



Student  
Ombud  
Report

2010

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## **Memorandum**

**To:** University Council

**From:** A/Prof Anne Simpson  
Student Ombud

**Date:** 2011

**Subject:** Student Ombud Report 2010

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### **1 Introduction**

This is the 9<sup>th</sup> annual report from the Office of the Student Ombud.

The Office was established in 2002, and the post of Student Ombud has been held on a .6 basis by Associate Professor Anne Simpson since 2003. She is supported by a project officer, Sandra Ciaramella, who in addition to her Ombud duties, also undertakes other Chancellery tasks as required on a .5 basis.

Sandra however is in the Ombud Office 9-5, five days a week so that students needing assistance are responded to immediately. This ability to respond quickly is a critical function of the Office as many problems are caused by students not being able to contact the right person, or by having to leave messages which may not be able to be responded to within a reasonable timeframe.

The purpose of the Ombud Office is to provide students with an independent and confidential avenue to pursue complaints when they have failed to find a satisfactory outcome to their issue by following the established University procedures. A significant function of the Office lies in providing students with information about how and with whom to pursue their complaint or concern in accordance with University procedures.

The Student Ombud has the power to investigate complaints where either proper procedure has not been adhered to, or where despite following established procedures, the student is still unhappy with the outcome. Sometimes just having an independent person to listen to the grievance and talk the issue through will often help the student better understand the reason for a decision they may not like.

Many of the issues which are brought to the Office are not complaints of unfair treatment, but are requests for help in resolving a situation where the student feels that he or she has done as much as

they can, but has not been able to get what they consider to be a reasonable or timely response. By addressing problems quickly, and where possible at the local level, many potentially time consuming matters can be dealt with by the Ombud before they become major problems.

The Ombud is not however an advocate for students, and if students need support in approaching a staff member, or filling out a form, or it is not an appropriate matter for the Ombud, then they may be referred to a Unilife Advocate or to an outside body.

One important aspect of the role of the Student Ombud is to ensure that if a student takes his or her complaint outside of the University, (to for example the State Ombudsman, the Equal Opportunity Commission or The Australian Human Rights Commission), that the Ombud is satisfied that the University has treated the student fairly. For example if a student complains to the State Ombudsman, then staff from the State Ombudsman's Office will check with the Student Ombud to ensure that the Ombud has investigated the matter and that proper procedure has been followed. This 'safety check' can and does save the University considerably in terms of time, money and resources as the University does not then have to involve staff in another full investigation and report.

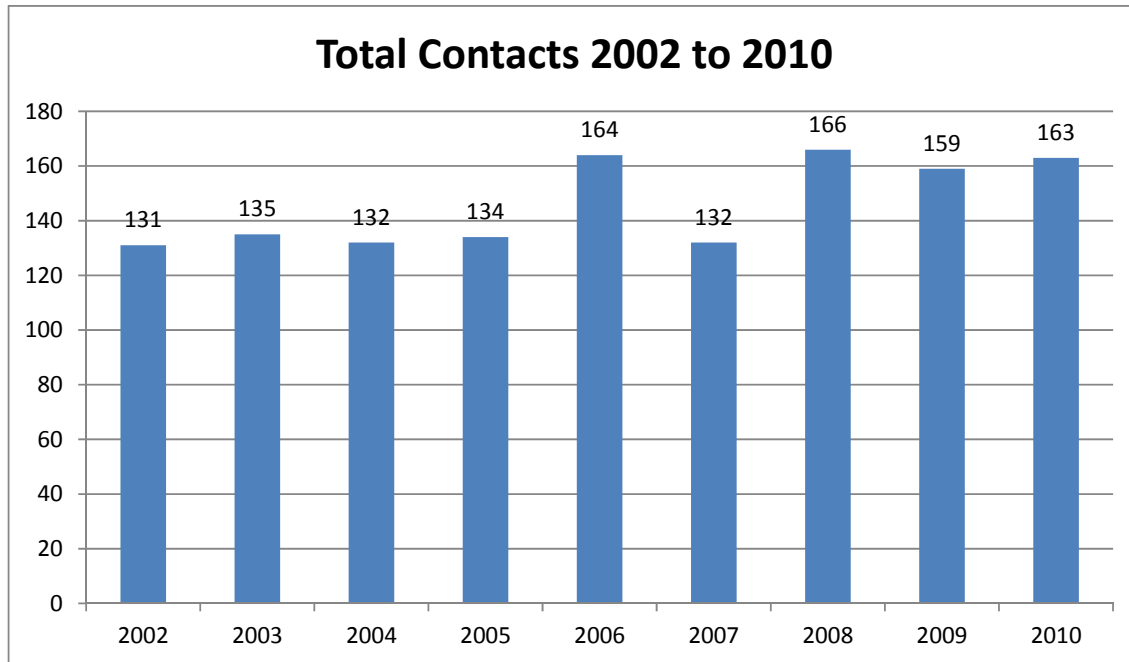
The Ombud will from time to time refer students to the Office of the Training Advocate when they have problems which are not a University responsibility. There has been regular informal discussion with staff from the OTA with the aim of assisting students to resolve their problems.

Most complaints where the Ombud feels the student has a legitimate case are addressed through negotiating with staff. The relationship between academic and professional staff and the Student Ombud Office remains positive and productive.

Associate Professor Chris Provis who is an Academic Integrity Officer and a Member of the Ombud Advisory Group deputised for the Ombud on two occasions and we thank him warmly for his contribution. Unfortunately Chris has now retired and will need to be replaced. Emeritus Professor Robert Crotty has also continued to offer his services and stepped in to handle a sensitive case when the Ombud was on leave and Chris was off-shore.

## 2. Contacts with the Office

There were 163 contacts with the Ombud office during the reporting period. These 'contacts' were from staff or students and might have been by letter, email, phone or in person. By far the majority were via email and phone. Table 1 compares total contacts since 2002.

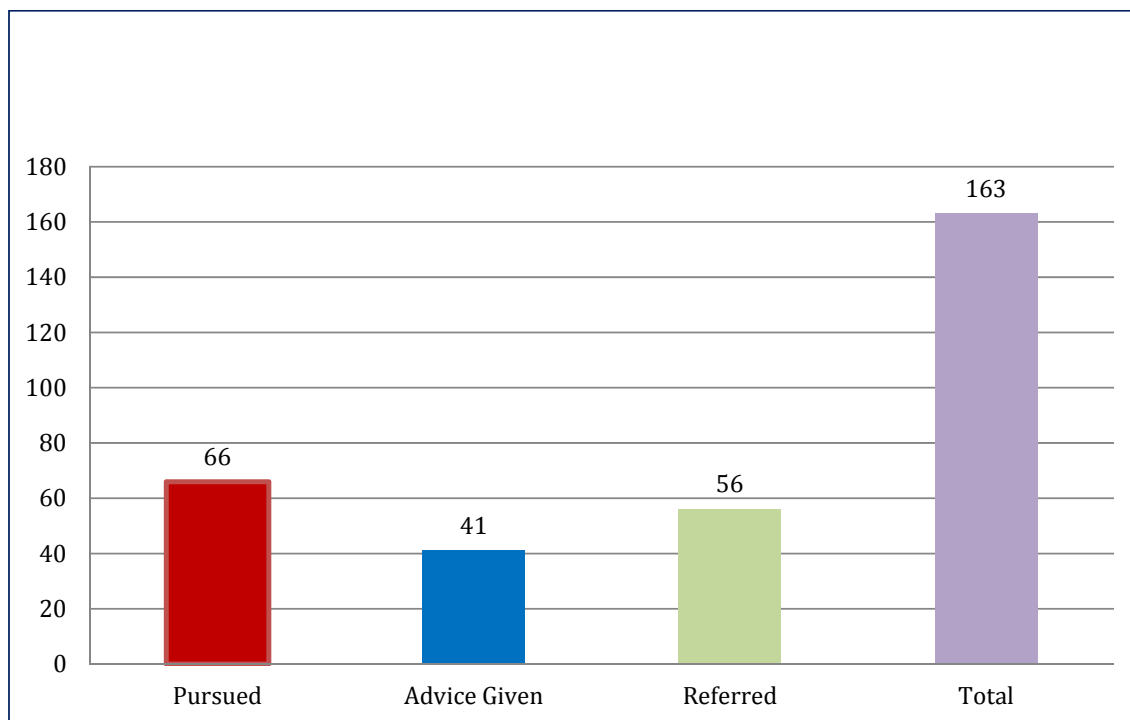


*Table 1*

The total number of contacts for 2010 is similar to previous years. I am not sure how to interpret this. One hopes that it means that the number of students with problems is decreasing at the same time as the profile and positive reputation of the Ombud Office increases and students are more likely to seek assistance from us.

As noted in the Introduction above, many students come to the Office for advice as to how to approach their problem; whom they should talk to; how they can get assistance; what form they need; whether we think they have a genuine case etc. Campus Central also offers some of these services, but students know that contact with the Ombud Office is confidential and that the Ombud has powers to intervene in situations that staff at Campus Central may not.

Table 2 below illustrates the distribution of enquiries which are categorised in terms of whether the Office has offered advice to the student, referred the student on to the person or unit which is the most appropriate to deal with their issue, or whether the matter was judged to be best dealt with, at least initially, by the Ombud Office.



*Table 2*

There has again been a slight rise in the number of complaints pursued, but often this may have involved just sending a number of emails and/or making a few phone calls for clarification before deciding whether to proceed further.

It is also important to emphasise that not all complaints which were investigated were justified. Some were pursued and dismissed as ungrounded, or the 'failing' lay on both sides of the issue being investigated. Compromise reached through negotiation was the most usual pattern. Consequently it is not easy to categorise the majority of complaints as either 'with substance' or 'unfounded'. Most often they are somewhere in between.

Table 3 below indicates the unit or division to which the student's query or complaint related.

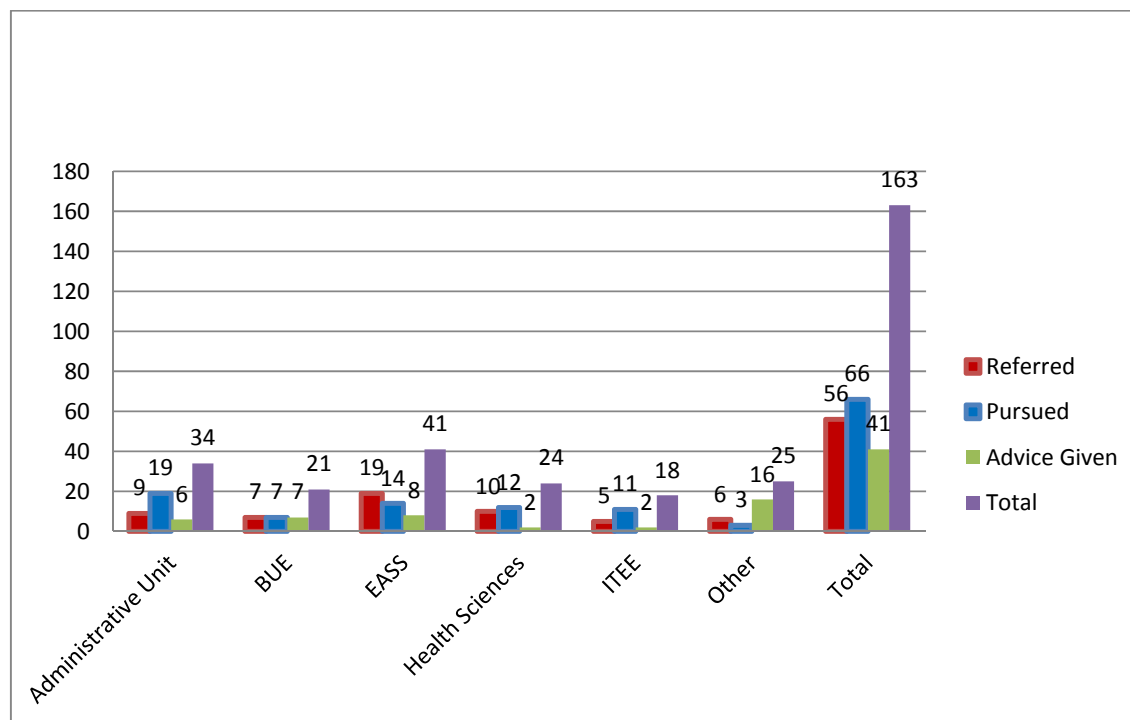


Table 3

The distribution of cases across Divisions is consistent with the previous year, with EASS having relatively the most overall contacts and cases pursued and BUE the least.

The 'other' category were either general inquiries, anonymous, or could not be identified.

### 3 Category of students contacting the Office

In terms of sex, 96 males approached the Office as opposed to 67 females. This despite the fact that there are around 25% more female students enrolled than male. This imbalance is constant over the past few years and other universities have anecdotally reported similar uneven numbers, as do the UniLife Advocacy statistics.

The number of domestic students seeking assistance has fallen from 112 to 109, whereas the number of international students has risen from 17 to 24. In 27 cases it was not known whether they were domestic or international – for example the caller was anonymous, not currently enrolled, or precluded .

There were 40 postgraduate students (14 of whom were research students) contacting the office and 77 undergraduate, which is disproportionate, but understandable. Again there were instances where this information was unavailable.

Six students were studying through the Open University of Australia. Already in 2011 there have been four contacts with (unfounded) complaints about poor grades and lack of support from staff. It will be interesting to see if this is a growing trend.

Three indigenous students contacted us, but only one identified as indigenous.

Thirteen contacts were from staff seeking advice about how to handle a complaint, or advising the Office about a potential problem. Staff contacts with the Office are also treated confidentially.

Not included in the statistics are roughly 10 queries from people outside of the University. Seven of these were from students in Africa who had confused us with the University of South Africa but found the UniSA Ombud home page and emailed us for help.

#### 4. Category of contact/complaint

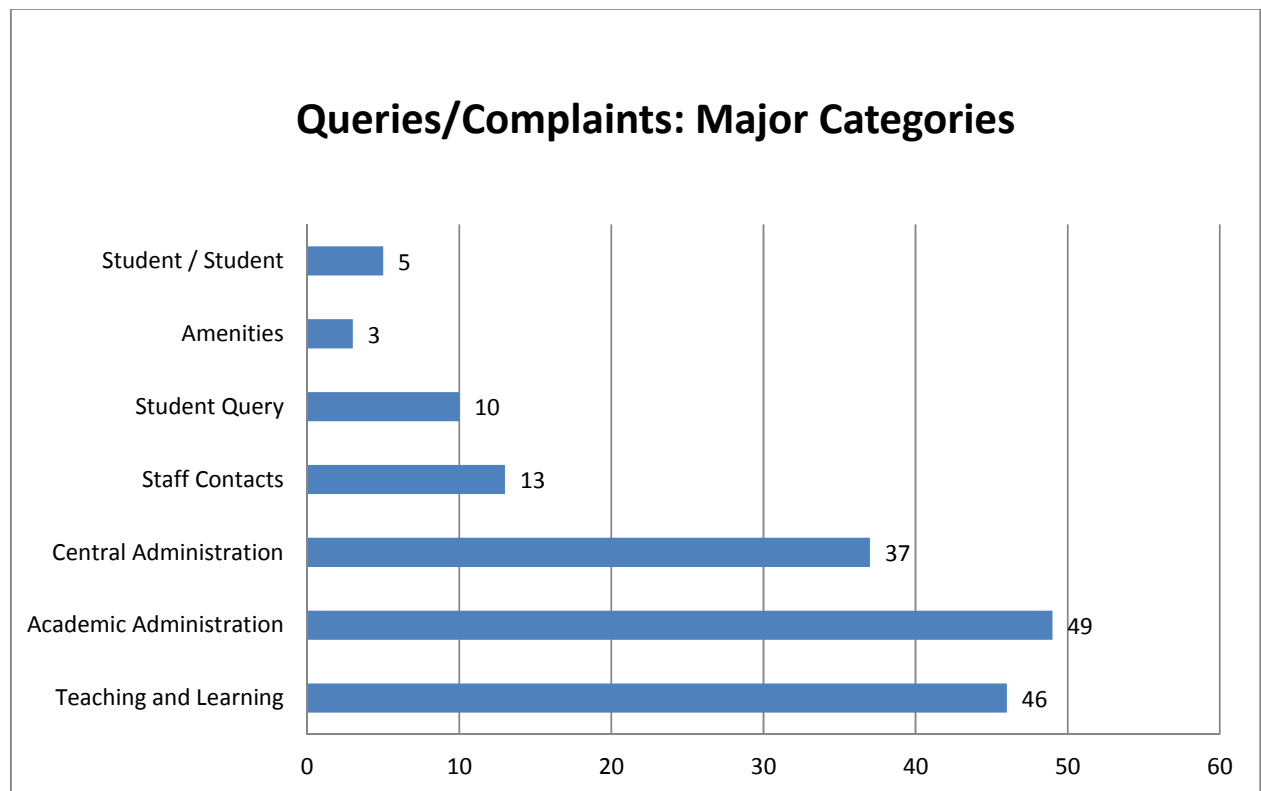


Table 4

The distribution of complaints is remarkably consistent with last year's.

Queries about assessment, which are common, are categorised under teaching and learning, and are most often referred back to the appropriate academic staff member.

Again, the number of students having difficulties with various forms of administration is not surprising given the complexity of such a large higher education institution. Campus Central continues to do an excellent job assisting students where they can - staff there are very well informed and rather than just referring students on, attempt to help the student solve his or her problem.



## **5. Trends and issues emerging from complaints and investigations**

### *5.1 Mental health issues*

It was obvious from my investigations and from discussions with academic staff that mental health issues underlay a large number of persistent and unreasonable complaints. These are usually the most difficult to deal with, especially where the student refuses to acknowledge that they have a problem and consequently refuses to use the University's excellent counselling and disability services.

In some instances where I believed that the University had invested a significant amount of time and resources into trying to accommodate a student and the student was still complaining, I have had to be firm and say that the University could do no more and that they would have to take their complaint to an outside body.

In fairness to staff and other students I believe that staff need some protection from such students so that they are freed up to be able to focus on teaching the other 99% of their students, many of whom might well be studying under trying circumstances in silence.

I encourage staff to contact the Office to discuss such difficult students and where appropriate refer them on to me to handle. I can investigate the background to ensure that everything reasonable (and often more) has been done to support and/or satisfy the student before closing the case and sending them outside of the University.

### *5.2 Bullying and harassment*

Related to this issue of mental illness are issues of alleged bullying. Although I have received a number of complaints from students about being bullied by staff, I have only been able to substantiate two this year.

In several instances there were students complaining about other students. These complaints I believe are best dealt with by staff in Schools, and our procedures are being reviewed accordingly.

On the other hand I do have a concern that there are many times when staff are bullied and harassed by students, particularly around assessment.

I believe that this is an issue which the University should take seriously. The Student Code of Good Practice is a start, but there needs to be clearer consequences for bad behaviour of this kind which is not extreme enough to invoke Statute 7.

I did not consider that any allegations of discrimination had any substance.

### *5.3 PhD supervision.*

There were 12 complaints about lack of proper supervision, clash of personalities, lack of feedback and inappropriate allocation of supervisor. Several of these related to the retirement of 2 supervisors who left a group of 5 students unhappy. Four of these were eventually accommodated and one student moved interstate.

For the most part these complaints were referred back to the relevant Division, with some monitoring by me to ensure that appropriate action was taken. Several complainants wished to remain anonymous for fear of a complaint having a further negative impact.

#### *5.4 Practicum placements*

There were 13 complaints relating to practicums in Education and Health Sciences. Often these were because a student had failed a practicum and could not progress until the time was successfully completed because of pre-requisite requirements. Other students believed that they were unfairly assessed and/or treated badly by staff in the school or ward. Sometimes it was just impossible for University placement officers to find a suitable venue at the right time and in the right place for a student. Others complained that for financial reasons they were not able to complete the required practical experience in one block.

Most of these complaints were not able to be solved by the Ombud as they involved accreditation issues, professional judgement about competence and safety, and would involve challenging the integrity of the program. Nevertheless after investigation and discussions with University staff I am confident that the Schools went to great lengths to support and accommodate all these students.

#### *5.5 Assessment and results*

The majority of complaints were related to assessment, and most of these complainants were referred to the Assessment and Procedures Manual. Often these complaints also related to appeals for Special Consideration, deferred exams, late withdrawals and fees for courses failed.

Although I believe that most of these cases were dealt with fairly and consistently according to policy by staff, there were several instances where I considered the student had a case for special consideration, and made the appropriate recommendation.

#### *5.6 UniLife Advocates*

The Ombud Office has a fruitful relationship with the 2 UniLife Advocates and we are very sad that Audrey Nicholson has left. There has been some trouble replacing her, but we are hopeful that Marieke De Graaf will continue in the very positive way she has begun.

The Advocates perform a tremendously important role in supporting students with appeals, procedures and fronting up to meetings with staff. When a student needs guidance with filling out a form or advice as to what information and circumstances are important and/or relevant we will most often refer them to an Advocate. Indeed in approximately 50% of the instances where we refer or advise a student about procedures and to whom they should take their problem, we also advise them to get support from one of the UniLife Advocates.

It is essential that this service is appropriately supported financially and that funds within UniLife are distributed in such a way as to be able to employ skilled staff and allow them the time to focus on this critical service.

## **6. Advisory group**

The Advisory Group meets as required when there is sufficient business and when there are sufficient members available. Otherwise information (such as revising complaint procedures) is emailed to members for comment.

The Ombud advisory group currently comprises:

Student Ombud (Anne Simpson)  
Project Officer (Sandra Ciaramella)  
Director, Council Services (Penny Moore)  
Director, Learning and Teaching Unit or nominee (Stephen Parsons)  
Dean of Graduate Studies  
Director, International Office or nominee (Rob Greig)  
Director, Student and Academic Services or nominee (Kim Murphy)  
Director, Human Resources (Ruth Blenkiron)  
Academic staff member (also an Integrity Officer) (Chris Provis)  
UniLife Student Advisory officer (Audrey Nicholson)

Both Chris Provis and Audrey Nicholson have now retired. We thank them both for their very valuable contributions.

## **7. Workshop for University Ombuds, Deans of Students and Managers of Complaints Units**

There is/was a loose and informal group of complaint handlers from Australian universities comprising OMDOSHEAA (Ombuds and Dean of Students Higher Education Association Australasia) which used to meet for a 2 day conference every second year. UniSA hosted the conference in 2004 and the last one was hosted by UNE in 2006. Since then both the organisation and the conference have 'lapsed'.

I believed it would be useful to try to get together again to share ideas, network and find out what was happening in other universities with regard to complaints.

Consequently I proposed to host a one day workshop here at UniSA on October 25, 2010. To be held in the Council Room in the Hawke Building.

We contacted every Australian university in an attempt to track down who managed complaints and received responses from nearly all. At relatively short notice representatives from 25 universities accepted and 14 sent apologies but asked to be kept informed of proceedings and any future events.

Our Vice Chancellor, Peter Hoj welcomed everybody and then an hour was spent introducing ourselves and our roles within our respective institutions. After this we broke into workshop groups to discuss topics of interest which included: record keeping; educating staff about complaint procedures; cyberbullying; developing FAQs for websites; dealing with persistent complainers; recent problematic cases; and relationships with outside bodies.

Sally Varnham who was a member of the research team for the Students Grievances and Discipline Matters Project (reported upon in last year's report) reviewed the recommendations from that project and then there was general discussion of this and what had emerged from the workshops.

It appears most universities are concerned about the number of students with mental health issues and staff are having difficulty dealing with them – particularly when they become persistent, verbally aggressive and make unreasonable demands.

Everybody is grappling with issues around use of the internet and social networks such as Facebook. Record keeping, confidentiality and how to centrally gather information and statistics about complaints that are dealt with in Schools and Divisions were other topics of common interest.

Thanks to the generosity and co-operation of the Vice Chancellor and Chancellery staff, the day was highly successful and feedback was uniformly extremely positive. My sense from listening to presentations and participating in discussions is that the way in which complaints are handled here at UniSA, including the policies and procedures, is as successful and efficient as any. Our internal lines of communication are excellent (several policy people from SAS attended the day), and the Ombud Office is well supported and resourced.

Sandra collated data from the various universities' websites, their procedures and guidelines, and distributed these to all attendees and apologies.

Following the success of the day, the University of Technology Sydney has proposed to host a similar event this year.

## **8. Summary**

2010 was another successful year for the Ombud Office and therefore for the University. All genuine complaints were resolved successfully through mediation where staff and students both had their point of view listened to and taken into account.

Sandra Ciaramella does a superb job of listening to students, advising them of options and procedures, and sifting through the information they provide before passing the more problematic cases on to me. She also deserves much thanks for her contribution to this report, particularly in terms of data entry, collection and presentation.

Most of those students who remained unhappy generally either had complaints about assessment, which is not within the Ombud's terms of reference, or (in my view) had mental health issues which contributed to their unresolved problems.

Given the size of the University and the complexity of the student population, there were few real complaints that I considered had substance and believed that the student had been treated unfairly. Usually there was a good reason for the perceived injustice, and often there was some room for negotiation and compromise. Often when the situation had been explored and explained, the student would at the very least feel mollified that his or her situation had been taken seriously. In those cases where I made a recommendation at odds with a previous decision, staff were agreeable to the outcome.

It is clear that the vast majority of students have a positive and productive experience during their time here. My interactions with staff have also confirmed that with few exceptions, they work hard to accommodate the variety of students and their needs with positive good will, often under trying circumstances.

The work that the Ombud Office does is not so much 'dealing with complaints' as that of problem solving. In this sense it is a positive and rewarding role which supports the goals of the University in ensuring that as far as possible students have the opportunity to focus on their learning and attain their aspirations.

Finally we consider that it is a strong indicator of the success of the Office that to our knowledge, for yet another year, no complaint which had been investigated and dismissed by the Student Ombud, was taken up and pursued by an outside body.