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REFLECTIONS AND PROPOSALS ON CREATING A
WORLDWIDE NETWORK OF UNIVERSITY OMBUDSMEN

WHAT TO DO WITH ENOHE?

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Presentation

I would like to start my proposal on creating a Worldwide Network or Association of University Ombudsmen by briefly referring to the time and circumstances that gave rise to the current proposal. Initially, the idea of creating a global association or platform to enable university ombudsmen around world to communicate and network with each other sprang to mind while I was serving the first few months of my mandate as an Ombudsperson, and it was at the 9th Ordinary Session of REDDU held in the city of Cuernavaca (Mexico, 2012), where I was given the opportunity to present my proposal. After considering my proposal, the conference resolved on beginning the process of creating a Worldwide Association or Network of University Ombudsmen, and I expressed my full commitment to taking an active role in developing the project. Thus, having accepted this commitment, this document come proposal must be understood as an exercise of coherence and responsibility with respect to the task that was entrusted to me.

Moreover, I would like to point out that ever since the Cuernavaca meeting I have been in permanent contact with Martine Conway, *ombudsperson* for the University of Victoria (BC, Canada), with whom I share this initiative and whose thoughts and suggestions have been invaluable. Both of us are fully committed to the successful outcome of this project.

1. The general context

1.2 The universalization and generalization of the institution of the ombudsmen

Due to the widespread implementation of the institution of the ombudsperson, almost as if it were a new fad, one may speak of (*ombudsmania*). Nonetheless, this vogue may also underscore the requirements of a new era faced with encroaching bureaucracy, and exposed to an increasing number of new threats and attacks that erode the rights and privacy of individuals. Thus, the institution of the ombudsmen is currently present in numerous countries around the globe on a regional, national or local

level as well as catering for sector-specific demands such as is the case of universities.

Indeed, in many pluralistic decentralized states, be they federal or regional in structure, have appointed federal or national ombudsmen not to mention their corresponding peers for individual states, regions or autonomous communities. Likewise, local government both at the provincial and municipal level have resorted to this self-governing body to voice the concerns and complaints of citizens against the abuse of public administration. On the whole, the role and function of the ombudsmen of all categories is similar across the board.

In supranational terms, in line with the process of expansion on multinational terms (multilevel governance), we find the European Ombudsmen, a figure created by the Treaty of Maastricht (1991), whose primary function is to safeguard the rights advocated in the European Citizen's Charter and to petition on behalf of EU citizens. Hence, the European Ombudsmen has broad power to investigate, and to exercise control by working in close collaboration with other national and regional EU institutions and bodies. The European Commissioner for Human Rights approved by the 1999 Council of Europe performs a role overlapping that of the ombudsman. This non-judicial though autonomous body is entrusted to promote education, raise sensitivity and awareness, and endorse the Human Rights of citizen. As for other parts of the world, Latin America has witnessed similar initiatives designed to create a supranational ombudsman.

Bearing in mind the criteria of proximity and specialization we should mention the sector, and topic or issue-specific ombudsman who is appointed by Parliament or other public institutions and whose functions resemble those of other ombudsmen though restricted to specific topics, issues or social groups (youngsters, the elderly, consumers, the military, universities, etc.). The university ombudsman is but one example of a sector-specific ombudsman that can be found in many countries worldwide.

Thus, one may assert that the institution of the ombudsman has become substantially universal and generalized and is here to stay, an achievement that well illustrates the swift worldwide expansion of the institution as a regional, national or municipal authority or serving a specific sector or social group.

1.2. The need for ties and collaboration: the associationism of the ombudsmen

The worldwide boom and proliferation of ombudsmen of all categories highlights the need to create organizations -be they on a national, international or continental level- capable of bringing together the various practising ombudsmen to enhance collaboration, and the exchange of experiences and knowledge which will further strengthen the institution. One of the first organizations to be created was the International Ombudsmen Institute (IOI), in 1978. It has its permanent secretariat in the Faculty of law of the University of Alberta (Edmonton, Canada) that represents ombudsmen worldwide. In Europe the European Institute of Ombudsmen for the people was established in 1988 at the University of Innsbruck (Austria), where it has its permanent headquarters that represent any physical person or legal entity or any issues within the competence of the institution of the ombudsman.

Furthermore, in Europe the European Network Ombudsmen's people established in 1996 brings together the European Ombudsmen and national, autonomous-regional ombudsmen, as well as similar bodies of EU Member States, countries aspiring to become EU members. This Network encompasses a total of 90 offices in 32 countries, and has become over the years an effective tool for collaboration among ombudsmen, enabling them to exchange information concerning legislation and best practices in the EU via seminars and meetings, a regular newsletter, an online forum for debate, and daily news feeds. The national ombudsmen and similar bodies of the Network appoint a liaison officer to coordinate with other members of the Network.

As for Ibero-America, the Ibero-American Federation of Ombudsmen (IFO) created in Cartagena de Indias (Colombia) in 1995 consists of national, regional-autonomous and provincial ombudsmen from countries in Latin America, Spain and Portugal, and has a rotating head office that corresponds to the country hosting the presidency of the governing body.

A further example of this associationist tendency is the *International Ombudsmen Association (IOA)* created in 2005 with the mission of agglutinating all categories of *organizations of ombudsmen* regardless as to whether they represent corporations, not-for-profit organizations, NGOs, Universities, etc.

Currently the (*IOA*) consists of more than 500 members, the vast majority from the country where it was created i.e., the US, and operates on similar lines to the *UCOA/University and College Ombuds Association*) where it has its head quarters. This type of ombudsman is best defined as a sector-specific ombudsman which is clearly distinct to the broad generalised role undertaken by a traditional ombudsman i.e., “*a designated neutral who is appointed or employed by an organization to facilitate the informal resolution of concerns of employees, managers, students...*”.

2. Associationism in relation to the University Ombudsmen

2.1. The current situation

As I have previously pointed out, as a result of the ongoing process of expansion and implementation of the University Ombudsman– which is similar to the role performed by other types of ombudsmen – the figure of the University Ombudsman has become universal, generalized, and steadfast as is evident from the numerous ombudsmen spread throughout many countries and regions of the globe. In Europe, for example, the institution of the university ombudsman can be found in Spain, Germany, France, Switzerland, Portugal, Austria, UK, Holland, Italy, Belgium, Sweden, etc., and in most countries of the American continent such as Canada¹, United States, Mexico, Panama, Colombia, Brazil, and Argentina among others, as well as in countries further afield such as Australia. In line with other types of ombudsmen, the university ombudsmen in other areas or regions around the world have set up a wide array of international and national organizations and associations with their own specific working practices and methodology.

Hence, in Europe, the *European Network of Ombudsmen in Higher Education (ENOHE)* was created a decade ago by Kristl Holtrop, *ombudsperson* for the University of Amsterdam. It is an informal network open to all European University Ombudsmen and to colleagues from other parts of

¹ To my knowledge (based on information from the Ombudsperson of the University of Victoria, BC/Canada), the first university ombudsperson was appointed in 1965 in Simon Fraser University (British Columbia, Canada).

the world with the primary goal of fostering the exchange ideas and experiences and to provide knowledge base designed to raise best practices and good governance within the university system.

In relation to Latin America (though open to other countries around the globe) we find the Network of Ombudsmen, Solicitors, and Bodies Defending the Rights of the University (REDDU), that was initially set up by six Mexican Universities in 2005, though the number has currently grown to include another 12 Mexican Universities who are permanent associate members. REDDU membership includes honorary associate members, associate members, and observer status, which allows for the participation of a large number of University Ombudsmen from a host of countries including Spain, Belgium, Austria, Canada, Australia, USA, and several Latin American countries.

In addition to transnational organizations, it is worth mentioning national associations representing University Ombudsmen of a particular state such as Spain where over a decade ago the National Network of Ombudmen has been supervised by a Permanent Committee. Thereafter, in 2007, the National Conference of University Ombudsmen (CEDU) was set up with a permanent governing body, its own statute, and a virtual centre to undertake a series of activities and offer services relevant to the needs of the ombudsmen (e.g., annual conferences, surveys and reports, and so forth). A further example of a national association of ombudsmen is the previously mentioned REDDU set up in Mexico almost a decade ago, and the *Association of Canadian College and University Ombudsperson (ACCUO)*, which is celebrating its 30th anniversary in 2013.

2.2. The need for a worldwide association or network of university ombudsmen: the grounds for justifying this proposal.

Having reviewed the role of continental-regional, national and local associations of ombudsmen, we shall now proceed to underscore the need for a worldwide organization of ombudsmen for the following reasons:

- Currently, university ombudsmen are universal and well established in many countries and regions across the globe.

- University ombudsmen have successfully withstood the stress-test i.e., their track record provides overwhelming evidence as to their utility, the high demand for their services, and their overall efficacy.

- University ombudsmen, similar to traditional and general ombudsman, have developed a network of associations and a degree of integration at continental, national and local level that provides the necessary springboard for global associations.

- The tendency to freely associate underlines the drive to create organizations, platforms or networks designed to integrate all of the different types of ombudsmen to exchange experiences, enhance collaboration, provide knowledge bases, and to reinforce the role of the institution itself.

- Finally, we cannot overlook the world is becoming increasingly globalized and interdependent, and worldwide or pan continental integration in different fields is a logical and desirable outcome. Thus, the creation of worldwide organizations, associations, networks and forums for university ombudsmen is in keeping with the times.

2.3. Defining the type of association-collaboration, and methodology

Undoubtedly, any proposal should take into account the peculiarities and obstacles specific to each local setting that exhibit distinct asymmetric features that may vary significantly for each university ombudsmen around the world. That is, linguistic and cultural differences, a variety of university systems, different types of ombudsmen (i.e., one university ombudsman for an entire country, an ombudsman for each university, a sector-specific ombudsman for particular social groups such as university undergraduates, and so forth), contrasting conceptions and a variety of approaches concerning the role and nature of the institution itself. Nevertheless, regardless of the disparity, there is common denominator for all ombudsmen i.e., the role of mediator, and safeguarding the legitimate rights and interests of a wide array of social groups that characterise the university as a whole.

Bearing in mind the aforementioned factors, it would be wise to adopt a model of association-organization that is a flexible network designed to minimize bureaucracy and officialdom i.e., what has often been referred to as a

“community of practice”. Both bureaucracy and officialdom will hinder the initial process of constituting the association, and thwart the efficiency of its future performance. A model of governance based on the criteria of flexibility, inclusion, participation, pluralism, transparency, openness, and horizontal in structure will prove to be viable and operationally efficient. The concept of good governance is consistent with these criteria and principles, and diametrically opposed to highly restrictive networks that are elitist and opaque with surreptitious working practices and accountability.

Hence, any future model should not seek to impose a single universal model, but should aim to develop a tool or platform to facilitate the exchange of ideas and experiences, to provide a knowledge base, and to raise the benchmark for university ombudsman. This would be the ideal point of departure for gathering information, analyzing and contrasting different viewpoints in order to propose and negotiate the issue of creating future networks or associations.

Accordingly, the aim should be to progressively develop an all inclusive broad spectrum global network based on a “bottom up” working methodology that is derived from the grassroots of ombudsmen from all countries, regions, and sectors worldwide. This would allow for a common meeting point (perhaps to link up REDDU, ACCUO, CEDU, ENOHE and other websites?) to share information and ideas among ombudspeople in the field of higher education. Thereafter, groups of ombudsmen representing different continents, nations, regions or social groups could begin to discuss and define objectives, values and principles, and to design and develop organizational models and structures, activities, agendas, nomenclature, etc.

3. What to do with ENOHE?

Taking into account that we are holding our 10th ENOHE Conference, and celebrating our 10th anniversary, it would be appropriate to start by briefly reviewing and assessing the very essence and functioning of our Network, perhaps by asking fundamental questions concerning past experience i.e., how the Network has developed; and the future that lies ahead i.e., how we can improve. Thus, I would like to draw your attention to 2 main questions. The first

concerns the possibility of modifying the organizational model and structure by shifting from an informal network to a more formal structure designed to sustain a stable and permanent body to enhance communication and collaboration among European University Ombudsmen. Considering that the European Union, and the European Higher Education Area are both well established, it seems almost contradictory that university ombudsmen should not have developed adequate levels of organization-coordination to optimize the performance of such a key figure within the realm of higher education. A model of governance inspired by the notion of network, forum or platform with a basic minimalist organizational structure adopting criteria of flexibility, inclusion, active participation, pluralism, transparency, and horizontal management structures may well be the ideal operational mode.

The second question concerns the possibility of establishing a working relationship with the European Network of Ombudsmen in order to access valuable resources such as their Extranet that contains a periodic bulletin as well as online forums, and news feeds. These resources enhance collaboration and the exchange of information concerning legislation and best practices, particularly in the European Higher Education Area. This could be achieved by appointing a coordinator for the ENOHE Network.

Final reflections

Víctor Hugo once said there is nothing more powerful than an idea whose time has come, so I pose the question: Has the time come for all university ombudsmen across the globe to become associated, in accordance with an ever increasing globalized and interdependent world?

Working together in a network will allow us to access and exchange data, raise benchmarks and best practices, and in turn strengthen the institution of the university ombudsman. Furthermore, we can become key players with a global reach capable of influencing decision-making vital for higher education, and society as a whole. Bearing in mind the characteristics and dynamics of the international community, the costs of failing to associate and coordinate university ombudsmen are inadmissible and detrimental to both universities and

communities worldwide, and we cannot ignore that we are accountable to future generations who rely on the judgements of today.

Thus, our task is to implement global organizations, associations, networks, and forums for ombudsmen to exploit and profit from the synergies generated by ombudsmen across the globe. A global achievement compatible with a sustainable fusion of international regional, national, local or sector-specific organizations.

I should point out that according to Pilar Abad (lecturer and former ombudsperson of the University of Valladolid, Spain), this project for a worldwide association was discussed at the 2009 ENOHE Conference held in Hamburg (Germany). The conference agreed to consider the proposal of transforming ENOHE into an International Association of University Ombudsmen, with a governing body composed by delegates from Britain, Spain, and Austria as well as an Advisory Committee consisting of delegates from several countries (Germany, Switzerland, USA, Canada, Australia and Mexico). I am unaware of current developments and the underlying motives for halting the project. Nevertheless, we are still in time to implement the proposal for the reasons I have briefly outlined in my presentation.

Vigo (Galicia, Spain), 8th March 2013