Women's Participation in Tertiary Education

A review of recent Australian research.
Margaret Fordow 1989 135pp ISBN 0 642 09959 2

Using a feminist perspective as a framework to organise empirical data and the diverse literatures relevant to women's participation in all sectors of tertiary education. This study highlights the under-representation of women in tertiary education, providing new data on the ways in which women's educational opportunities are limited. It suggests that, without greater encouragement and support for women, the gender imbalance in education will continue. Price $15

Student Learning: Research into Practice
Collection of papers presented at the Marysville Symposium.
Edited by John A. Bowden 1989 viii + 279pp ISBN 0 949036 14 5

Student learning in higher education has been the subject of both theoretical research studies and practical innovation programmes for some time. This monograph addresses the interface between the two. How can pedagogic understanding of practice inform research in student learning? This book presents papers from the symposium on various aspects of student learning and is intended to provoke discussion on the nature of teaching and learning in higher education. Price $25

The Construction of Tertiary Entrance Scores: Principles and Issues
Report of research commissioned by the Australian Capital Territory Schools Board, the Australian National University and the Canberra College of Advanced Education.
Geoffrey N. Masters and David G. Beewick 1989 vi + 187pp

This report describes research carried out by the ACT Schools Authority, Australian National University and Canberra College. The purpose of the research was to determine the nature of the ACT Tertiary Entrance Scores and the extent to which they can be used to summarise student performance on different dimensions of school achievement in a single aggregate. Recommendations include the reporting of a profile of scores in an aggregate, and the inclusion of a C index in the component of the aggregate scores. Price $16

The Use of Reference Tests in College and University Student Selection
Report of a feasibility study for The University of Melbourne and The Royal Melbourne Institute of Technology.

This project was approved jointly by The University of Melbourne and The Royal Melbourne Institute of Technology to investigate the feasibility of developing and using additional test regimes as part of college and university student selection processes. The studies of Psychology and English were developed to the specification of subject advisory groups and administered to sample groups in 1988. The results and data are presented in the report and will be used by the universities in the future selection processes. Price $9

Continuing Education: The Views of Australian Obstetricians and Gynaecologists
Hilary Schofield 1986 144pp ISBN 0 949036 12 9

This is the first large national survey of continuing education experiences in obstetrics and gynaecology by Australian obstetricians and gynaecologists. The survey aimed to improve the profession's understanding of the issues involved in continuing professional education. Findings from the study provide the basis for discussion and action on the need for improved continuing professional education services in these specialties. The study was supported by the Commonwealth Department of Health and Aged Care. Price $30

Ombudsmen and Australian Universities

The office of ombudsman — jurisdiction and powers

Background
The ombudsman is an institution original in Sweden, which receives complaints from members of staff. The ombudsman investigates them, reports and recommends changes. He has been established in Australia over the last 20 years because it became obvious that people were being affected by maladministration in public bodies and had no remedies. In theory it was never more than a theory. Parliament could only establish the ombudsman to action for the courts of their departments and agencies. This theory also ignored the growth of the modern bureaucracy and the emergence of a party system. The courts also provided a check on abuse of administrative power, but their role was limited by a number of factors, including the cost of proceedings, and the complexity of administrative law rules, especially procedural rules and rules governing standing. There was often no way of finding out what action the executive had taken. Even if these obstacles could be overcome, the courts were not usually in a position to decide whether they could not review the 'merits' of a decision, but merely the procedure by which the decision was reached. This unsatisfactory situation led many English-speaking countries to consider machinery for challenging administrative decisions. There was a general feeling that such a 'last resort' was required and that citizens were aggrieved by administrative action deserved adequate review. New Zealand established the office of ombudsman in the late 1960s. Other countries soon followed, and when the Commonwealth Ombudsman was established in 1976, there were ombudsmen in all Australian states. Jurisdiction

Section 5 of the Ombudsman Act 1976 (Cth) expresses in general terms the function of all Australian ombudsmen:

Functions of Ombudsman
5. (1) Subject to this Act, the Ombudsman —
(a) shall investigate action, being an action that relates to a matter of administration

There can be little doubt that the modern development of a bureaucratic structure. Further, there can be little doubt that officers acting on behalf of administrators can do make a critical contribution to the growth of the party system, and hence, the stability of a parliamentary system. The growth of the modern bureaucracy and the emergence of a party system has led many English-speaking countries to consider machinery for challenging administrative decisions. There was a general feeling that such a 'last resort' was required and that citizens were aggrieved by administrative action deserved adequate review. New Zealand established the office of ombudsman in the late 1960s. Other countries soon followed, and when the Commonwealth Ombudsman was established in 1976, there were ombudsmen in all Australian states. Jurisdiction

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The other phrase, "action, being an act that a minister is required to perform under a statute," is similar to that of the state legislation discussed above. Unlike the position, the basis is basically the same, though the wording of the phrase is different. The problem of the ombudsman is called a "constitutional commission," but the office is essentially an old New South Wales (NSW) order, in which this phrase is concentrated. The powers of the Ombudsman Act 1974 from s13 of the Ombudsman Act 1974 which gives the ombudsman power to investigate any matter which is complained to him. Under s12, any person may make a complaint to the ombudsman about the conduct of a public authority. "Public authority" is defined in s5 to mean:

(a) any person appointed to an office by the Governor;
(b) any statutory body representing the Crown;
(c) any officer or temporary employee of the Public Service;
(d) any person in the service of the Crown or of any statutory body representing the Crown; (none of these would appear to apply to universities)

(a) any person in relation to whom or to whose actions or decisions the investigation and that they may make may be submitted to the ombudsman.

The ombudsman is entitled under section 13 of the Ombudsman Act 1974 to investigate any matter which is complained to him. Under s12, any person may make a complaint to the ombudsman about the conduct of a public authority. "Public authority" is defined in s5 to mean:

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(a) any person in relation to whom or to whose actions or decisions the investigation and that they may make may be submitted to the ombudsman.
This article began with a plentifulness quotation, followed by a rather legalistic or bureaucratic style of writing. In the context of the discussion, mistakes and errors of judgment will be made. In an attempts to resolve this. This would be true in any organization. It should be noted that the organization is autonomous, that is, the administration is autonomous. That some of the issues raised by the ombudsman are not resolved. Naturally, those responsible for policy-making and administration within universities must face the reality that the ombudsman must be more efficient and more conducive to a happy working environment. However, writing in a technical style is often deadly for individuals to realize that errors or misjudgments have been made, even when those affected by such errors are the responsible party. The circumstances and the right and wrong decisions of those with grievances. This is the argument advanced by Blizard in 1979 in support of an internal university. University ombudsman, and also by the 1979 Report of the Commonwealth Administration and the principles of academic freedom. For example, the freedom which we value, is not absolute, it is subject to some limitations. University staff, long-service leave and superannuation benefits, fees of staff if students are in any way affected. Whether the examination is fair, is often resolved without further external review. External scrutiny does add to the urgency, and the attention to detail with which matters are considered. One particular example of this occurred in Western Australia. The relations of a person whose body had been found in circumstances that were likely to be serious complaints that the university no longer required it, the university, and not the students, should allow the body to be released, as they wished. As a result of the decision, the University of Western Australia. The ombudsman investigated the matter and concluded that the decision was not justified. The Queensland Ombudsman, university was the first to respond to a complaint from a student. The complaint was referred to the Ombudsman. The Ombudsman then proceeded to investigate the matter and concluded that the decision was not justified. The Ombudsman was the first to respond to a complaint from a student. The complaint was referred to the Ombudsman. The Ombudsman then proceeded to investigate the matter and concluded that the decision was not justified.

"Provided that the ombudsman exercise the type of restraint advocated by the Queensland and South Australian Ombudsmen, academic staff have little to fear from them."
Several of these complaints raised the sensitive question of the exercise of professional judgment and most challenged, at least by implication, the autonomy in these matters which the academic was expected to regard as sacred. For my part, I do not regard the exercise of professional judgment as an essential element of the role of the teacher as conceived in the course of his first choice.1

The discussion of admissions in the ombudman's report suggests that the systems operated by universities work reasonably well and that errors are usually corrected when pointed out. For example, the South Australian Ombudman received a complaint from a medical student who was given a second-year course in science, and did not accept the university's decision that this was not sufficient to gain entry to the fourth year. The ombudman found that the decision was proper and the complainant was satisfied with the result of the investigation.

Admission to postgraduate courses, and the degree of supervision provided by universities have also been the subject of complaints, but these generally are not acrimonious and of great importance by the ombudman.2

Conclusions

The ombudman's relation to Australian universities flows from the public accountability. That is, the universities are not only subject to traditional notions of academic and institutional autonomy, but it is difficult to meet the argument that while Australian universities are so overwhelemanly funded by public revenue that the decisions on the allocation of that public revenue are entitled to a degree of accountability which extends beyond a more academic management procedure. Most immediate observers—every university registrar, who is aware that institutions are complex organisations, and administrative error is possible, and whom decisions require adequate review and supervision to minimize errors. The presence of an external review mechanism, such as that provided by the ombudman, may be an incentive to intensive and other universities, to assure that their decisions were made properly, and that the procedures which govern these decisions are themselves fair and reasonable. Where institutions have established internal review machinery, the ombudman's role is to be less demanding for investigation by the ombudman.

While they are publicly funded, universities cannot, legitimately claim total autonomy, though there are clear reasons why, in order to perform their function of the transmission, reproduction and development of culture and understood in these terms, a sense is autonomy in the development of academic and institutional policy, the conduct of teaching and research. It may be extended to the freedom to determine whether or not their policies and procedures are fair or applied fairly. While academics and other university staff might be interested in the ways in which the appointment of students, local or national, and in studies are recently increased, the academic community has not been impressed. The policy of ombudman in-vestigating such complaints is in order to ensure that academic procedures are as fair and reasonable as administrative procedures, is as humanly possible. While ombudsmen say that they are "not prepared to investigate academic quality"3, their wide-scope of the concept of "administrative procedures" results in significant complaints should cause some concern. How far short of actually reassuring students' work will be a fair procedure, is a matter of public concern. With this reservation, it is suggested that ombudsmen play a valuable role in administration, and that this role is equal-

References

1. This article is based on a paper delivered at a conference entitled "The Structure of the School" offered by the School of Law, Macquarie University, in June 1986. The assistance of the authors are acknowledged.
4. n. 2 above.


All of the above sections of the Commonwealth Act, and provisions of other State legislation are similar.

C. E. R. S. 18.

2. R.S. 18.


16. In this context the word "fair" is not interpreted as equal, but as fair, as used in the Commonwealth Act, and similar provisions of the other States.

17. A. B. J. Commonwealth Ombudsmen is very similar.


