

THINK.
CHANGE.
DO

STUDENT OMBUDS OFFICE 2017-2018 ANNUAL REPORT

1 FEBRUARY 2017 – 31 JANUARY 2018

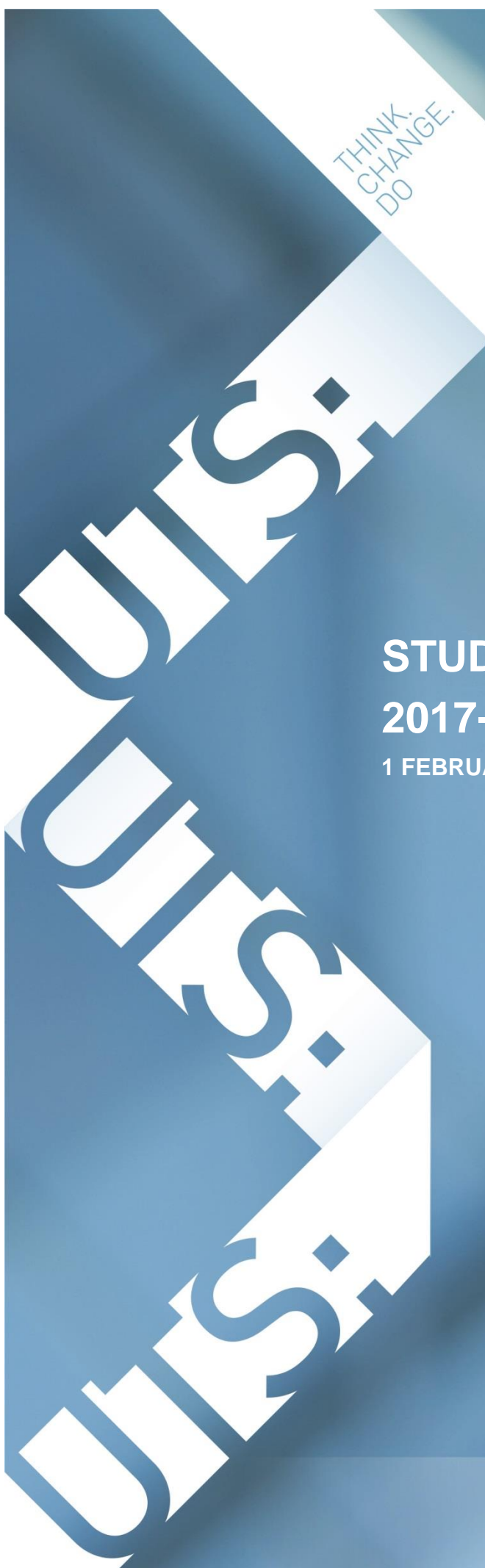


TABLE OF CONTENTS

- 1. STAFF OF THE OFFICE 2
- 2. PREAMBLE 3
- 3. COMPLAINTS 3
- 4. VISIBILITY & PROMOTION OF THE OFFICE..... 13
- 5. PERSONNEL..... 13
- 6. NSW OMBUDSMAN FORUM 2016 13
- 7. CASE STUDIES OF COMPLAINTS 13
- 8. QUALITY..... 14

- TABLE 1 - SOURCE & NATURE OF COMPLAINTS..... 4
- TABLE 2 - INTERNATIONAL STUDENT COMPLAINTS 12
- CHART 1 - NATURE OF COMPLAINTS 5
- CHART 2 - SOURCE OF COMPLAINTS..... 6
- CHART 3 - INCIDENCE RATE OF COMPLAINTS BY FACULTY..... 7
- CHART 4 - LONG TERM AVERAGE INCIDENT RATE..... 8
- CHART 5 - REFERRAL OF COMPLAINTS..... 9
- CHART 6 - INFORMAL COMPLAINTS BY TYPE 10
- CHART 7 - FORMAL VERSUS INFORMAL COMPLAINTS TREND 11

- ATTACHMENT 1
- TERMS OF REFERENCE..... 15

1. STAFF OF THE OFFICE

The Student Ombuds Office comprised the following persons during the 2017/18 reporting year:

- Angela Dwyer - Student Ombud
Senior Lecturer
Faculty of Law
- David Eager - Assistant Student Ombud
Associate Dean
Faculty of Engineering and Information Technology
- Mai Hansford - Assistant Student Ombud
Senior Lecturer
Faculty Arts and Social Science
- Elizabeth Humphrys - Assistant Student Ombud
Scholarly Teaching Fellow
Faculty Arts and Social Science
- Thomas Bowring - 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 2017 the Student Ombuds Office handled 15 formal complaints. The majority of complaints were resolved through discussion with the parties involved.

The Student Ombuds Office has now been in operation at UTS for 29 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 2017 was 15, equal to those lodged in 2016. The main complaint categories for formal requests for assistance in 2017 were matters directly related to policies and procedures, appeals against academic and financial penalties, and credit recognition.

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.

Chart 1 presents the same information as in Table 1, with its focus being on the nature of complaints rather than their faculty. It provides this information in a different format to Table 1 and compares it with the previous three years. This chart shows the upward trend in Procedures and Penalties is continuing. The downward trend of Assessment formal matters is also ongoing.

CHART 1 – NATURE OF COMPLAINTS

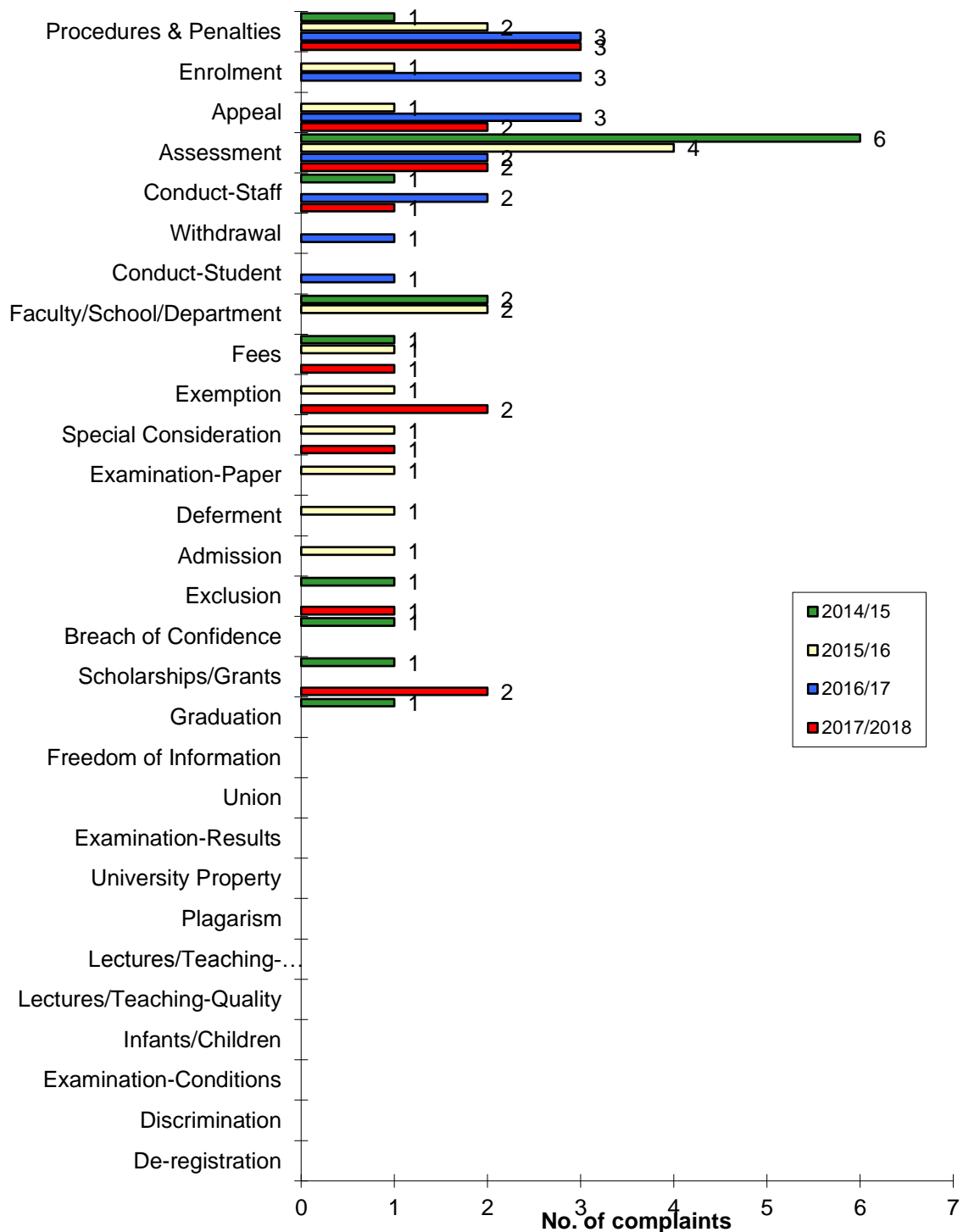


Chart 2 sets out the complaints according to the enrolled Faculty of the complainant. This information is not broken down by school. It should be noted that when a student of a Faculty makes a complaint, it does not necessarily follow that the complaint is associated with a matter or decision directly concerning that Faculty. Any analysis should therefore take into account the material in Table 1 where both the nature of the complaint and the Faculty are provided.

CHART 2 – SOURCE OF COMPLAINTS

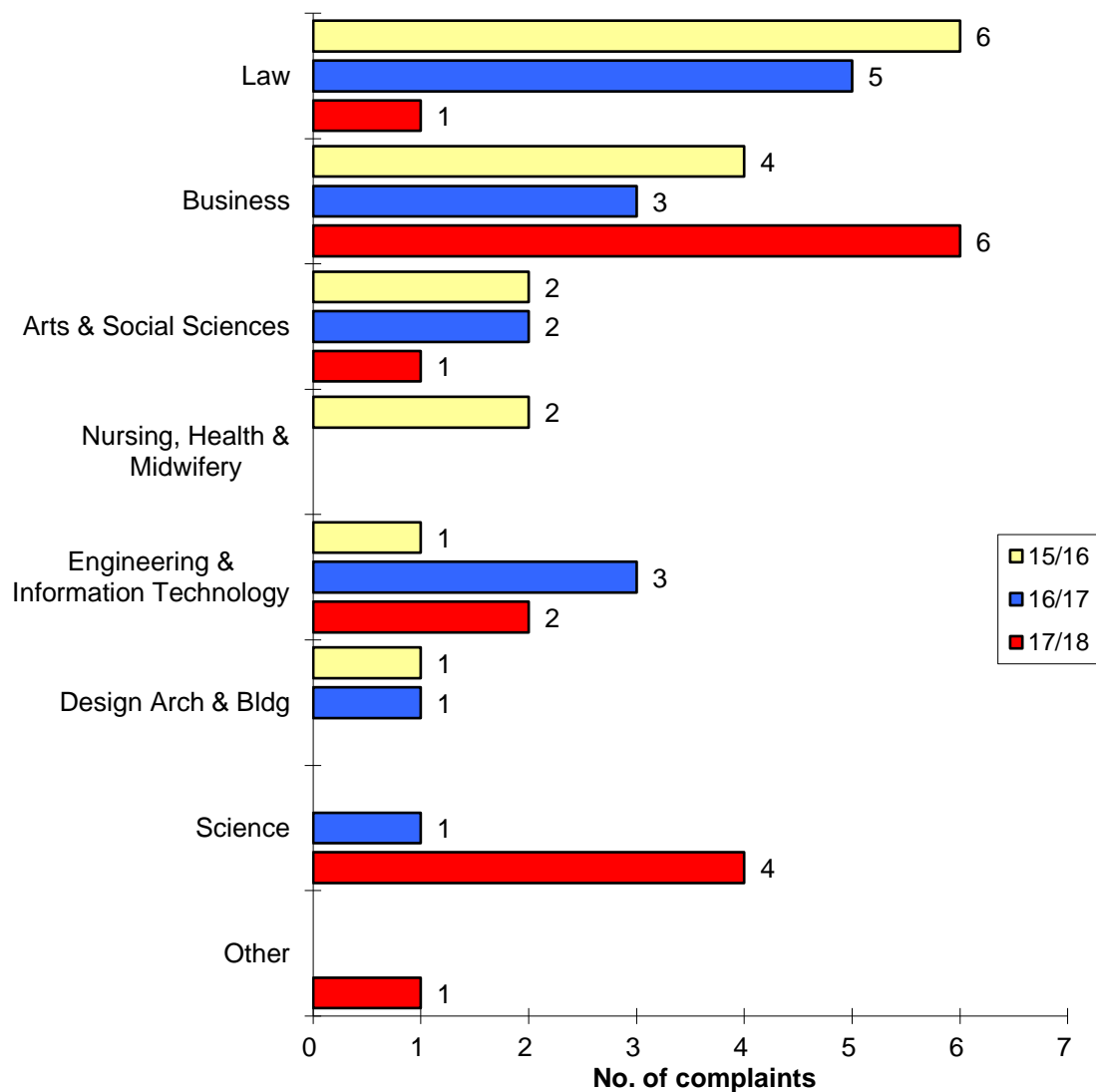


Chart 3 demonstrates the incidence rate per 1,000 students of complaints by students enrolled in each Faculty in 2017, noting that the students of a particular Faculty may be complaining about a matter or decision that has not arisen in their own Faculty.

CHART 3 – INCIDENCE OF COMPLAINTS BY FACULTY

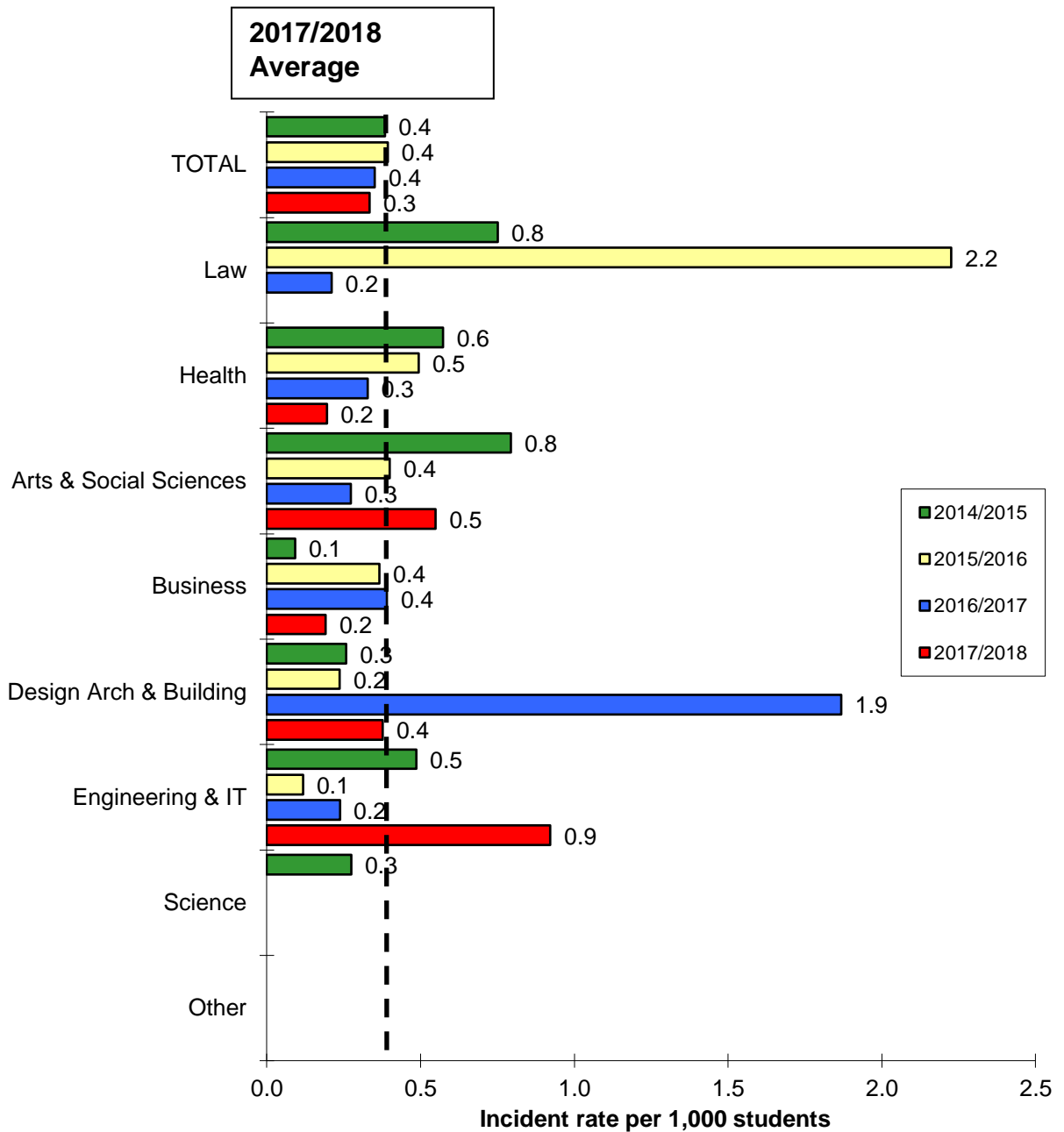
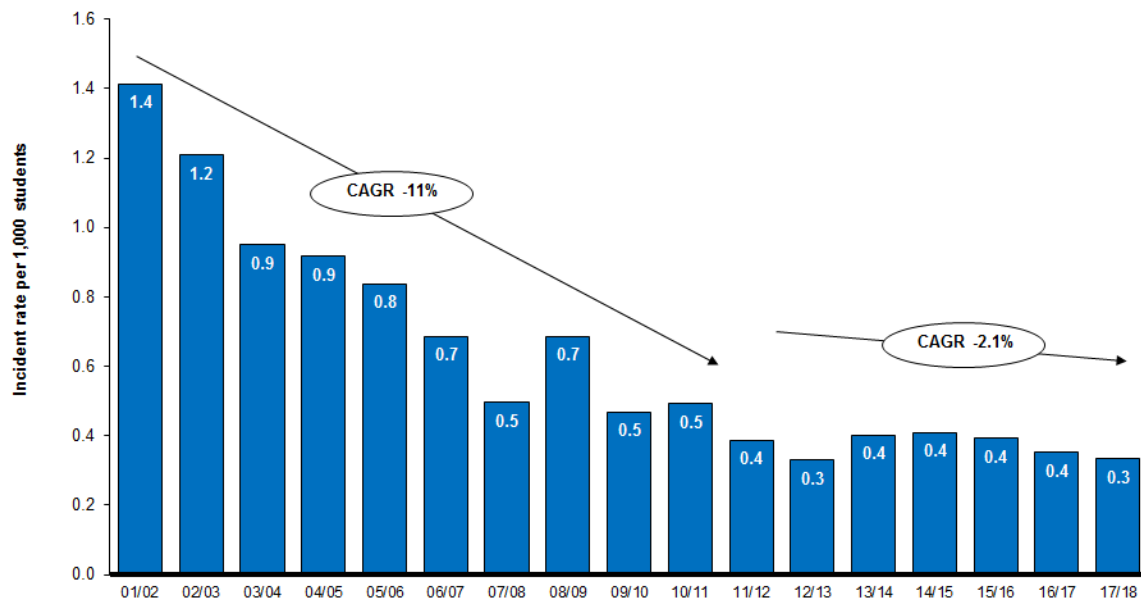


Chart 4 presents the incidence rate per 1,000 students from 2001/02 to 2017/18. This Chart tracks the changes in the number of formal requests for assistance to the Office.

The compound annual growth rate (CAGR) depicts a significant long term decline and that the incident rate has plateaued in the last seven years to 0.3 to 0.4 incidents per 1,000 students. 2017/18 saw a continuation of the mild decline in the growth rate from 2014/15. From 2011/12 through to current date there has been a consistent incident rate of formal

complaints on or around 0.4 per 1,000 students indicating an underlying level of complaints relating to UTS processes and procedures.

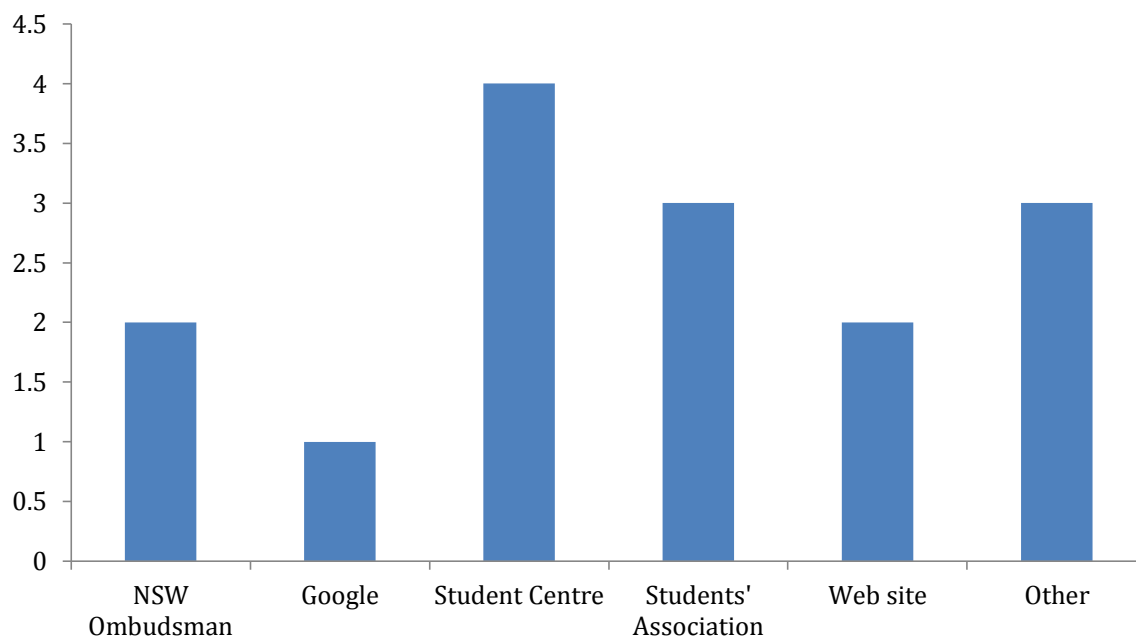
CHART 4 – LONG TERM AVERAGE INCIDENT RATE



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

The results of this survey for 2017 are presented in Chart 5 below.

CHART 5 – REFERRAL OF COMPLAINTS



Overall there was an increase in the number of students referred to the Office by the Students' Association and Student Centre. There were no Faculty referrals in 2017.

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 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.

The largest number of informal requests for assistance was again from students experiencing problems related to assessment. This was followed by matters concerning procedures and penalties.

Chart 6 details the nature of informal requests for assistance over the last four years. Informal complaints for assessment matters were again the highest of 2017, at 59. This also signifies a return to the long-term trend for assessment matters, suggesting 2016 was an outlier. There has been an increase in the number of matters for procedures and penalties, from 12 (2016) to 31 (2017). This category is broad, ranging from transcript complaints to HELPS Fee remission requests, so conclusions about systemic issues are difficult to draw.

CHART 6 – INFORMAL COMPLAINTS BY TYPE

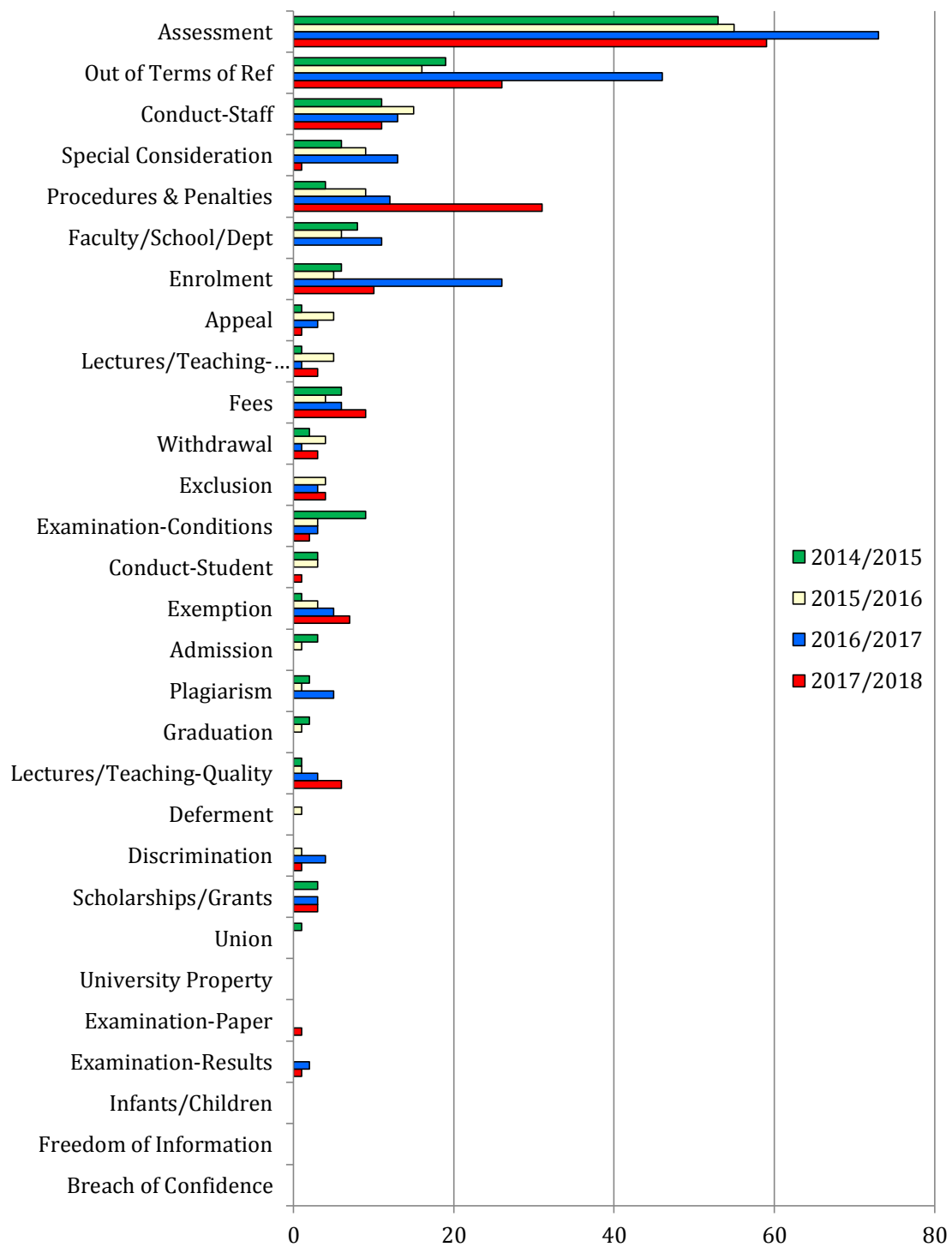


Chart 7 shows that since 2007 the incidence of informal complaints has grown from 60 to 180, while formal complaints are consistent at 15 complaints.

The number of informal complaints has fallen from the 2016 peak. This supports the theory that the 2016 spike can be attributed to student acclimatisation to the structural changes taking place at the University.

The volume of informal complaints in 2017 falls back into the long-term trend seen in Chart 7 from 2007 (excluding 2016).

Formal Complaints have continued their smoothing pattern begun in 2014. In fact, since 2009, the number of formal complaints has fallen within a range of 11 to 16.

CHART 7 – FORMAL VERSUS INFORMAL COMPLAINTS TREND

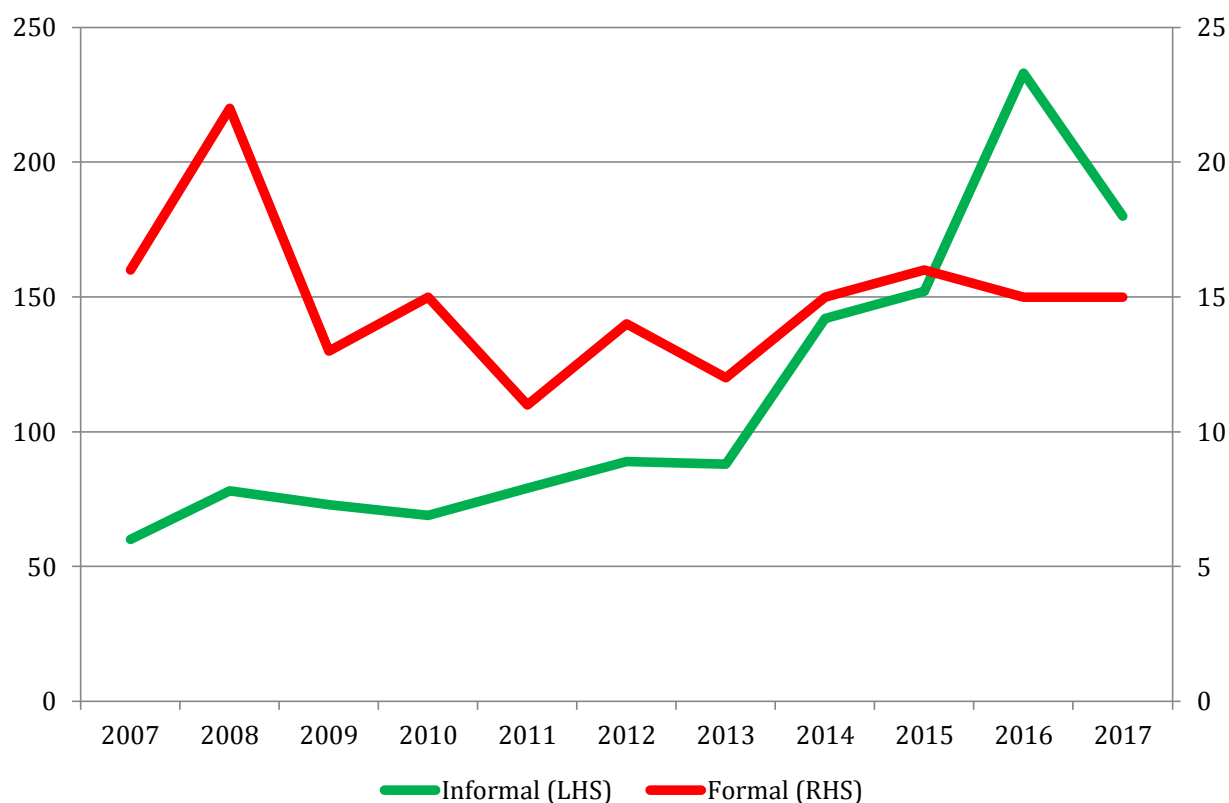


Table 2 suggests Informal complaints from International Students appear to be in an uptrend that began in 2014/2015, while international formal complaints have returned to their long-term average over the last 10 years.

The ratio of local to international formal complaints has moved closer to parity after the heavy local skew in 2016/17. International formal complaints returned to their short-term average of 0.35 (per 1000 students) range after the vast anomalous drop last year.

Informal complaints per 1000 students from local students have fallen to within the long-term gentle uptrend, while those from international students maintain their volatility. 2017/18 also saw the weighting of informal and formal complaints move back toward international students.

Table 2 also adds further weight to 2016 being an outlier year for the Ombuds Office with regards to informal complaints. The figures for Local Student informal complaints per 1000 students show that 2014, 2015 and 2017 have been around the 3.4 mark. In 2016 this leapt to 5.35, clearly abnormal given the data before and after.

The long term trend for increasing gross informal complaints thus correlates with an increasing student body, rather than underlying systemic issues.

TABLE 2 – INTERNATIONAL VERSUS LOCAL STUDENT COMPLAINTS

	Student population			Formal requests			Informal Requests			Formal complaints per 1,000 students		Ratio Local:Int	Informal complaints per		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
17/18	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
16/17	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
15/16	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
14/15	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
13/14	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
12/13	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
11/12	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
10/11	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
09/10	33,811	25,538	8,273	13	9	4	73	59	14	0.35	0.48	0.73	2.31	1.69	1.37	6.56	3.50
08/09	32,276	24,717	7,559	22	16	6				0.65	0.79	0.82					

Co-operation with the Office: The Office continues to maintain a very high level of support for its work amongst University staff. The co-operation and willingness to assist in resolution of complaints have enabled the role of the Student Ombuds Office to be carried out more effectively and efficiently.

Formal Reports: Reports may be submitted to the Deputy Vice-Chancellor should a satisfactory conclusion not be reached and where specific recommendations are required. During the 2005-2017 period there have been no formal reports made to the Vice-Chancellor for consideration.

4. 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 Student Ombuds Office continued the practice of providing promotional pens with the Student Ombud Office web site address that were distributed to new students with other orientation information before sessions begin. The Ombuds Office does this with the intention of making the Office more visible to new students.

5. PERSONNEL

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

The Office is presently staffed by the following:

Angela Dwyer, Student Ombud
David Eager, Assistant Student Ombud
Mai Hansford, Assistant Student Ombud
Elizabeth, Assistant Student Ombud
Thomas Bowring, Administrative Manager

In August 2017, Administrative Manager Jenny Murphy left the Office on Long Service Leave. Thomas Bowring replaced her until her return in July 2018.

6. NSW OMBUDSMAN FORUM 2018

Feedback from the Ombud and Assistant Ombuds who attended the Forum in 2017 intimated that this forum would be better suited to University Complaints Handlers than Ombuds or Investigators. As such the invitation and information were extended to the Governance Support Unit and UTS Legal. Staff from GSU attended.

7. CASE STUDIES OF COMPLAINTS

Given below are three sample cases of Requests for Assistance investigated by the Office in 2017.

Case Study 1

A student lodged a formal request for assistance claiming that several procedural irregularities had occurred during the marking of her final assessment, and that a fair opportunity was not made to allow her to re-sit the final exam. The student also disputed her "class participation" mark. The student failed the subject as a result of her marks.

The Student requested that she could sit a supplementary final exam or complete an essay in order to attempt to pass the subject.

The Office interviewed the student and examined her Assessment marks for the subject. The Subject Co-ordinator was interviewed. The Subject Co-ordinator agreed to allow the student to sit a makeup final exam. If she passed this exam she would be awarded a 50P. After the exam had been completed, it was de-identified and independently graded by another academic in the Faculty. She did not pass the makeup exam. The student's final grade in the subject remained unchanged.

The Office found that the Faculty had followed due process in the first place. Nevertheless, the Faculty agreed to allow the Complainant to sit a makeup exam.

Case Study 2

A student lodged a formal request for assistance claiming that his application for Special Consideration had been wrongly rejected. He had been attempting to submit an assessment online but was in police custody on the due date, and thus unable to submit his work. The rejection of the Special Consideration application meant the student failed the subject. The student requested that the special consideration be reconsidered and approved, and his assessment marked.

After examining the student's Academic Transcript and interviewing the Subject Co-ordinator and Associate Dean, the Faculty - along with the Provost and Deputy Vice Chancellor - agreed to allow the late submission of the assessment. The student had his mark updated to a 50P.

Case Study 3

The Office was approached by a student with a complaint about the awarding of the UTS: Insearch to UTS Pathways Scholarship. His complaints were that there was maladministration in the awarding of the scholarship, there was a lack of an appeal process for unsuccessful applicants, and that the information provided by the Scholarships Office was incorrect. The student requested that his Scholarship application be re-considered.

The office interviewed the student and the UTS Scholarships Department. The investigation found that there was no evidence of maladministration or misconduct in the:

- Number of scholarships awarded
- Ranking of students
- Notifications of the outcome of applications
- Responses from Scholarships Office

It was found that while there was some misinformation provided by UTS Staff, this was the result of a genuine oversight, and it did not disadvantage the student.

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

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.