointed Assistant Student Ombuds or past Student Ombuds or UTS academic staff with experience in student complaint investigation at a leadership level from other tertiary institutions.

Expressions of interest were also called for three Assistant Student Ombuds positions from continuously appointed full-time academic staff at UTS with an interest in UTS policy and procedure.

Interviews were held in May and Council approved the successful candidates' contracts in June.

The Office is presently staffed by the following:

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

The Office would like to acknowledge Assistant Student Ombud Joanne Gray whose contract ended on 1 July 2015. Joanne was an important member of our Office combining her approachable manner with extensive experience in the implementation of university policy. We thank her for all of her contributions to the Office.

The Office would also like to acknowledge Wing Bui whose term as Student Ombud ended in January 2016. Wing joined the Office as Assistant Student Ombud in 2011 and was elevated to Student Ombud in 2013. Our sincere thanks go to Wing for the ongoing success of the Student Ombuds Office. Wing's enthusiasm and dedication to the Office along with her thorough understanding of UTS policies and procedures have been of great assistance to students, staff and the wider community. Wing retires from UTS but plans to return later in 2016. We are delighted that her knowledge and understanding will continue to benefit students and staff at UTS.

## **6. NSW OMBUDSMAN FORUM 2015**

The Student Ombuds Office continued its strong working relationship with the NSW Ombudsman's Office. In February the Student Ombud Wing Bui and Assistant Student Ombud David Eager 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 Ombudsmen, Deans of Students and Complaint Managers, including international students, mental health issues, cheating and public disclosures. Each university gave a brief summary of its structure and processes. The Forum was also an opportunity to discuss matters of interest and concern with other universities in regional NSW and Sydney.

## **7. CASE STUDIES OF COMPLAINTS**

Given below are three sample cases of Requests for Assistance investigated by the Office in 2015.

### **Case Study 1**

An student contacted the Office claiming that he failed a subject due to his second exam booklet had been lost and it this had not been taken into consideration in his final grade for

the subject. The student requested to either be awarded a pass grade based on a completed assessment task or be granted another exam.

The Office conducted a review of the student's exam documentation and Exams Branch procedures. On viewing the student's exam booklet the Office found there was no evidence indicating that the student had ran out of writing space and required another booklet.

The enquiries also found that there was no other exam held simultaneously that would be requiring spare booklets and that supervisors would not be carrying spare booklets in this exam session. The Office contacted the presiding supervisor and exam supervisors and none could recall an incidence where a second booklet was handed out then or during the entire exam sessions.

It was concluded that there was no substantive reason to adjust the student's final grade to a Pass or to recommend that he be provided with another exam.

### **Case Study 2**

A student who had lodged a complaint alleging that his faculty failed to take into account an approved application of special consideration in relation to the group assessment task in the overall subject assessment. Specifically the student claimed that the school did not follow the guidelines. The student believed that he should receive a High Distinction grade instead of a Distinction grade because his application for special consideration had been approved.

The Office interviewed the student, reviewed the subject outline along with all correspondence related to the matter and then examined UTS Student Rules, Section 8 – Assessment of coursework subjects.

The Office found that there is no guarantee of an adjustment of grade for an approved application of special consideration and to a large extent it is at the discretion of the relevant academic member of staff as outlined in the rules.

### **Case Study 3**

A UTS student lodged a formal request for assistance claiming that despite meeting the admission requirements for a postgraduate degree the faculty refused to offer him a place in this course. The student alleged that the decision was based on a vindictive bias.

The Office interviewed the student, reviewed correspondence and then met with the Associate Dean of the faculty. The Office noted the selection criteria for admission into the postgraduate degree. The Office examined the student's TRIM file and found no record of the student's previous qualifications that would directly satisfy the admission criteria.

After failing to provide documentation to support his qualifications the Office found that there was no vindictive bias and informed the student that his request for assistance was unsuccessful.

## **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.