



THE OFFICE OF THE STUDENT OMBUD 2019 ANNUAL REPORT

1 JANUARY 2019 – 31 DECEMBER 2019

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1. STAFF OF THE OFFICE

The Office of the Student Ombud comprised the following persons during the 2019 reporting year:

- | | |
|--------------------|---|
| Elizabeth Humphrys | - Student Ombud - January to June
Lecturer
Faculty of Arts and Social Sciences |
| Wing Bui | - Interim Assistant Student Ombud - January to June
Faculty Business

- Interim Student Ombud - July to December
Faculty Business |
| David Eager | - Assistant Student Ombud – Leave January to December
Professor
Faculty Engineering and Information Technology |
| Francis Johns | - Assistant Student Ombud
Lecturer
Faculty Law |
| Tracey Booth | - Assistant Student Ombud
Associate Dean
Faculty Law |
| Mai Hansford | - Interim Assistant Student Ombud – July to December
Senior Lecturer
Faculty Arts and Social Science |
| Jenny Murphy | Administrative Manager |

2. PREAMBLE

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

The University, in accordance with its past practice, continues to provide the Office with sufficient resources to perform its role effectively. During 2019 the Office handled 17 formal complaints. Most of these complaints were resolved through discussion with the parties involved.

The Office of the Student Ombud has now been in operation at UTS for 31 years. During this period the Office has established itself as an integral part of the University grievance handling process. The value of the Office is that it is one of "last resort", that is, a Student Ombud will only investigate a complaint when all other avenues have been exhausted. It is inherent in the role of the Office that it does not advocate for an individual student, rather it adds value to the University by providing a specialist complaint investigating unit to ensure that University processes are implemented fairly and improved where necessary. Thus, the Office contributes to the overall quality and experience of student education.

3. COMPLAINTS

Formal Requests for Assistance: The number of formal requests for assistance recorded in 2019 was 17, three less than those lodged in 2018. The main complaint categories for formal requests for assistance in 2019 were matters directly related to Assessment followed by Procedures and Penalties.

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			
	2019	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019	2018	2019	2018	2017	2018	2019	2018	2017	
Admission																						
Appeal	1	1					1	1	1													
Breach of Confidence																						
Conduct-Staff																						
Conduct-Student																						
Deferment																						
Enrolment																						
Examination																						
Exclusion																						
Exemption																						
Faculty/School/Department																						
Fees																						
Freedom of Information																						
Graduation																						
Timetabling																						
Procedures & Penalties	2	1																				
Scholarships/Grants																						
Special Consideration																						
Union																						
University Property																						
Withdrawal																						
TOTAL	3	2	4	1	3	3	1	2	1	1	5	2	3	3	1	4	5	6	17	20	15	

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 of formal matters related to Assessment and a downward trend in Procedures and Penalties from last year.

One of the reasons for the 2018 spike in complaints was the rise in the number of students making a complaint after an unsuccessful appeal for no academic penalty and /or no financial penalty due to special circumstances categorised as Procedures and Penalties. The UTS web site had indicated that students could appeal to our Office if their appeal was unsuccessful. Some students understood this to be that our Office was an appeal mechanism that would consider their complaint further. After consultation with the Student Administration Unit the wording on the web site was changed. This year we have seen an overall decrease in the number of formal complaints, receiving only three complaints in the Procedures and Penalties category as opposed to seven in 2018.

CHART 1 – NATURE OF COMPLAINTS

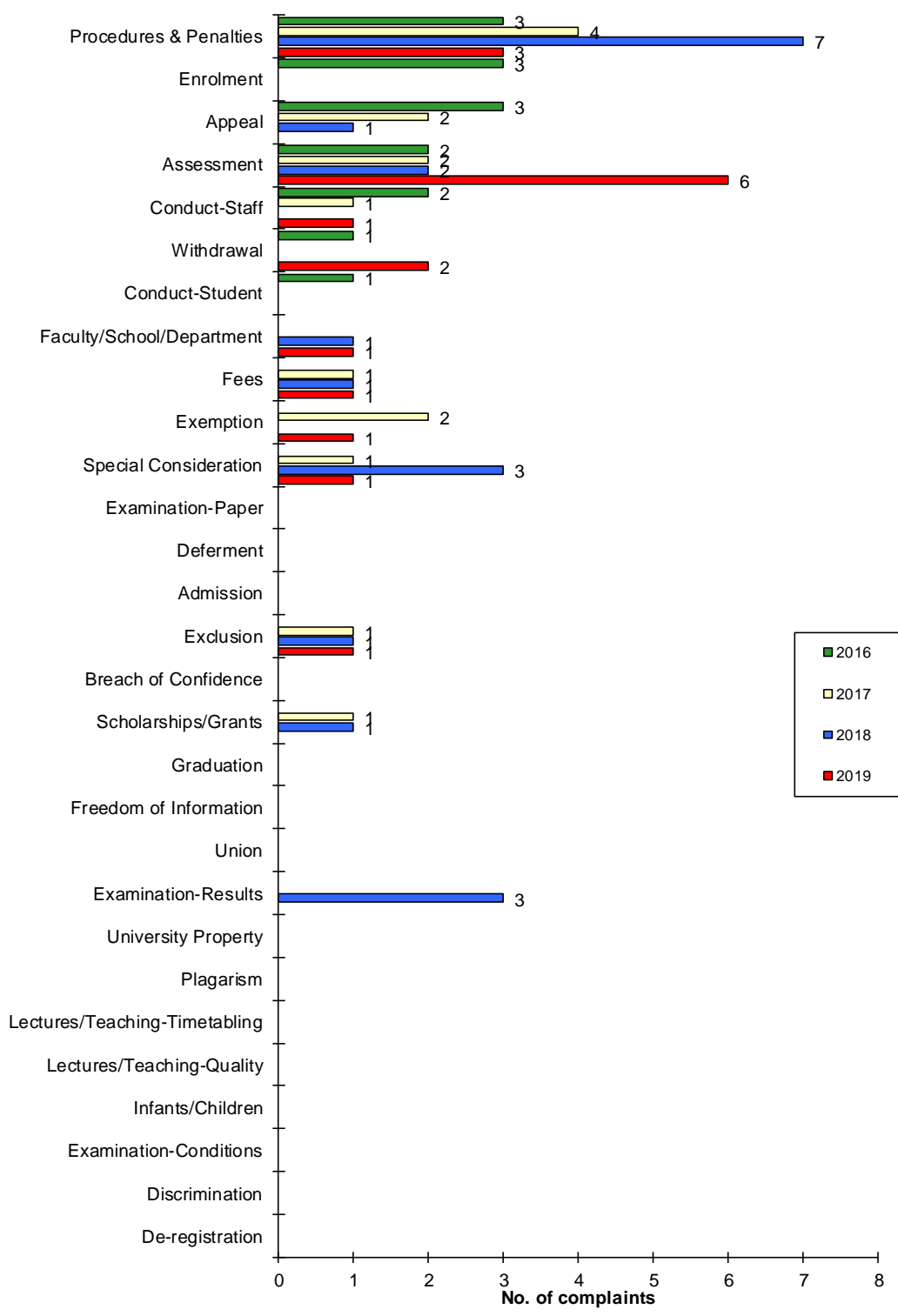


Chart 2 sets out the complaints according to the enrolled Faculty of the complainant. This information is not broken down by school. It should be noted that when a student of a Faculty makes a complaint, it does not necessarily follow that the complaint is associated with a matter or decision directly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

CHART 2 – SOURCE OF COMPLAINTS

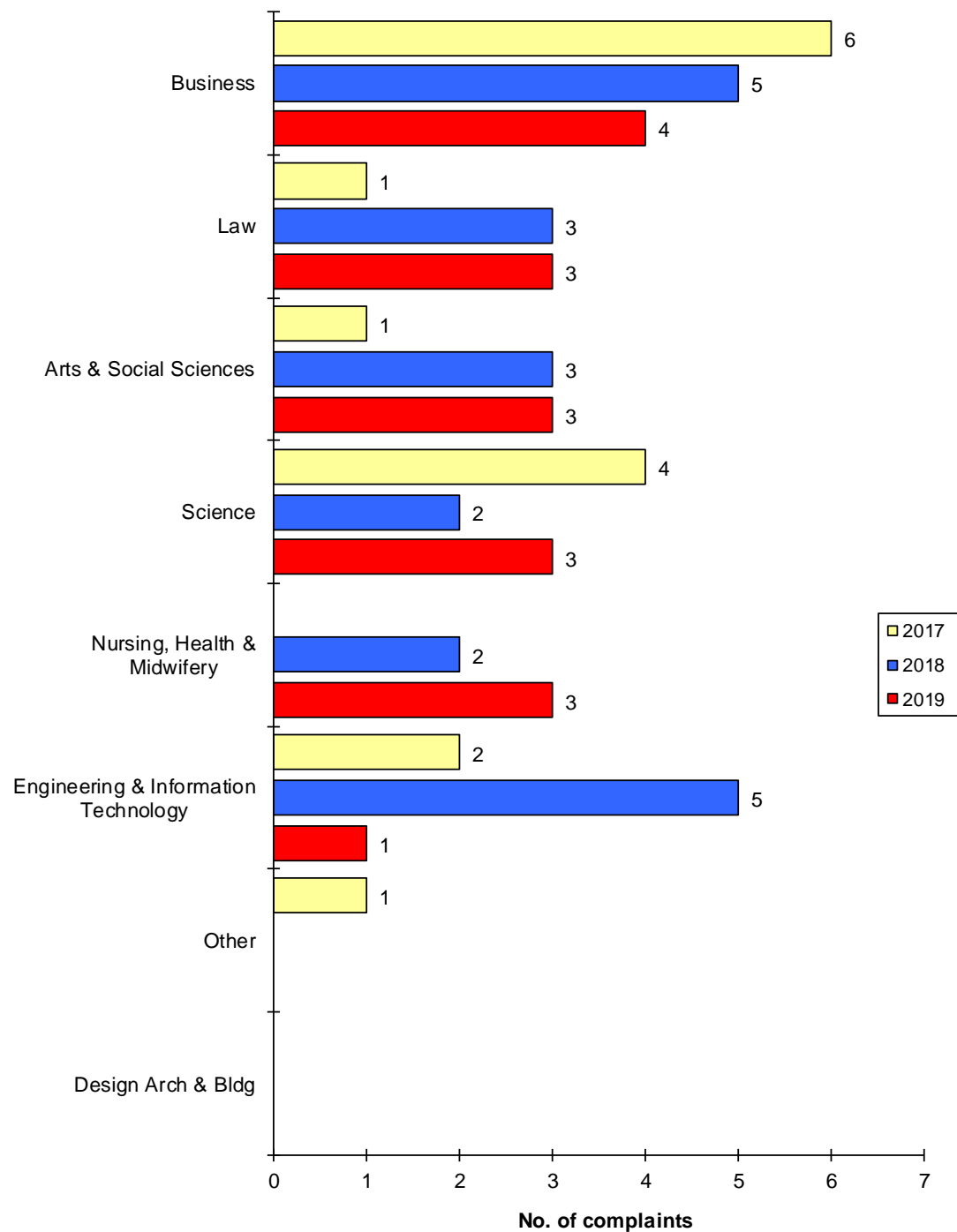


Chart 3 demonstrates the incidence rate per 1,000 students of complaints by students enrolled in each Faculty in 2019, noting again that the students of a Faculty may be complaining about a matter or decision that has not arisen in their own Faculty.

CHART 3 – INCIDENCE OF COMPLAINTS BY FACULTY

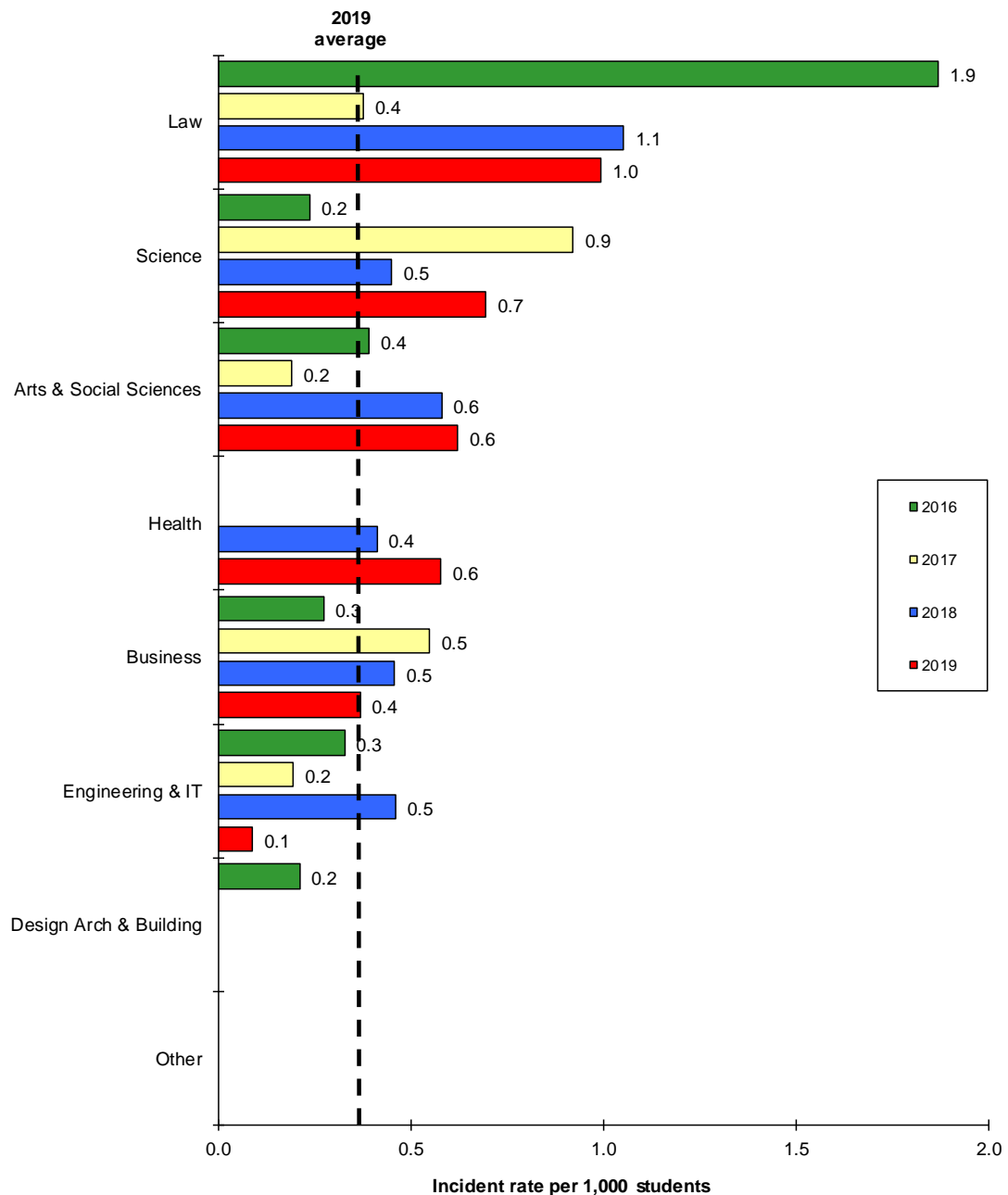
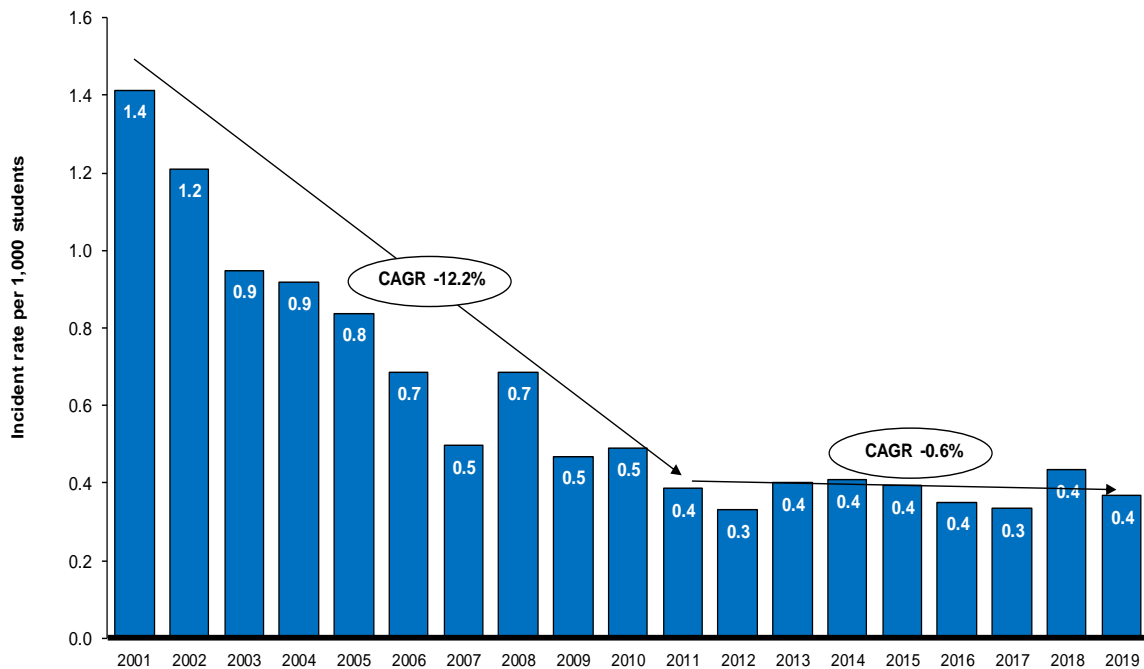


Chart 4 presents the incidence rate per 1,000 students from 2001 to 2019. This Chart tracks the changes in the number of formal requests for assistance to the Office.

The compound annual growth rate (CAGR) depicts a significant long-term decline and that the incident rate has plateaued in the last nine years to 0.3 to 0.4 incidents per 1,000 students. 2019 saw a return to the long-term trend at 0.37 after an incident rate in 2018 of 0.44. With the Student Complaints Resolution Office commencing in 2019, it will be important to monitor whether this has an impact on the number of complaints received by the Office of the Student Ombud over the next few years.

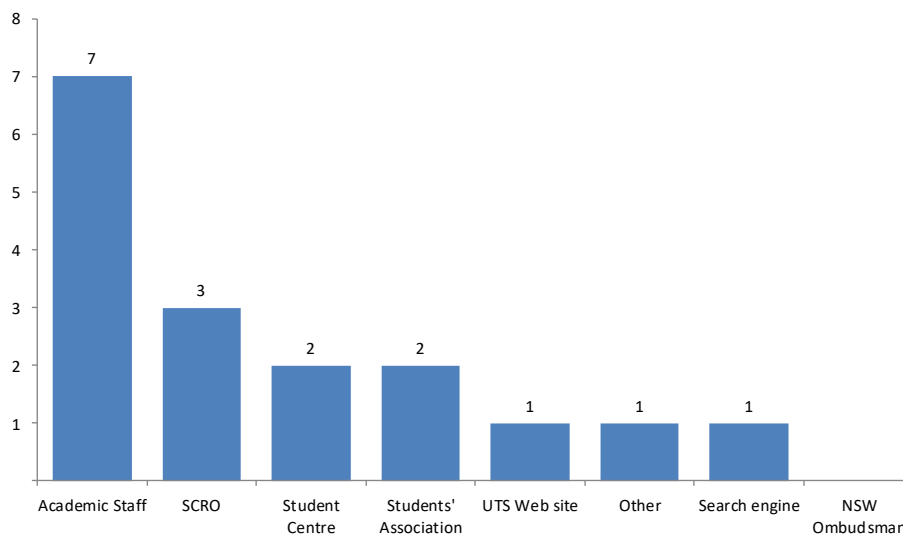
CHART 4 – LONG TERM AVERAGE INCIDENT RATE



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 2019 are presented in Chart 5 below.

CHART 5 – REFERRAL OF COMPLAINTS



The Office received seven referrals from Academic Staff making this the largest source of referrals in 2019. It is always pleasing that staff are aware of the Ombuds Office and feel confident in referring students when they are unable to assist them further.

The Student Complaints Resolution Office (SCRO) was established in July to centralise the complaint process at UTS. Students are now asked to make their complaint to the SCRO and if they are unhappy with the outcome and their complaint falls within our Terms of Reference then the student is then referred to our Office.

There were three referrals from the SCRO from July 2019. Moving forward we expect that most referrals will be generated by the SCRO however we will continue to monitor all informal contacts for future planning.

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.

As mentioned above students contacting our Office are now directed to the SCRO who will only refer them to our Office if their complaint falls within our Terms of Reference.

There were 214 informal requests for assistance in 2019 an increase from 152 in 2018. The largest number of informal requests for assistance was from students experiencing problems related to assessment (84). This was followed by those categorised as not falling within our Terms of Reference (33) then matters concerning the conduct of staff (16). Again, it is important to note that staff conduct related informal complaints can be minor disputes such as not replying to a student's email as quickly as a student would like. However, was a reduction from 25 in 2018.

Chart 6 details the nature of informal requests for assistance over the last four years. Informal complaints for assessment matters was again the highest category.

CHART 6 – INFORMAL COMPLAINTS BY TYPE

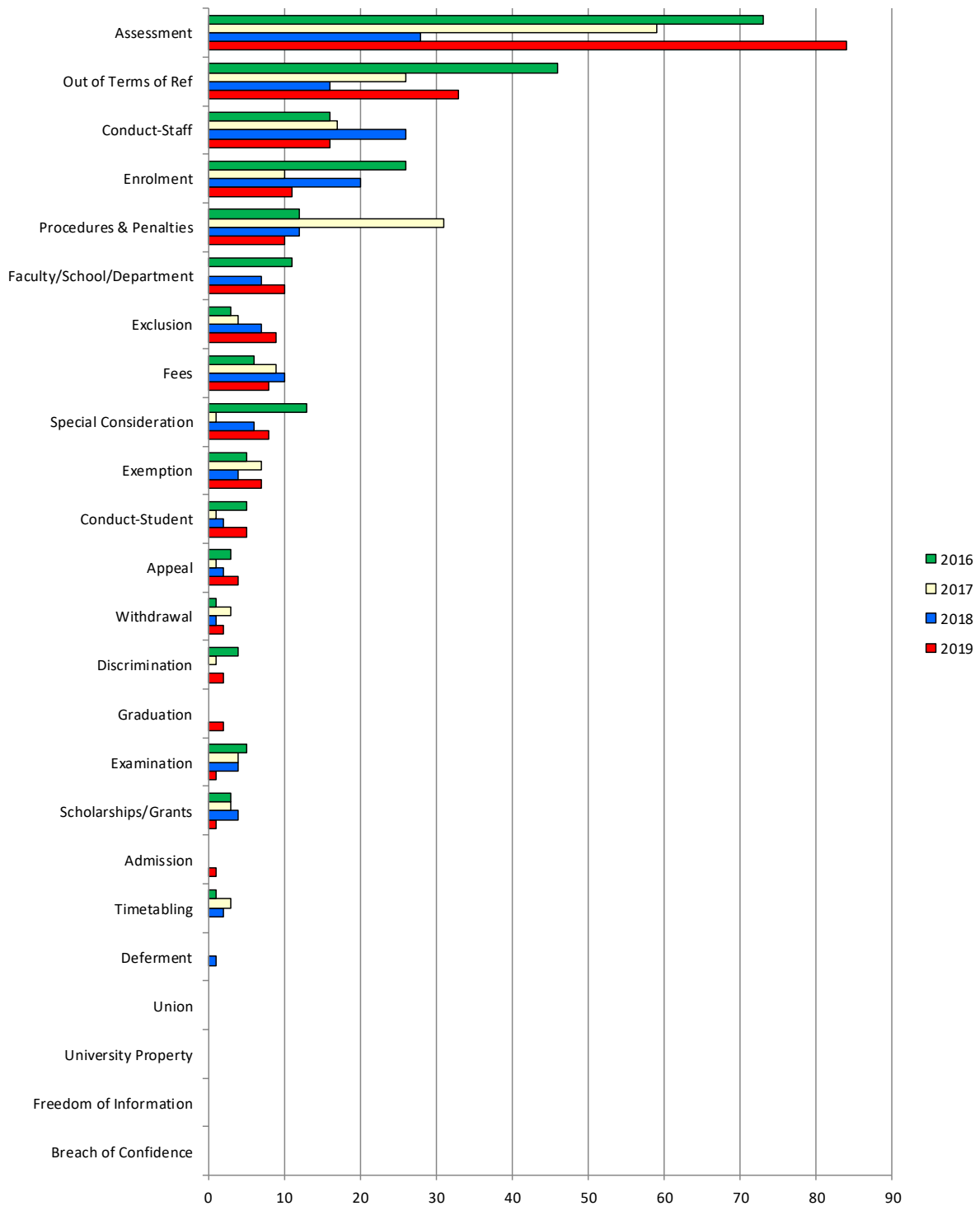


Chart 7 shows that since 2007 the incidence of informal complaints has grown from 60 to 214, while formal complaints are consistent with long term averages at 17 complaints. The number of informal complaints has fallen from the 2016 peak of 233 complaints.

CHART 7 – FORMAL VERSUS INFORMAL COMPLAINTS TREND

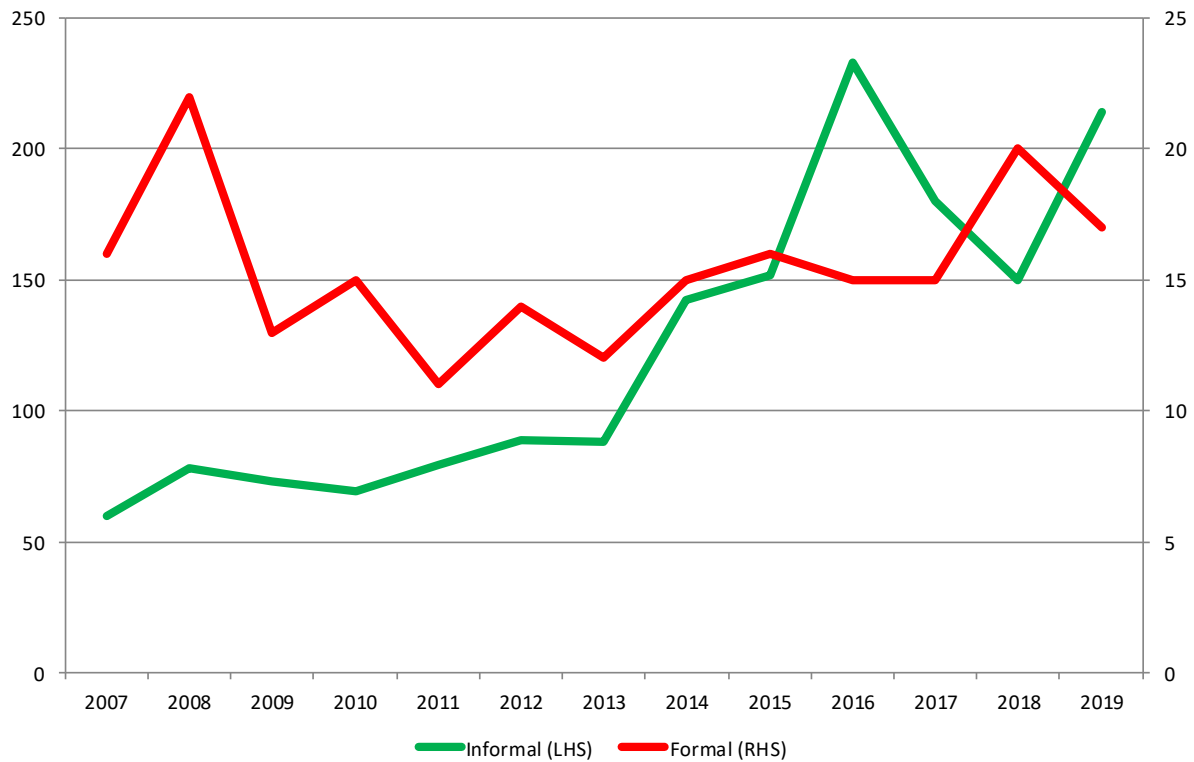


Table 2 suggests Informal complaints from international students appear to be in an uptrend that began in 2014 of between four and 6.5 complaints per 1000 students.

The ratio of informal to formal complaints for local and international students has returned to similar proportions after the heavy local skew in 2016 for both classifications of student. This measure points to a range of seven to 35 informal complaints per formal complaint.

Informal complaints per 1000 students from local students continues to fall remaining consistent with long term trends 3.71 complaints per 1000 students. While informal complaints continue at twice the incidence from international students to local students. As with formal complaints, it will be important to monitor the impact of the Student Complaints Resolution Office on these numbers over the next few years.

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 1,000 students			Ratio Local:int			Ratio of Informal to Formal		
	Total	Local	Int	Total	Local	Int	Total	Local	Int	Total	Local	Int	Total	Local	Int	Total	Local	Int	Total	Local	Int	Total	Local	Int
2019	46,159	30,709	15,450	17	11	6	214	114	100	0.36	0.39	0.92	3.71	6.47	0.57	10.36	16.67							
2018	45,930	30,796	15,134	20	12	8	152	84	68	0.39	0.53	0.74	2.73	4.49	0.61	7.00	8.50							
2017	44,887	30,598	14,289	15	10	5	180	105	75	0.33	0.35	0.93	3.43	5.25	0.65	10.50	15.00							
2016	42,674	30,290	12,384	15	13	2	233	162	71	0.43	0.16	2.66	5.35	5.73	0.93	12.46	35.50							
2015	40,639	29,221	11,418	16	12	4	152	102	50	0.41	0.35	1.17	3.49	4.38	0.80	8.50	12.50							
2014	39,074	28,339	10,735	15	11	4	142	96	46	0.39	0.37	1.04	3.39	4.29	0.79	8.73	11.50							
2013	37,381	27,631	9,750	12	7	5	88	83	5	0.25	0.51	0.49	3.00	0.51	5.86	11.86	1.00							
2012	36,357	26,886	9,471	14	9	5	89	84	5	0.33	0.53	0.63	3.12	0.53	5.92	9.33	1.00							
2011	36,235	26,535	9,700	11	9	3	79	77	2	0.34	0.31	1.10	2.90	0.21	14.07	8.56	0.67							
2010	34,646	25,530	9,116	15	11	4	69	62	7	0.43	0.44	0.98	2.43	0.77	3.16	5.64	1.75							
2009	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							
2008	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 Office of the Student Ombud 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 2019 there were 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 Office of the Student Ombud 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 consists of the Student Ombud and three Assistant Student Ombuds employed from different faculties for a term of three years. There is also a permanent part-time Administrative Manager.

In 2019 the Office again benefited from drawing from our pool of past dedicated Ombuds for assistance in maintaining levels of staffing. Assistant Student Ombud David Eager was on leave from his role of Assistant Student Ombud. His position was filled from 1 January to 30 June by past Student Ombud Wing Bui, and then from 1 July to 31 December by past Assistant Student Ombud Mai Hansford.

In July the Student Ombud Elizabeth Humphrys was on PEP from UTS for the period of 1 July to 31 December. Wing Bui again assisted the Office by becoming interim Student Ombud during this time. We thank Wing and Mai for their continued support of the Office. Both Wing and Mai brought their extensive knowledge and experience of UTS rules and procedures to ensure continuity and the ongoing success of the Office.

In 2019 the Office was staffed by the following:

- Elizabeth Humphrys, Student Ombud 1 January – 30 June
- Wing Bui, Interim Student Ombud 1 July – 31 December
- Francis Johns, Assistant Student Ombud
- Tracey Booth, Assistant Student Ombud
- Wing Bui, Interim Assistant Student Ombud 1 January – 30 June
- Mai Hansford, Interim Assistant Student Ombud 1 July – 31 December

Jenny Murphy, Administrative Manager

6. CASE STUDIES OF COMPLAINTS

Given below are three sample cases of formal Requests for Assistance investigated by the Office in 2019

Case Study 1

A student complained to the Office that they failed a subject by seven marks and disputed a mark of zero given in the first assessment. The student believed that they should be given a different mark and be allowed to submit the first assessment again. The Ombud explained our Terms of Reference, specifically

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 that the Office is can only investigate to ensure that university rules and procedures but cannot make academic judgements.

After examining all the correspondence and documentation provided by the student, the Ombud saw that the complaint had been considered by the Responsible Academic Officer who had found the appropriate procedures were followed and the student's assessment had been remarked. Their overall grade was not changed based on this review.

The Ombud found that the faculty is not required to allow students to resubmit an assessment if they have failed and that the student had not presented any supporting evidence that the processes were not followed or that there had been any breach of procedural fairness.

Case Study 2

An international student contacted the Office in relation to an ongoing deferral of a supplementary exam first attempted in Spring 2013. The Ombud interviewed the student, reviewed email correspondence, subject outlines and examined relevant UTS rules and procedures before meeting with the Subject Coordinator and Associate Dean.

The student claimed to have experienced personality clashes with a lecturer over several subjects in their course. The student had made complaints in relation to bullying but this perspective was not supported by subsequent investigations, however the student felt stressed and anxious. The student received a zero grade after failing a component of the subject and while supplementary assessment had been organised on several occasions, the student was not able to attend because of personal difficulties so the zero grade remained for four years.

In Spring 2017 the student was offered a supplementary exam to demonstrate competency and progress to the next stage in their course. However, in the supplementary exam which comprised of two elements, the student was advised by the examiner that there was no need

to do one of the elements. Subsequently the student discovered that despite this assurance both elements were required to pass the exam. The Faculty conceded that the advice was incorrect. The examiner did not realise the 2013 iteration of the subject was being examined rather than the 2017 version. Nevertheless, the student was required to have demonstrated competency in the 2013 version of the subject. The student was left in the same position of not having a result in the subject.

At this time the student was forced to take a leave of absence due to an unrelated matter and return to their family overseas. In order to resolve the outstanding result, the Faculty offered the student a supplementary exam on the basis this would be their last opportunity to pass the subject. The student was overseas on approved leave of absence for the dates offered and unable to return. The student's zero result was then converted to a Fail (X) grade.

The Ombud found that the student had been misled in the 2017 supplementary examination and that the element was a core competency of the subject and recommended that the student be given a formal supplementary exam now that the student had returned from leave of absence, and that student must be informed that the selection of a date is final and the last chance to complete the subject, otherwise they will have to repeat it in its entirety. In making the recommendation the Ombud relied on the UTS Coursework Assessments Policy:

3.3 Assessments must be fair and equitable (providing reasonable opportunities for all students to demonstrate their learning) with requirements clearly communicated in the subject outline and any accompanying materials

Case Study 3

A student was referred to the Office by the Student Complaints Resolution Office after complaining that in the assessment of their application for Recognised Prior Learning (RPL) UTS made significant administrative errors and failed to take into consideration the nature of their prior learning from a similar course.

The student cited a failure to compare an assignment, to consider the 'whole of the student's past studies, and to take into account that only 80% of course content needed to be equivalent. The student also referred to a failure to account for the use of synonyms in the two subjects.

The Ombud discussed the complaint with the Students Complaints Resolution Office, considered a series of emails and materials related the subjects (as well emails with Student Administration Unit) to locate the student's original and subsequent RPL applications and transcripts from UTS and other institutions. The Ombud then had meetings with the Course Director.

The Ombud found that on the surface readers of the subject description may perceive similarities, however there were many aspects that distinguish the subjects markedly and that the School had closely considered the application and appeal and made the decision in accordance with UTS rules and procedures. While this matter was not resolved in the manner in which they student may have hoped, the Office was able to provide further information on how the RPL application had been assessed.

7. QUALITY

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

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

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 Office of the Student Ombud.

1.2 The Student Ombud and Assistant Student Ombud shall be responsible to the member of senior University management nominated by the Vice-Chancellor.

2. Authority to Enquire

2.1 The Student Ombud has the authority to conduct enquiries relating to complaints by registered students against decisions or conduct of staff, Committees, Boards or any unit or group either within the University or acting under the authority or auspices of the University.

2.2 On receipt of a written complaint signed by a registered student or a person who was a registered student at the time of the conduct complained of, the Student Ombud shall have authority to enquire into that complaint.

2.3 The Student Ombud may, for any reason including possible conflict of interests, refer a complaint to an Assistant Student Ombud.

2.4 On receipt of a complaint, the Student Ombud shall decide, by enquiry if necessary, whether or not the complaint falls within the role and functions of the Student Ombud. The complaint shall be dismissed if the Student Ombud is of the opinion that:

2.4.1 the complaint is frivolous, trivial, or not in good faith;

2.4.2 the complainant has an insufficient interest in the matter;

- 2.4.3** the conduct complained of occurred at too remote a time to justify investigation;
- 2.4.4** in relation to the conduct complained of there is available to the complainant an alternative and satisfactory means of redress;
- 2.4.5** in disputes involving the assessment of a student's academic performance, the Student Ombud shall normally investigate the complaint only if the complainant has attempted other avenues available under University regulations and procedures. The role of the Student Ombud shall normally be confined to being satisfied that the procedures of assessment for the course(s) in question have been followed and are reasonable in all the circumstances;
- 2.4.6** the conduct complained of is not of a character that concerns the University within its functions, responsibilities and powers as defined in the University Act, By-law, Rules, and policies.

Where the complaint has been dismissed by the Student Ombud, the complainant shall be informed of the reasons for the decision.

- 2.5** If during an investigation being carried out by the Student Ombud it becomes known that the complaint is the subject matter of a hearing or appeal under the University Act or By-law, the Student Ombud shall proceed no further with investigating the complaint until the hearing or appeal has been concluded.
- 2.6** The Student Ombud shall be given access to all University records and documents relating to the complaint.

3. Code of Conduct

- 3.1** The Student Ombud shall decide the form and procedures to be adopted in investigating a complaint. All persons involved shall be given reasonable opportunity to explain their views and encouraged to reach agreement.
- 3.2** If the complaint is not settled by informal consultation and discussion the Student Ombud may proceed with the enquiry by methods such as:

- 3.2.1** providing a written copy of the complainant's statement to the person(s) against whom the complaint has been made; or
 - 3.2.2** at the request of either the complainant or the person(s) complained against, or in any case where the Student Ombud deems it desirable, convening a conference to discuss the complaint.
- 3.3** Where the Student Ombud believes that during an enquiry a situation arises which requires attention to avoid further problems, the Student Ombud may make recommendations to any appropriate person.
- 3.4** Where the Student Ombud believes that during an investigation there arises a matter of principle affecting other sectors of the University, the Student Ombud may submit to the Deputy Vice-Chancellor a written interim report. In such a case, the Student Ombud shall inform the relevant persons that such a report has been made and shall indicate to them what, if anything, has been recommended.

4. Report of Investigation

- 4.1** At the conclusion of an enquiry, if in the opinion of the Student Ombud:
 - 4.1.1** the complaint has been settled, no further action will be taken other than under 5 below; or
 - 4.1.2** the complaint has not been settled, a written report may be made to the Deputy Vice-Chancellor (or Vice-Chancellor or Chancellor in appropriate cases) and to the persons involved; the Student Ombud's views on the matter and recommendations would normally be included. In such a case, persons involved shall be informed that they may make a submission in writing to the Deputy Vice-Chancellor (or Vice-Chancellor or Chancellor in appropriate cases); or
 - 4.1.3** the complaint warrants no further action, or no further action can be taken, the Student Ombud may decline to proceed further.

5. The Student Ombud may bring to the attention of the Deputy Vice-Chancellor any matter:

(i) arising from an enquiry; or

(ii) any matter relating to processes, procedures, rules or policies of the University.

6. Annual Report

Each year the Student Ombud shall present to the Deputy Vice-Chancellor an annual report for the previous year. The report shall be statistical in character and shall contain no reference to named individuals.