



*Report of the 14th ENOHE Annual Conference and 2nd ENOHE / ACCIO
Joint Conference, 6-8 June 2018 in Edinburgh, Scotland*

***Resolving Conflicts on Campus:
Strategies for Enhanced Policies
and Effective Operations***



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Imprint

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**Jean Grier (Edinburgh, Scotland),
Natalie Sharpe (Edmonton, Canada) and
Josef Leidenfrost (Vienna, Austria)**

When Edinburgh, the venue of the 2018 ENOHE / ACCUO joint conference, was founded in the early 12th century as an important port town, Edmonton, the current ACCUO / AOUC "headquarters", was a prairie on an ice-free East-West corridor sparsely populated with nomadic indigenous cultures. Vienna in those days was a merchant city at the crossroads of the main communication lines in the heart of Europe.

Today, in 2018, many centuries later, history and / or geopolitical positioning no longer isolate us from each other. We now live in a "global village" (© Marshall McLuhan; an -actually- Canadian, in Edmonton! born philosopher and public intellectual, 1911-1980).

Edinburgh, Edmonton and Vienna have become next door neighbours.

The ENOHE conference 2018 travelled to its furthest northern destination in Europe. The flying time from there to the Canadian Atlantic Coast is less than six hours. We were never that close to each other.

Thanks to ACCUO International Committee Chair Martine Conway's initiative we have held our second joint ENOHE / ACCUO conference in Edinburgh. The conference planning committee through several electronic meetings, with participants from within nine time zones across the Channel, the Irish Sea and the North Atlantic Ocean have prepared a rich, diverse program. We met and dialogued in our "global village".

This year we welcomed our greatest number of Scandinavian participants so far. We also had new and returning colleagues from far overseas in Canada, in the United States, and in Australia. We also welcomed newcomers from Georgia.

Here are the conference results: A report from three full days of engaging presentations and keynotes to inspire best practices in our work as ombudsmen in higher education.

Wednesday 6 June 2018

Atrium, ECCI

- 10:00 Registration and refreshments
- 10:30 Welcome to Edinburgh / Scotland / UK - [Jean Grier](#), Conference Host (all welcome, including partners)
- 10:50 Welcome to the Conference – [Rob Behrens](#), [Josef Leidenfrost](#), [Natalie Sharpe](#)
- 11:15 Putting ourselves on the map - plenary facilitated by [Jenna Brown](#) and [Wolf Hertlein](#)
- 11:45 - 13:00 [Working Sessions A and B](#)

Breakout Room Working Session A
<p>Chair: Hugues Dreyse Building a community of practice: the work of the Scottish Higher Education Complaints Forum</p> <p>Karen Stulka, Keith Mackle and Clare Barnes Scotland</p>

Conference Room Working Session B
<p>Chair: Lies Poesiat Four readers, two countries, one book: an international experiment in professional engagement for ombudsmen in higher education</p> <p>Jenna Brown, Wolf Hertlein, Stefanie Spöth and Jim Wohl USA / Germany</p>

- 13:00 - 13:45 Lunch and Networking – please use this time to sign up for optional social events for this evening / Friday evening

- 13:45 - 15:00 [Workings Sessions C, D1 and D2](#)

Breakout Room Working Session C
<p>Chair: Josef Leidenfrost Establishment of ombudsperson offices at Georgian HEIs</p> <p>David Gegetchkori and Tamta Demetradze, Georgia</p>

Conference Room Working Session D1	Working Session D2
<p>Chair: Doris Kiendl Conflict management through coaching and connection in the graduate community</p> <p>Heather McGhee Peggs, Canada</p>	<p>Chair: Doris Kiendl Handling grievances concerning pure academic matters</p> <p>Daniel More, Israel</p>

15:00 - 15:30 refreshments and 'hot spot' networking
 15:30 - 16:45 [Working Sessions E, F1 and F2](#)

Breakout Room Working Sessions E	Conference Room Working Session F1		Working Session F2
Chair: Robert Behrens How to start an ombuds office Wolf Hertlein and Hugues Dreyse , Germany / France	Chair: Josef Leidenfrost General Data Protection Regulation: Chance or roadblock? Anna-Katharina Rothwangl and Michael Gruber , Austria	Chair: Josef Leidenfrost Exploited by a global neoliberal education market? Marc Johnson and Natalie Sharpe , Canada	

16:45 Close
 17:00 optional informal walking tour of central area of University of Edinburgh (an hour maximum; partners welcome) – meet in the Atrium ECCI

18:30 onwards optional evening meal at a local Indian restaurant, costs payable locally – sign up in advance

Thursday 7 June 2018

09:15 - 10:30

Working Sessions G, H1 and H2

Breakout Room Working Sessions G	Conference Room	
	Working Session H1	Working Session H2
<p>Chair: Suzi Leather PhD students and ombuds: How do ombuds contribute to civil, fair and productive PhD trajectories?</p> <p>Jenna Brown, Nora Farrell, Ursula Meiser, Paul Herfs, USA / Canada / The Netherlands / Germany</p>	<p>Chair: Wolf Hertlein Getting out of the box</p> <p>Michel Villiard, Canada</p>	<p>Chair: Wolf Hertlein Resolving conflicts and complaints about postgraduate supervision</p> <p>Patty Kamvounias, Australia</p>

10:30 - 11:00

refreshments and hot spot

11:00 - 12:15

Chair: Robert Behrens

Plenary

The university ombuds in the wake of a societal call-to-action against campus sexual violence: a perspective from two Canadian provinces
Natalie Sharpe and Carolyn Brendon, Canada

12:15 - 13:15

Business meeting for ENOHE members

13:15 - 13:45

Lunch and networking

13:45 - 15:00

Working Sessions I, J1 and J2

Breakout Room Working Session I	Conference Room	
	Working Session J1	Working Session J2
<p>Chair: Marianne Rustberggard How is your situation compared to the situations in Sweden, Norway and Denmark?</p> <p>Sindre Rødne Dueland, Juval Pruitt and Bo Gad Køhlert, Sweden / Norway / Denmark</p>	<p>Chair: Jenna Brown Translating the ombuds recommendations into institution-wide practices – examples from the Ombudsman of the University of Warsaw</p> <p>Anna Cybulko, Poland</p>	<p>Chair: Jenna Brown Systems and simple rules</p> <p>Jan Morse, USA</p>

15:00 - 15:30 refreshments and hot spot

15:30 - 16:45 [Working Sessions K and L](#)

Breakout Room Working Session K
Chair: Anna Cybulko Sexual harassment and abuse – a topic for the ombudsman? Wolf Hertlein , Germany

Conference Room Working Session L
Chair: Ursula Meiser Investigating complaints matters and reporting outcomes: a critical reflection Barrie O'Connor , Australia

16:45 - 17:45 [Business meeting for ACCUO members](#)

16:45 close for others/informal networking

18:00 optional history tour of Old College Quad and information about the archaeological excavations (partners welcome) – meet in Atrium

19:00 reception and gala dinner, Playfair Library Hall
(partners welcome at cost, pre-booking essential via the conference booking form)

Playfair Library Hall, Old College, South Bridge



Friday 8 June 2018

09:15 – 10:30

Working Sessions M and N

Conference Room Working Session M
Chair: Suzi Leather Keeping the complaint on track: ensuring fairness and efficiency in the face of challenging behaviour Felicity Mitchell , England & Wales

Breakout Room Working Session N
Chair: Natalie Sharpe You learn more from mistakes than from successes! Lies Poesiat and Stephan Querido , The Netherlands

10:30 - 11:00

refreshments and hot spot

11:00 - 12:00

Chair: Jean Grier

Keynote

The impact of complaints on public service employees
Rosemary Agnew, Scottish Public Services Ombudsman

12:00 - 13:00

Working Sessions O and P

Conference Room Working Session O
Chair: Rob Behrens Values of the 'millennial' youth generation: what are the implications for conflict resolution in higher education? Doris Kiendl , Austria

Breakout Room Working Session P
Chair: Wolfram Aigner Dealing with 'the powers that be' (Romans 13:1): a case study Josef Leidenfrost , Austria

13:00 - 13:45

lunch and networking

13:45 - 15:00

Working Sessions Q and R

Breakout Room Working Session Q	Conference Room Working Session R
Chair: Nora Farrell The ombudsman without an office Sindre Dueland , Norway	Chair: Jenna Brown Ombudsman in an era of social movements: providing assistance when policies are not necessarily violated Jim Wohl , USA

15:00 - 15:30

refreshments and hot spot

Conference Room

Chair: Suzi Leather

15:30 - 16:30

Plenary debate – Developing the Ombuds Learning Community

Rob Behrens

16:30 - 16:45

Closing remarks, invitation for León 2019

Josef Leidenfrost and **Paulino Cesar Pardo Prieto**

16:45

close

17:00

optional event, extra cost, guests welcome - Scotch Whisky Experience –
sign up in advance, meet in Atrium

Putting ourselves on the map - plenary facilitated by Jenna Brown and Wolf Hertlein

All participants were invited to join in answering some brief questions about our roles and experience, and to place ourselves on a virtual 'map' with fellow delegates. No knowledge of geography was necessary!



Working Session A

Building a community of practice: the work of the Scottish Higher Education Complaints Forum |

Karen Stulka, Keith Mackle and Clare Barnes

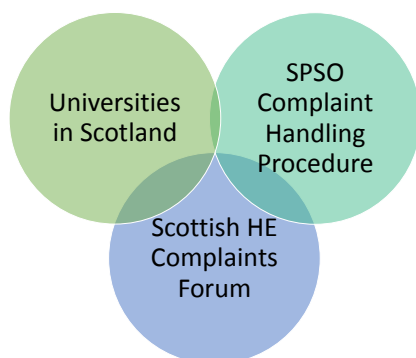
This session showcased the 19 Higher Education Institutions (HEIs) in Scotland ranging from small and specialist colleges to world-leading universities offering a broad range of degrees and multi-disciplinary research. Discussion followed on the challenges faced by HEIs when adopting the Scottish Public Services Ombudsman's model Complaints Handling Procedure (CHP) in 2013. Also discussed was the success we have achieved following the formation of the Scottish HE Complaints Forum where members meet to share good practice, develop arrangements such as 1:1 work shadowing and provide a support network in what is often a solitary and demanding role.

ENOHE/ACCUO CONFERENCE 2018

**Building a community of practice:
the work of the Scottish Higher Education
Complaints Forum**

Clare Barnes, Keith Mackle and Karen Stulka

OUR SESSION TODAY



UNIVERSITIES IN SCOTLAND



UNIVERSITIES IN SCOTLAND



UNIVERSITY QUICK FACTS



COMPLAINTS HANDLING PROCEDURE (CHP)



- Standardising CHPs across the public sector

- Model university CHP published December 2012



COMPLAINTS HANDLING PROCEDURE (CHP)



- Implementation of CHP –

- Change in culture
- Challenges to standardising a model CHP into diverse universities
- Deadlines
- One size fits all?

COMPLAINTS HANDLING PROCEDURE (CHP)

- Case studies



- Going forward ...

SCOTTISH HE COMPLAINTS FORUM



- Need to create best practice for CHP in university sector
- Establishment of Forum
- Membership

SCOTTISH HE COMPLAINTS FORUM – MULTIPLE COMPETING ROLES



SCOTTISH HE COMPLAINTS FORUM - ADMINISTRATION

- Regular meetings
- Hot topics
- SPSO standing invitation



SCOTTISH HE COMPLAINTS FORUM - BENEFITS



- Establishes best practice across diverse university sector
- Better outcomes for complainants
- Support network for complaints managers
- Email support
- 1 to 1 meetings
- Training sessions

SCOTTISH HE COMPLAINTS FORUM – THE FUTURE

- Forum is a model which is being replicated within HE
- Complaints likely to rise as demands on universities increase
- Need for consistency and better outcomes
- Forum going forward ...



SCOTTISH HE COMPLAINTS FORUM

- Any questions?



Clare Barnes



Keith Mackle



Karen Stulka

Working Session B

Four readers, two countries, one book: an international experiment in professional engagement for ombudsmen in higher education | Jenna Brown, Wolf Hertlein, Stefanie Spöth and Jim Wohl

Opportunities for professional engagement may be few, limited to local and national networks, and courses or conferences provided by professional organizations and associations. But ombudsmen may not need to rely on others to create opportunities for meaningful engagement and professional development. Over several months, four readers from two countries read a provocative book, *On Being Included: Racism and Diversity in Institutional Life* by Sara Ahmed. In this session, the readers reflected on the book and their experiences, provided observations and lessons learned, and suggestions for those considering this approach to professional engagement and development.

Four readers, two countries, one book

An international experiment in
professional engagement for
ombudsmen in higher education



Who we are ...



Why are **YOU** here?



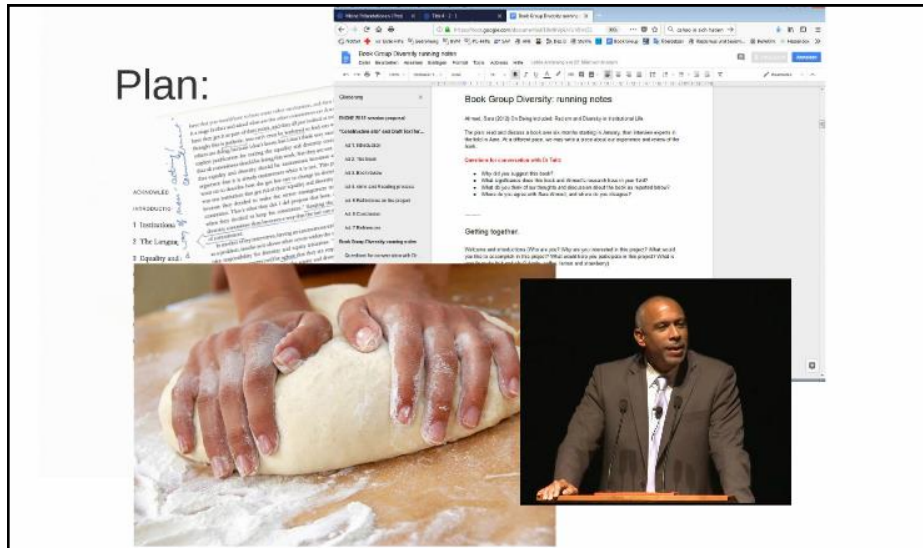
Agenda:

- Welcome and Introductions
- Presentations
 - Our Process
 - The Book
 - Our Experience
 - The Impact of the Book
- Discussion
- Wrap-up

Idea:

read a good,
non US-centric book
about diversity
and racism
with colleagues.

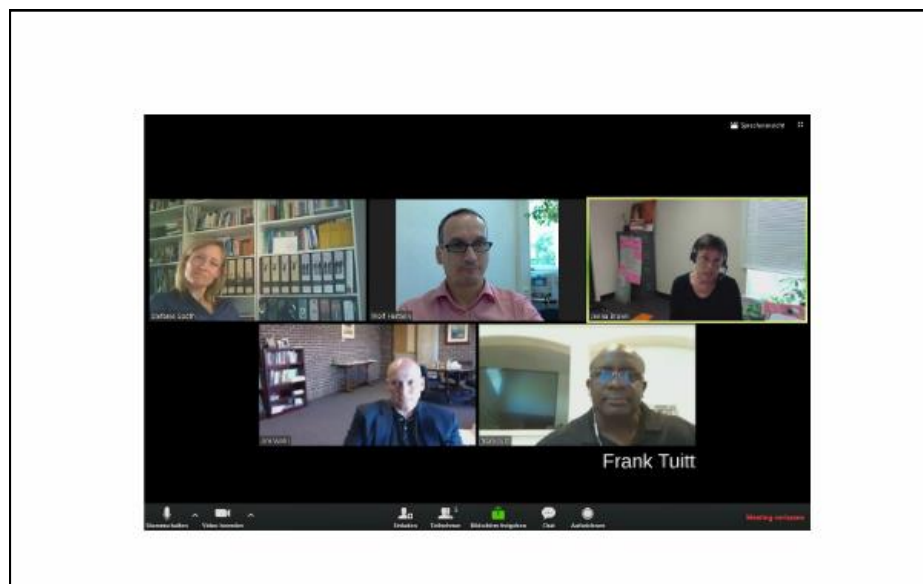
Plan:



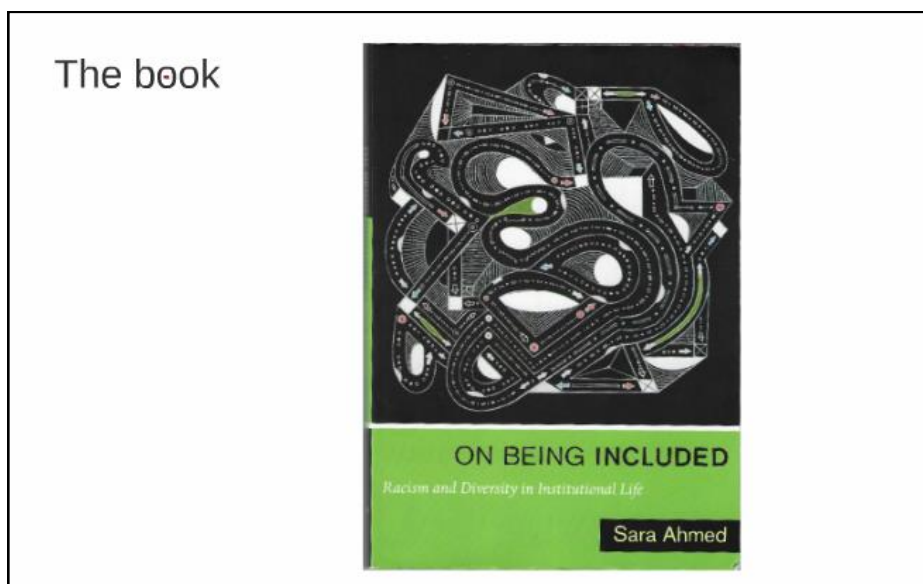
The image shows a Google Docs document titled "Book Group Diversity: running notes". The document contains a list of points under the heading "Plan:". The points are:

1. Acknowledge
2. The Longue
3. Equality and...

Below the list, there is a photograph of hands kneading dough on a wooden surface. To the right of the dough photo is a video thumbnail of a man in a suit speaking at a podium.



The book



The image shows the cover of the book "ON BEING INCLUDED: Racism and Diversity in Institutional Life" by Sara Ahmed. The cover features a complex, abstract geometric pattern in black and white, resembling a maze or a network of paths. The title "ON BEING INCLUDED" is written in large, bold, black letters. Below the title, the subtitle "Racism and Diversity in Institutional Life" is written in a smaller font. The author's name, "Sara Ahmed", is at the bottom right of the cover.

What does diversity do?

21 interviews in the UK and Australia
with Diversity Workers

As much about the nature of institutions
as it is about diversity



New Equality Regime

Happy Talk

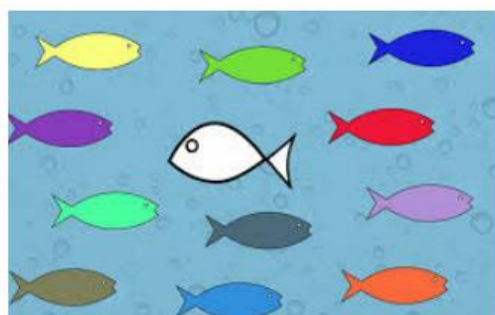
Performance Culture

Perception
Management



Phenomenological Practice

Diversity work is hard;
hard requires description



Ad 1. Introduction	2 pages concluding input from Wolf, June 6:
Ad 2. The Book	
Ad 3. Book review	Wolf's Experiences Reading Sara Ahmed's "On Being Included"
Ad 4. Aims and Reading process	A Scuba Diving Adventure
Ad. 5 Reflections on the project	
Ad. 6 Conclusion	
Ad. 7 References	
Book Group Diversity: running notes	
Questions for conversation with Dr ...	
Getting together.	
January: pages 1-50	I must admit that reading Sara Ahmed's book "On Being Included" was a real adventure for me. Unfortunately, adventures only afterwards turn into funny and fascinating stories of successfully mastered challenges. But while you are stuck in an adventure, you are struggling and totally overstrained and ask yourself "What the hell am I doing here?"
February: continue with pages 1-50;...	When I started reading Ahmed's book, I entered a world of thought completely different from mine. As if I was on a scuba diving expedition under water, where I had to find a new way of breathing, moving, viewing and orientation. I was fascinated, as it was clear from the beginning that we were following a brilliant mind . Although she writes about universities in the western world with which I am familiar, Ahmed opened me completely new perspectives.
March: pages 83-111	
April: pages 113-140	
May: pages 141-171	
Questions for: 'Behind 2010's Tu...	Doubts

then, concluding alone from these interviews and her own experience, makes statements about universities in general. To deduce secure findings about inclusion or diversity or racism in universities, I think it is not sufficient to talk only to diversity managers.

- I find the title "On Being Included" misleading. It is not about inclusion or exclusion of students as the title suggests, but about the **exclusion of inclusion** itself. Contrary to my expectation from the title, we did not learn anything about examples of best or worst practice, about good approaches, about what is needed to make inclusion work, we do not hear anything from students being included or excluded [except Ahmeds own experiences with racism].
- Ahmeds conclusions are often surprising, her analysis is in-depth, her statements are sometimes enlightening. But her thoughts are always subjective: you may follow them, but often they are not compelling, and sometimes wrong.
- Ahmed focusses [almost] completely on the negative phenomena and aspects of diversity management, from the beginning to the end of the book. In the long run, I found this very boring and tiring. I **missed constructive ideas**, approaches and examples.

Shells and Pearls

But, on an scuba diving adventure with a doubtless excellent mind, I also found and collected a lot of pearls and beautiful shells:

- P. 15: "We learn from this ambivalence about institutions and the ways practitioners can simultaneously experience themselves as working 'for' and 'against' them." [However, my attitude is that I do not work 'against', but 'with' my institution.]
- P. 17: "Statements of commitment are non-performatives: They do not bring about the effects they name." [Ignore the undue generalization.]
- P. 21: "When things become institutional, they recede."
- P. 22: "**Diversity practitioners do not simply work at institutions, they also work on them...**" [Yes, and I enjoy it!]

- P. 27: "While habits save trouble, diversity work causes trouble."
- P. 29: "Practitioners want diversity to go through the whole system."
- P. 31: "It is a unique position within the university. There's no other section of the university that is across the whole university in quite the same way as we are." [About the diversity manager's role]
- P. 32: "**Diversity workers are institutional plumbers** they develop an expertise in how and where things get stuck. Diversity strategies could be described as techniques for unblocking blockages."
- P. 173: "Diversity work does not simply generate information about institutions; it generates knowledge of institutions in the process of attempting to transform them."

But I definitely disagree with:

- P. 36/37, the "black caucus": Ahmed declares that it is legitimate to exclude white persons from a meeting, initiated as "a black meeting" by black people. This is racist and nothing better than any other kind of racism.
- P. 173: Ahmed cites Marx: "Philosophers have only interpreted the world differently but the point is to change it. I prefer to cite Rudi Dutschke: "Philosophers have only interpreted the world differently but the point is to change oneself. (*Die Philosophen haben die Welt nur verschieden interpretiert, es kommt darauf an, sie/sich zu verändern.*)"
- Last page, P. 187: "We might need to become the blockage points by pointing out the blockage points."

What I learned

- I will **try to annul some of my own possible blind spots** concerning racism and discrimination at my university. And I will be more sensible and skeptical when listening to how people talk about discrimination management. It seems that I am fortunate with my university as I don't observe the most of the negative phenomena at my university.
- My way of working is rather trying to strive for a common understanding than trying to defeat my conversation partner and his/her point of view; I rather work with than against

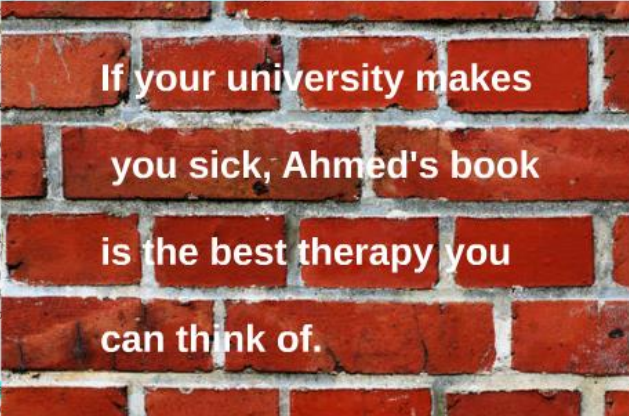
- P. 27: "While habits save trouble, diversity work causes trouble."
- P. 29: "Practitioners want diversity to go through the whole system."
- P. 31: "It is a unique position within the university. There's no other section of the university that is across the whole university in quite the same way as we are." [About the diversity manager's role]
- P. 32: "Diversity workers are institutional plumbers; they develop an expertise in how and where things get stuck, and how to unblock them."
- P. 173: "Diversity work generates knowledge."

But I definitely disagree with the idea that diversity work is a form of therapy.

- P. 36/37, the idea that diversity work is a form of therapy for persons from marginalized groups is nothing better than a form of self-deception.
- P. 173: Ahmed's point is that we need to interpret the world as it is, not as we wish it to be. "haben die Verhältnisse zu verändern."
- Last page, the idea of a "blockage point" is a form of self-deception.

What I learned

- I will try to be more open to how people talk about discrimination management. It seems that I am fortunate with



If your university makes you sick, Ahmed's book is the best therapy you can think of.

Discriminations and racism is everywhere in institutional life.

- Reading the book of Sara Ahmed changed our views and attitudes.



- The work of Sara Ahmed encourages people to develop the ability of reflecting invisible borders in institutional life and in ourselves.

- Necessary is an ongoing reflection on what happens in institutional life and how we can make visible formally abolished but still effective borders - starting with every leader and with myself!
- The interest to make blind spots visible is not natural. There are some who gain and don't want to change.
- The finding/cognition of the invisible borders comes along with negative experiences and hard work about cognition what is going on.

- The risk is, to discover own shares and interests.
- Thinking about each own minds and shares of exclusion is exhausting.
- All members of institutions are part of an exclusive system, even they don't want to.
- Invisible borders are in everyone's minds.
- Necessary is an ongoing reflection on what happens in institutional life and how we can make visible formally abolished but still effective borders - starting with every leader and with myself!



- You need to put it into your own story and context, independent of whether you benefit or not from the borders.
- You need to talk about and work on it.
- Individual and personal reflection of implicit personal and institution borders is hard work.
- The risk is, to discover own shares and interests.
- Thinking about each own minds and shares of exclusion is exhausting.
- All members of institutions are part of an exclusive system, even they don't want to.



You will change.

- You need to put it into your own story and context, independent of whether you benefit or not from the borders.
- You need to talk about it and work on it.
- Instead of one personal reflection or implicit personal and inclusion barriers a fluid work.
- The risk is to discover own biases and interests.
- Thinking about each other means and shares of inclusion is embracing.
- All members of institutions are part of an exclusive system, even they don't want to.
- Invisible borders are in everyone's minds.
- Necessity is an ongoing reflection on what happens in institutions? It and how it can make visible formerly accepted but still effective borders - sharing with every member and with myself.
- The request to make these borders visible is not radical. There are some who spin and don't want to change.
- The finding together of the invisible borders is creating with reaction and response and best work about suspicion what is going on.
- Individual qualities are not enough sometimes they are the challenge to an open audience and bring the other members of the institution to notice their responsibility.
- Identity and permeability is an important topic for institutions of higher education.

Impact

- Discussions and action is everywhere in institutions etc.
- Reading the book of Sara Ahmed changed our views and attitudes.
- The work of Sara Ahmed encourages people to develop the ability of reflecting multiple realities in institutional life and in ourselves.

Muslims are not all Terrorists

I can actually SEE you

MY HAIR IS REAL

I AM NOT A NANI

I AM NOT A COLOR

I WILL NOT CUT YOUR GRASS

Thank you!



Merci!

Tapadh leat!

Working Session C

Establishment of ombudsperson offices at Georgian HEIs | David Gegetchkori and Tamta Demetra




This session gave a presentation of achievements of the Erasmus + CBHE Project Advocacy Establishment for Students through Ombudsman Position (AESOP). Based on the study visits and best practice of three EU partner universities and the Austrian Student Ombudsman, HEIs of Georgia successfully established the first University Ombudsman Offices and the post of the ombudsperson. In Eastern Partnership Countries, Georgia together with Ukraine and Azerbaijan became the country where the first university ombuds offices were set up as a voluntary act that can be considered as an important step on the way that leads to the democratization of higher education and its compliance with the Bologna Principles.



ENOHE/ACCUO Conference 2018
University of Edinburgh, Scotland, UK
June 6-8, 2018

Akaki Tsereteli State University
Kutaisi, Georgia


"Advocacy Establishment for Students through Ombudsman Position" (AESOP)
561640-EPP-1-2015-1-AZ-EPPKA2-CBHE-JP




ENOHE/ACCUO Conference 2018
University of Edinburgh, Scotland, UK
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GENERAL DATA
"Advocacy Establishment for Students through Ombudsman Position" (AESOP)
561640-EPP-1-2015-1-AZ-EPPKA2-CBHE-JP
Start 2016 - End 2019
Programme: Erasmus +
Action Type: Capacity Building in Higher Education
Objective of the project is to promote democratic "Student Advocacy" procedures in agreement with the Bologna Process in three countries from Eastern Neighbouring Area by establishing Ombudsman Offices
Regional Project involving GE, UA and AZ
9 Participating countries

"Advocacy Establishment for Students through Ombudsman Position" (AESOP)
561640-EPP-1-2015-1-AZ-EPPKA2-CBHE-JP






ENOHE/ACCUO Conference 2018
University of Edinburgh, Scotland, UK
June 6-8, 2018





Participants




Georgia 3 ATSU, CU, GAU	Italy UNIVAQ
Azerbaijan 4 Khazar, GSU, NSU, NU	Portugal UMinho
Ukraine 2 KNEU, PUET	Finland UJ
Austria OASO	UK MxU
Poland WU	Ministry of Education of Azerbaijan MoE


"Advocacy Establishment for Students through Ombudsman Position" (AESOP)
561640-EPP-1-2015-1-AZ-EPPKA2-CBHE-JP





ENOHE/ACCUO Conference 2018
University of Edinburgh, Scotland, UK
June 6-8, 2018





Akaki Tsereteli State University (since 1933)

- Biggest Regional University in Georgia
- Approximately 11 000 students, 9 faculties
- Participant of TEMPUS, Erasmus Mundus and Erasmus + Projects


Ongoing Erasmus+ CBHE Projects:


Advocacy Establishment for Students through Ombudsman Position (AESOP)- Coordinator;

Paving the way to Interregional Mobility and Ensuring relevance Quality and Equity of Access (PAWER) - Partner;


Academic Integrity for Quality Teaching and Learning in Higher Education Institutions in Georgia (INTEGRITY) - Partner;

"Advocacy Establishment for Students through Ombudsman Position" (AESOP)
561640-EPP-1-2015-1-AZ-EPPKA2-CBHE-JP






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University of Edinburgh, Scotland, UK
June 6-8, 2018





2005 Bergen Summit - Georgia joined Bologna Process that lead to harmonization of educational system with the European Higher Education Area




- ✓ Three cycle system
- ✓ ECTS
- ✓ Diploma supplement
- ✓ Quality Assurance units
- ✓ National Centre for Educational Quality Enhancement
- ✓ Accreditation (Institutional/Programme) etc.

"Advocacy Establishment for Students through Ombudsman Position" (AESOP)
561640-EPP-1-2015-1-AZ-EPPKA2-CBHE-JP





ENOHE/ACCUO Conference 2018
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Background

Increased role of students in HEIs of Georgia
 Involvement in the management
 Promotion of protection of Students' rights
 Students increasing responsibility to take initiative in managing their academic careers


Students advocacy was chosen as this is one of the challenging issues in everyday life of Georgian Universities.

"Advocacy Establishment for Students through Ombudsman Position" (AESOP)
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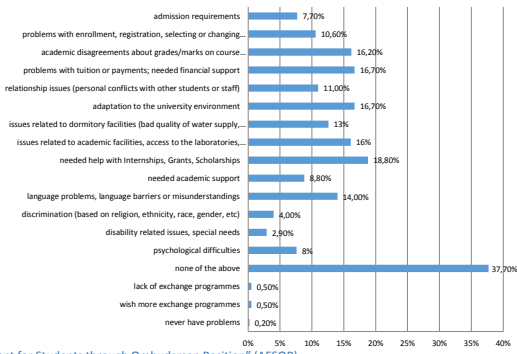




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Challenges students experienced at the university




Challenge	Percentage
admission requirements	7,70%
problems with enrollment, registration, selecting or changing...	10,60%
academic disagreements about grades/marks on course...	16,20%
problems with tuition or payments; needed financial support	16,70%
relationship issues (personal conflicts with other students or staff)	11,00%
adaptation to the university environment	16,70%
issues related to dormitory facilities (bad quality of water supply,...	13%
issues related to academic facilities, access to the laboratories,...	16%
needed help with Internships, Grants, Scholarships	18,80%
needed academic support	8,80%
language problems, language barriers or misunderstandings	14,00%
discrimination (based on religion, ethnicity, race, gender, etc)	4,00%
disability related issues, special needs	2,90%
psychological difficulties	8%
none of the above	37,70%
lack of exchange programmes	0,50%
wish more exchange programmes	0,50%
never have problems	0,20%

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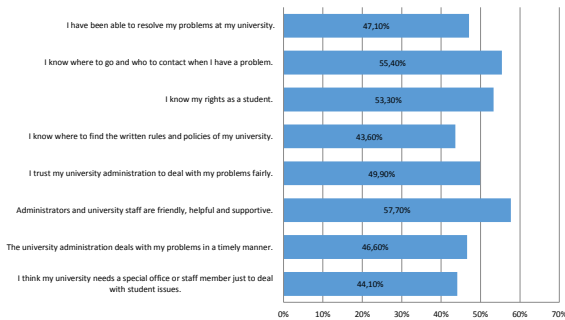




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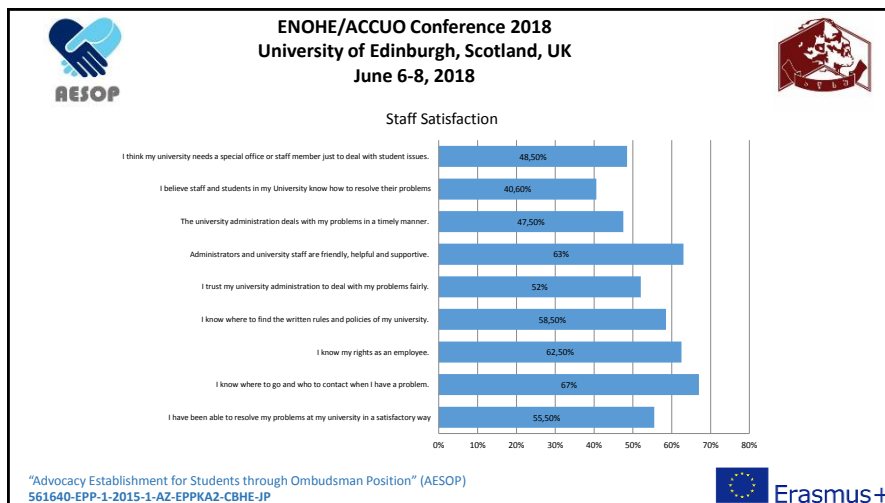

Students Satisfaction




Satisfaction Statement	Percentage
I have been able to resolve my problems at my university.	47,10%
I know where to go and who to contact when I have a problem.	55,40%
I know my rights as a student.	53,30%
I know where to find the written rules and policies of my university.	43,60%
I trust my university administration to deal with my problems fairly.	49,90%
Administrators and university staff are friendly, helpful and supportive.	57,70%
The university administration deals with my problems in a timely manner.	46,60%
I think my university needs a special office or staff member just to deal with student issues.	44,10%

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Our Experience: Tempus Project - Student Support and Development Services (SSDS)
Need: to develop European system for student advocacy in administrative/academic issues


Experience and best practices of European Universities
study visits to EU partner Universities in took place in the following sequence:
Warsaw University, Warsaw, Poland - April 3-7, 2017
L'Aquila University , L'Aquila, Italy - May 1-5, 2017
Minho University, Braga, Portugal - May 22-26, 2017

European Partners and their expertise and consultation were of great benefit, as the concept of an ombudsman in higher education was a totally new idea in the region.

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Completely new concept was offered and came into existence at 3 Georgian Universities

Akaki Tsereteli State University (ATSU)
Caucasus University (CU)
Georgian American University (GAU)

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Ombudsperson - an independent body who defends and promotes the rights and legitimate interest of students at the University. Ombudsperson plays a role of mediator in conflict situation, helps in analyzing the problems and generating solutions.

Ombudsperson's Office is based on 3 core principles

Neutrality

Confidentiality

Independence

Ombudsperson Office is a useful/ flexible structure and effective tool for students, university staff and administration.

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The competences of the Ombudsperson is providing information, assistance and consulting to students; supporting individuals and organizational units of the University in problem resolution; providing proper information on procedures and legal regulations applicable at the University; assisting in obtaining information to isolate, eradicate and prevent conflicts and issues; identifying sources of problems which hinder the proper functioning of the University;

Ombudsman should act and respond try to solve the problem as soon as possible as solving problems in timely manner was reported to be a concern of both students and staff at universities of GE, AZ and UA (based on needs assessment report conducted at these universities). Ombudsman Office should be an option used to minimize bureaucratic procedures and should allow students and staff deal with their problems effectively and on time.

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THANK YOU!

"Advocacy Establishment for Students through Ombudsman Position" (AESOP)
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Working Session D1

Conflict management through coaching and connection in the graduate community | Heather McGhee Peggs

Conflicts that arise in graduate school can be among the most complex and challenging to resolve. The Graduate Conflict Resolution Centre (www.gradcrc.utoronto.ca) helps all members of the graduate community to navigate conflict earlier and more effectively. In this participants learned how the Grad CRC works alongside existing formal and informal mechanisms for resolving conflict and invites all members of the graduate to build and support best practices in conflict management. Participants considered how a team of trained masters and doctoral students who provide conflict-coaching services and run workshops for their fellow students are uniquely positioned to develop connections across departmental and divisional boundaries.



Conflict management through coaching & connection in the graduate community

ENOHE/ACCUO Conference 2018

Heather McGhee Peggs, B.A., LL.B.
University of Toronto, CANADA



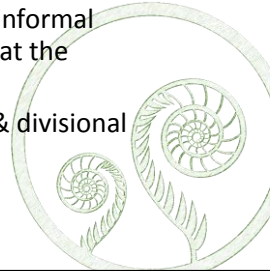
graduate
conflict
resolution
centre

The “perfect” storm

University of Toronto	Graduate focus
<ul style="list-style-type: none"> 3 campuses, 88,000+ students and 20,000+ faculty/staff 80 graduate units / 280 graduate programs 18,000+ graduate students (doctoral, masters –research & professional) 	<ul style="list-style-type: none"> Shared acknowledgement of challenges of navigating conflict in grad school (School of Graduate Studies, Student Life, U of T Graduate Students’ Union) 2014 Report on Student Mental Health (grad specific recommendations): <ul style="list-style-type: none"> “enhance support...interactions with...supervisors” “foster a greater sense of community” “peer support” “problem solving, and self-advocacy”

www.gradcrc.utoronto.ca

- Grad CRC launched January 2016
- Focus on graduate issues and U of T resources
- Inspired by MIT's REFs program and early resolution ombuds practices
- Work alongside existing formal & informal mechanisms for resolving conflict at the university
- Collaborate across departmental & divisional boundaries



resilience*

Adapt & learn from challenges
Capacity to overcome stress and adversity
Individual & community

How do we help graduate students, staff and faculty to navigate conflict *earlier & more effectively*?

*SL Resiliency Project, 2016

It is NORMAL to disagree, be annoyed, or encounter differences...

What makes grad school conflict particularly challenging?

- Uncertainty
- Power imbalances
- Isolation
- Finances
- Competition
- Feeling undervalued
- History/Culture
- Unclear communication
- Life/family pressures
- Fear/Personalities
- Unrealistic expectations
- Knowledge gaps

G2G Peer Advisors

- ✓ listen
- ✓ make referrals
- ✓ explore options
- ✓ give tips & advice on managing conflict
- ✗ advocate
- ✗ provide counselling
- ✗ intervene

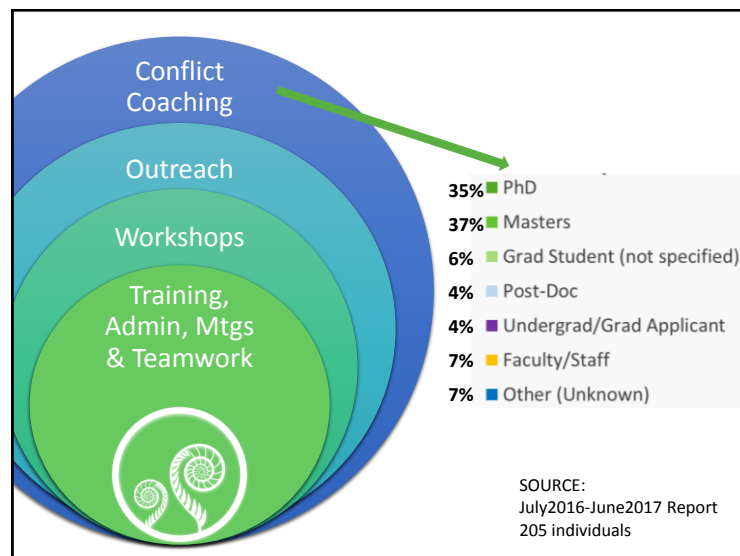
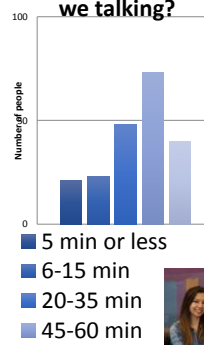


Confidential & Informal Grad-to-Grad (G2G) Advice

July 1, 2017 – May 29, 2018

- 14 G2G Peer Advisors
- 35+ hrs training, paid position
- 6-8 hours/week, year-round
- 300 drop-in sessions (343 attendees)
- 50 CRC events (629 attendees)
- 37 Outreach initiatives
- 178 conversations w/ students, faculty & staff (over 480 conversations since Jan. 2016)

How long are we talking?



What graduate students, staff & faculty are talking about with the GradCRC:

1. Supervisory issues (14%)
2. Communication & conflict resolution strategies
3. CRC/G2G Services
4. Graduate student supports
5. Research/Thesis
6. Interpersonal issues/conflict
7. Escalating/Policies/Processes

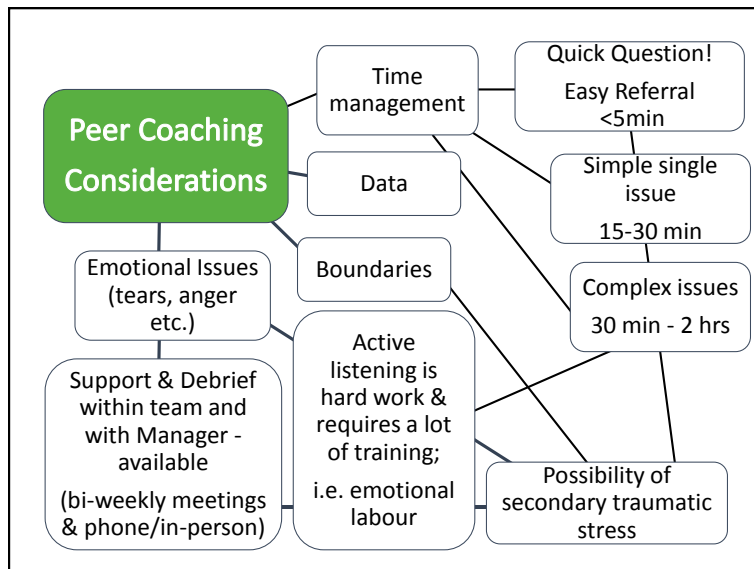
"I'm afraid to talk to my advisor."

"Am I the only one feeling this way?"

"I feel undervalued/overworked."

"I'm not sure what I'm supposed to be doing as a grad student."

"They have totally unrealistic expectations."



Communication, coordination, collaboration

- Training for students, administrators, & faculty
- Customized to department/issues
- Joint workshops with Ombuds Office, SGS
- Cross-promote & clarify services for grad students



- G2G training is provided by many different offices
- Grad working group – communicating with grad students
- G2G make connections within their departments



www.gradcrc.utoronto.ca

  @GradCRCUoft

Thank you!



No matter is too small to discuss.

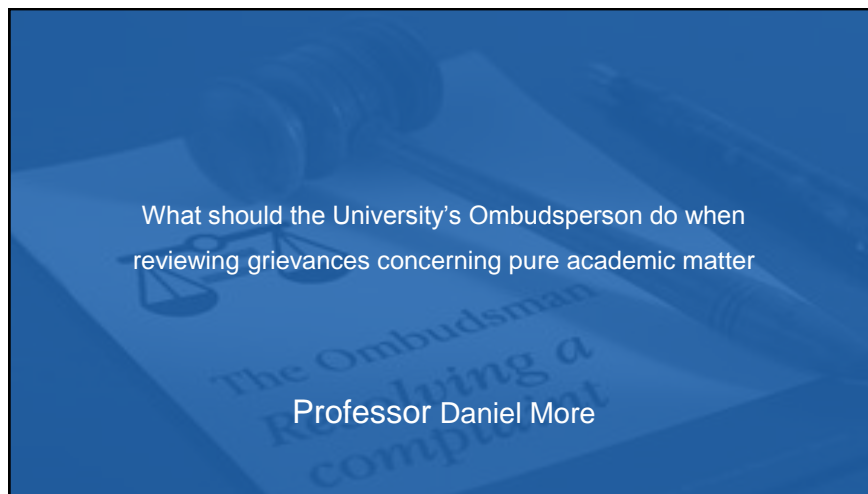


Heather McGhee Peggs with the audience

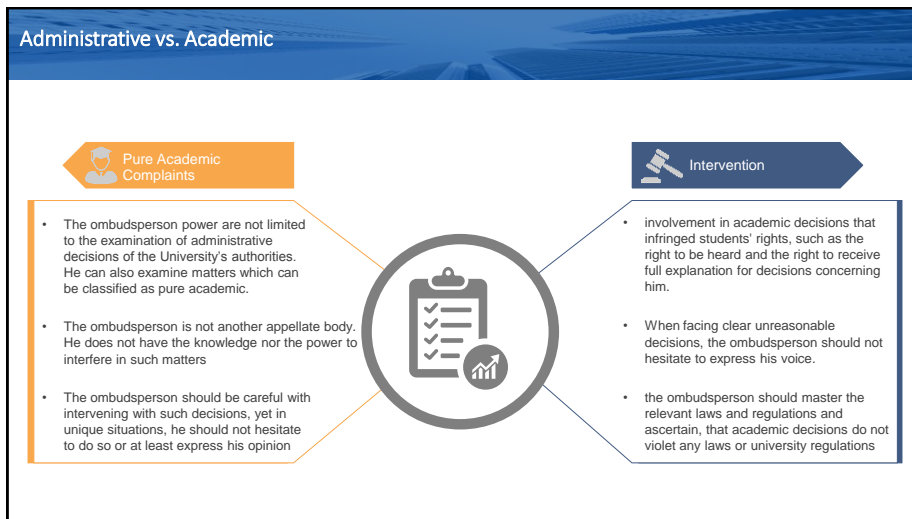
Working Session D2

Handling grievances concerning pure academic matters | Daniel More

Many of the grievances submitted to the ombudsperson concern pure academic decisions. Students often disagree with the way teachers evaluate their academic performances. In some cases they claim that the teacher was unfair or even vindictive or they question their teachers' academic competence. At times the grievances deal with substantial or procedural mistakes of the academic bodies of the institution. The shield of "academic freedom" enables teachers to prevent any interference in their academic judgments. Is it an impregnable wall? Should the ombudsperson avoid altogether such grievances? I do not think so. Cases were described in which I was able to be instrumental in effecting changes in academic decisions



Decision making	
	<p>Introduction</p> <p>Many of the grievances submitted to the ombudsperson, concern pure academic matters. Students are often unsatisfied with their professors: they are critical about their academic ability or methodology and they often disagree with the manner in which the professors elect to evaluate their academic performance. In some case, they even claim that the professors were unfair and even vindictive. The shield of "Academic Freedom" enables professors to prevent any interference in their academic judgements on the part of the ombudsperson or anyone else. Is it impregnable wall? Should the ombudsperson should avoid altogether such grievances? I do not think so.</p>
	<p>Formal Decision</p> <p>Whenever I am not able to reach an understanding with either the University's authorities, the students or both, I find it useful to write a formal decision</p>
	<p>Decision process</p> <p>Process - examining the facts, the evidence and the legal ramifications before writing the decision. Legal Status - formally my decisions are not a really decision but rather recommendations, but I usually point out that they're more than mere recommendations since each such recommendation, is sent also to the complainant and he or she is free to pursue a legal course or explore other avenues.</p>
	<p>Statutory Standing</p> <p>Under Israeli Law, the ombudsperson is a statutory body created by the Student Rights Law of 2007 to enable students who feel that they are victims of some form of wrong doing on the part of the University, to bring their grievance to an independent, neutral, and objective entity.</p>
	<p>Impact</p> <p>Effecting Changes - Although, the ombudsperson can't impose its will, I can testify that the majority of my judgements were adopted by the University and some of my suggestions have effected changes in practices and regulations in the university Settling Complaints - the decisions can be used as a shield or as a sword: A decision to reject a grievance, when it is a reasoned and written with empathy and respect to the claimant is likely to persuade him to respect the judgment. A justified decision which is not accepted on the part of the university can allow the claimant can utilize this decision in seeking other avenues.</p>



Case I - The MA student of the faculty of engineering

- 01 Background.** The complainant worked two years on a master thesis in the engineering faculty. He finished all the other requirements for the MA degree. The thesis subject and outline were approved by the MA committee after a review process by two professors.
- 02 Examination.** After a few days from the submission of the thesis, the supervisor wrote on the 106 pages' thesis: "I'm sending you back the thesis with comments. I have read 6 pages and have already 70 comments. I'm sorry but your thesis is bad. I do not want to mislead you and cause you any further loss of time and money. I suggest to you to move to another project or to another university or college. I wish you success".
- 03 Contacting the Dean.** Following my review of the complain, I've wrote the Dean of the Faculty and raised my following concerns: First - After two years' work, If it is indeed a lousy thesis, why let the student work two years in vain? Second - is it proper to evaluate the academic worth of the thesis on the basis of its 6 first pages (out of 106)? Third - is it proper for the supervisor to suggest the complainant to seek another university or college?
- 04 Resolution.** Following my decision, the Dean facilitated an agreement between the complainant and his supervisor, under which the supervisor will sit with the student and explain to him what sort of amendments to the thesis are required and the faculty will also enable the complainant to get assistance from a former MA student of the supervisor, who will help him rewrite the thesis

Cases II - The Second Exam Dilemma



Regulations

Under Israeli law, every student has a right to be examined in each course twice. Students who pass their first examination and wish to improve their final grade in a course, can do so by waiving the first grade. The last grade will prevail, even if the student failed the second exam.



Case Background

A law student received an 84 on an exam. She decided to take the second exam in order to improve her grade. Her grade on the second exam according was 81, and therefore this is her final grade in that course. She asked the faculty for a copy of her examination and the first examination was sent to her by mistake. When she opened the copy she was shocked to find out that her grade in the first exam was 90 and not 84.



Faculty Decision

The student requested the faculty to restore her final grade to the first correct grade (90). Both the law school administration and the academic secretary of the university decided that it cannot be done because of the express provision according to which the last grade shall prevail.



My Decision

I wrote that in this case the complainant had waived the grade of 84 but had never waived the correct grade of 90, which she only found out about in retrospect following the second exam. I determined that her final grade should be 90 and emphasized that the student should not be a victim of the administrative mistake.

Cases III - Failure in a second exam under unusual circumstances



a student suffering from cerebral palsy, requires an assistant to write exams. The student participated in an exam in statistics and received a grade of 61. She decided to take the second examination. Unfortunately, her assistant did not arrive to the test. His replacement didn't possess the basic tools required to assist her adequately. The complainant failed the second exam and got a grade of 40.



The student requested that the first grade (61) will be her final grade in this course but the University's administration declined, hence, she asked for my assistance.



After reviewing the facts, I've reached a conclusion that it was a mistake to examine her second exam since it was in affect null due to the unique circumstances. Under such circumstances, the provision according to which the last grade prevails, is inapplicable, since the second exam wasn't performed in accordance with her right to proper assistance, and therefore, the only grade that should count is the grade of the first exam (61).



According to the doctrine of waiver, the complainant did not forgo the first grade without any conditions. She was ready to waive this grade for the chance to participate in the second examination in a certain date and under certain conditions including the assistance of a qualified assistant. Since these conditions were not met, the waiver ceases to be valid.

Cases IV - The saga of the visiting professor



General Background

In recent years, the Law Faculty invites well-known professors, mainly from the U.S., to grant students with exclusive international courses concentrated over a 3 weeks span. The idea is to expose law students, especially the best ones, to legal courses conducted in English by some of the leading jurists.



Case Background

The complainants are two law school students. They were registered to such international course in comparative constitutional property law. After the first lecture, they approached the American professor and asked for his permission to let them study in this course without attending the lectures. He told them that 20% of the final grade is allotted to the actual contribution to the discussions, and they agree to forgo these 20%. Eventually, they were examined in this course in a home exam and received a final grade of 58.



The Complaint

The professor wrote many remarks on the complainants' examinations. They have not disputed these remarks. It seems that the grievance was based upon the subjective feeling. This is the basis of the grievance, which actually accuses the professor in vindictive and unprofessional behavior. In the respect, the complainants wrote: "It is obvious that the examinations were not evaluated in good faith and that the grades are a product of the professor's will to punish the complainants for their absence from class, in an attempt to deter students from similar absence".



My Conclusion

It is important to encourage students to complain when encountered in some wrong doing, however, they should be extremely careful not to make unsound accusations. I suggested to them to withdraw their complaint since their behavior was nothing to be proud of. I also wanted to deter students from regarding the ombudsperson as another appellat body, so far as academic decisions are concerned. Students should be discouraged from further challenging academic decisions by bringing personal accusations against their teachers.



Further Thoughts

A student unhappy with the grade can't really bring an appeal. Usually we speak of "appeal" when being able to refer the matter to a superior jurisdiction. But that's not the matter under discussion. The term "review" better describes the process. The review is made by the same professor who graded the examination in the first place. No one else is empowered to make this review.

Working Session E

How to start an ombuds office | [Wolf Hertlein](#) and [Hugues Dreysse](#)

The two speakers reported on their experiences in setting up and developing their ombudsman offices, also incorporating the experience of other universities. Crucial questions to be answered were: How did we build our offices? Which kind of relations have been built with the stakeholders? Which mistakes should be avoided? What are the guiding principles? Which qualifications should an ombudsman have? What is it like to be an ombudsman? Will ombudsman activity be a full-time or part-time job? Participants networked with each other and benefited from other participants' experiences. Interested parties were invited to address questions and discuss with the presenters during or after the session.

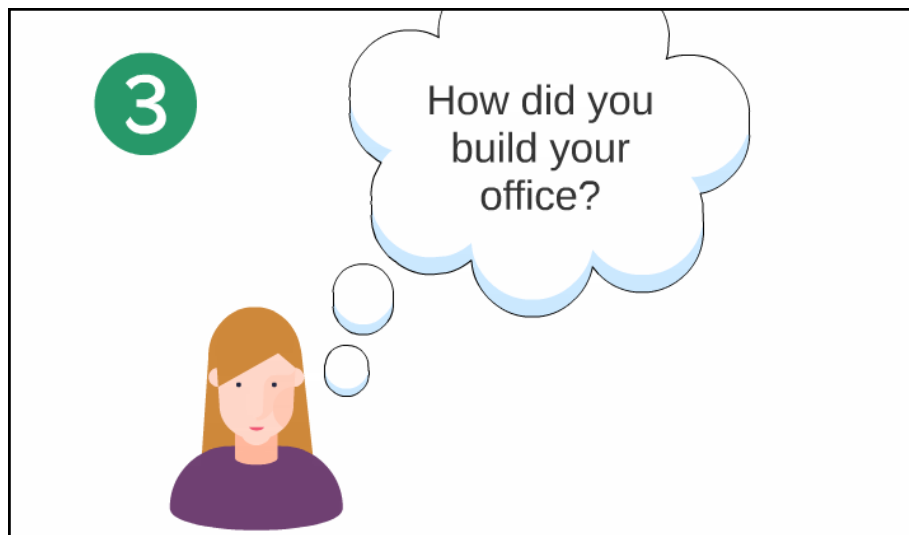
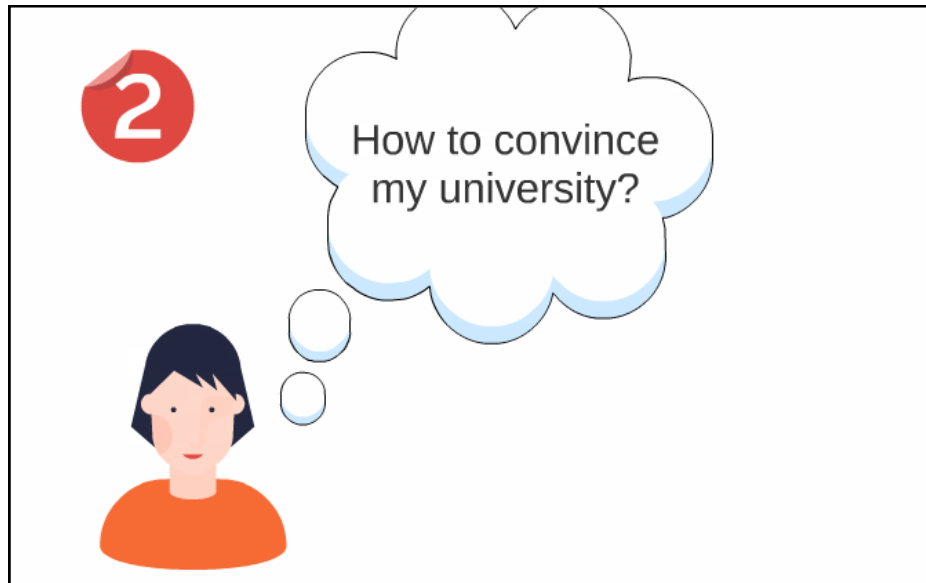
Agenda:

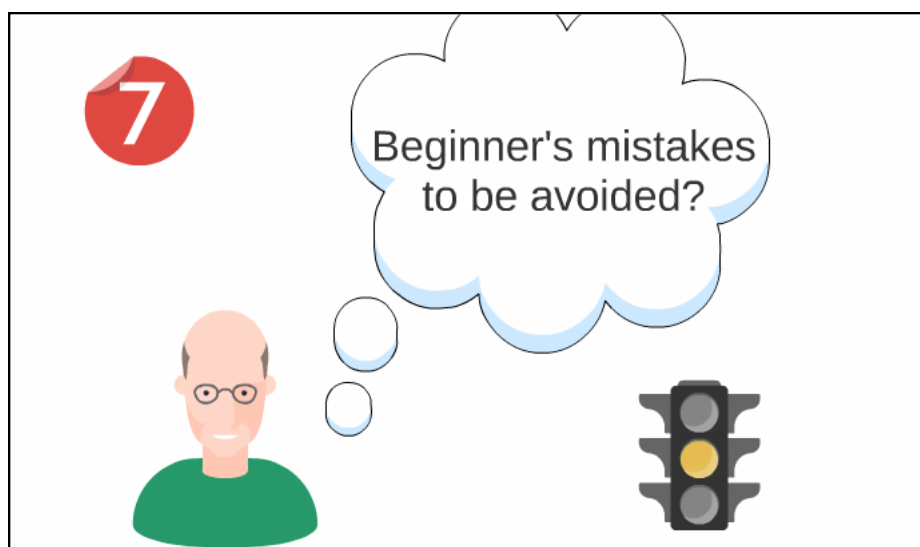
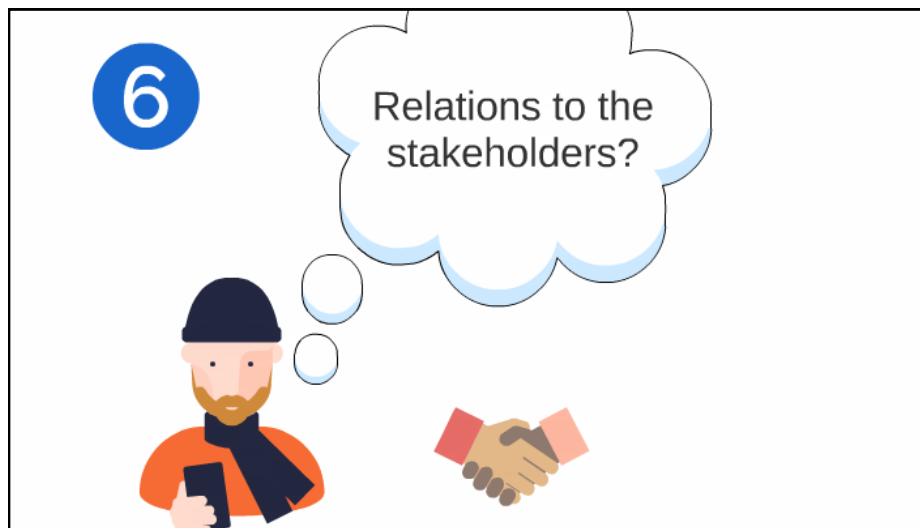
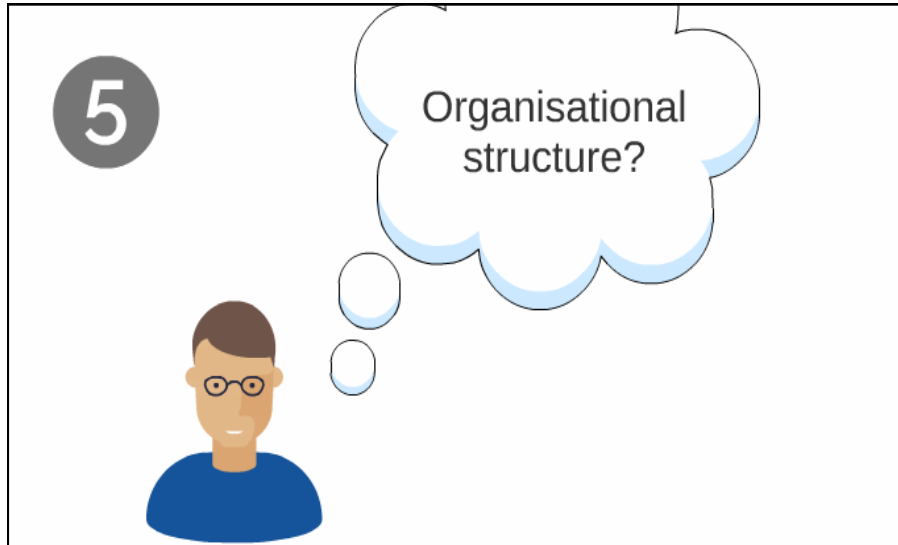
1. Introductions
2. Systemic constellation
3. Your Questions
4. Answers

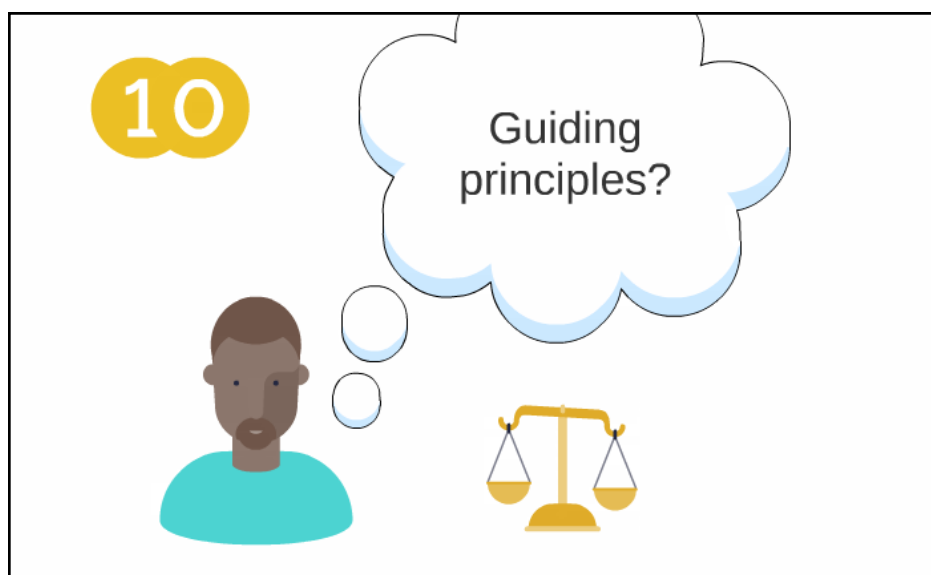
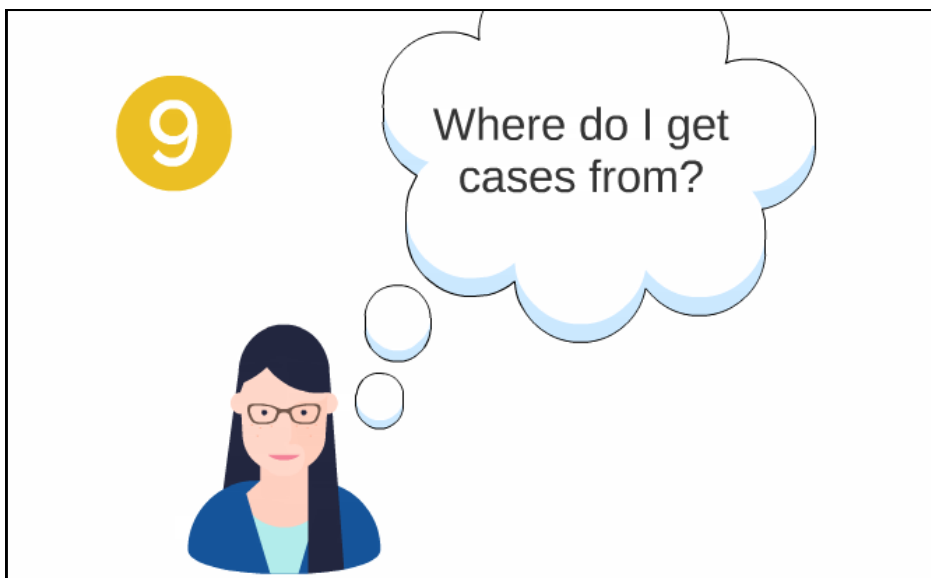
Hugues Dreysse & Wolf Hertlein
How to Start an Ombuds Office

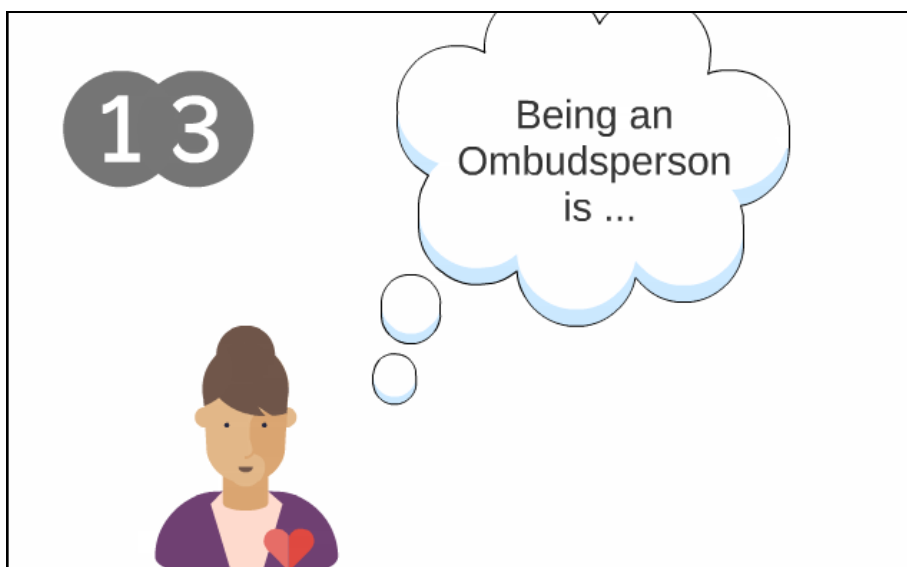
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Does my university need an Ombudsperson?





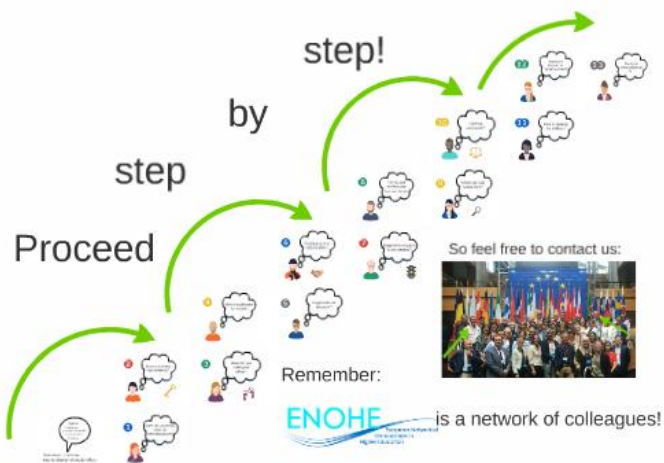




Remember:

ENOHE is a network of colleagues!
European Network of Ombudsmen in Higher Education

So feel free to contact us:



Thank you for your participation!


Working Session F1

General Data Protection Regulation: Chance or roadblock? | [Anna-Katharina Rothwangl](#) and [Michael Gruber](#)

With the implementation of the General Data Protection Regulation at the end of May 2018, conditions for the handling of personal data have been changed considerably. With the new regulations on a European level, also national legislations had been adopted. In Austria this had been performed by also changing several laws effecting higher education. This includes the protection of natural persons with regard to the processing of their personal data and the explicit basis of data handling and data application. The main aim of the General Data Protection Regulation is to create legal certainty throughout the European Union.

**EU General Data Protection
Regulation (GDPR) –
chance or roadblock?**

I. What is GDPR
II. GDPR and the Austrian Student
Ombudsman

 Office of the Austrian
Student Ombudsman
www.hochschulombudsmann.at
www.hochschulombudskrau.at

I. What is GDPR?

1. GDPR
2. personal data
3. special categories of personal data
4. Processing
5. when can personal data be processed?
6. principles of processing
7. public administration

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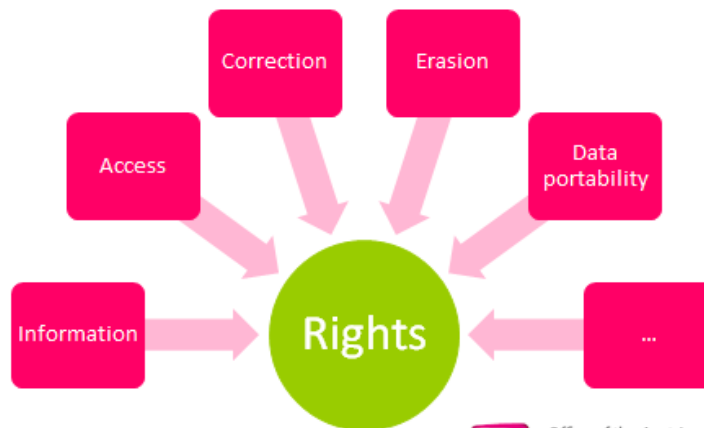
Gruber/Rothwangl

EU General Data Protection Regulation (GDPR)

- replaced the Data Protection Directive 95/46/EC
- was designed to harmonize data privacy laws across Europe
- is protecting and empowering all EU citizens data privacy
- is reshaping the way organizations across the region approach data privacy

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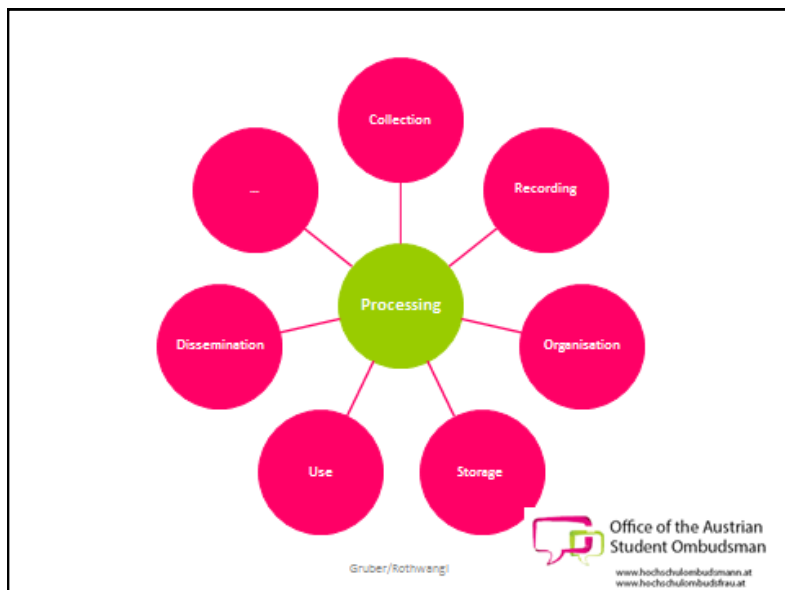
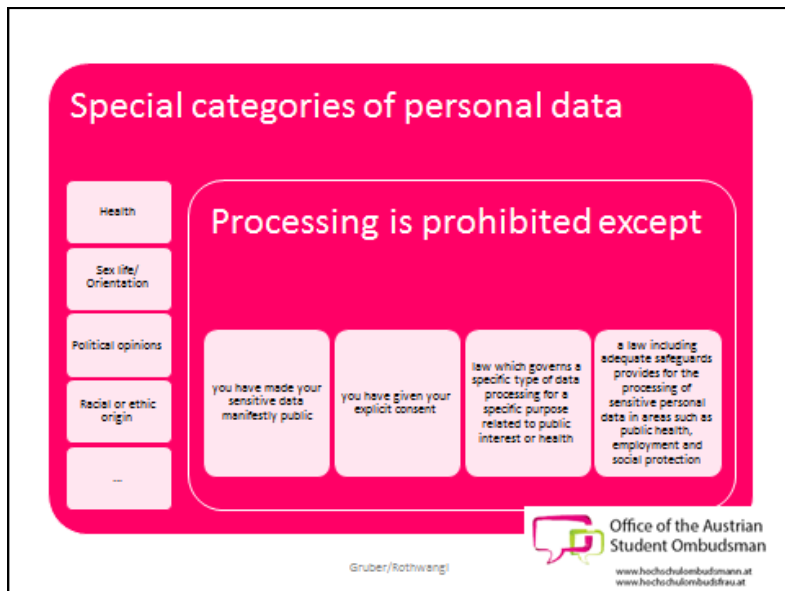
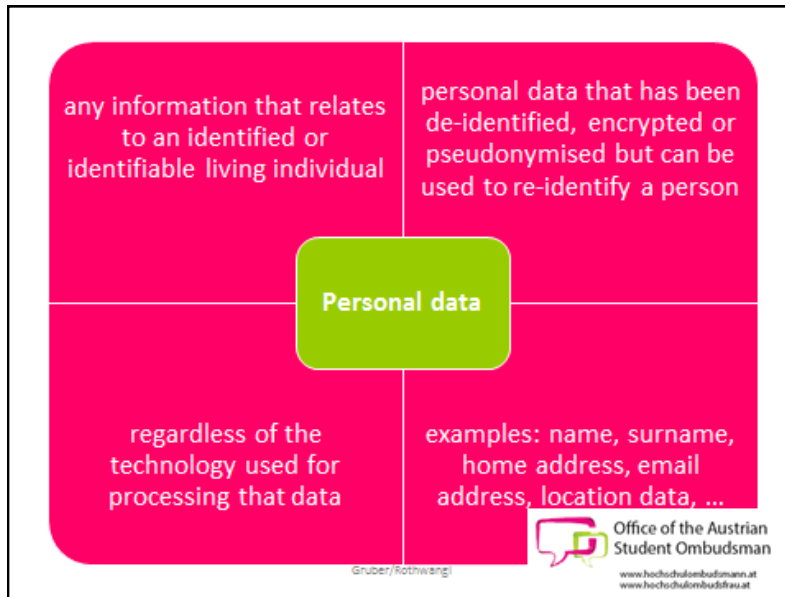
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Gruber/Rothwangl

- Right of Information
- name of organisation
 - purposes of data use
 - categories of personal data
 - legal basis
 - length of time of storage
 - who gets your data too?
 - transfer outside EU?
 - information about basic rights
 - right to lodge a complaint at DPA
 - ...

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Gruber/Rothwangl

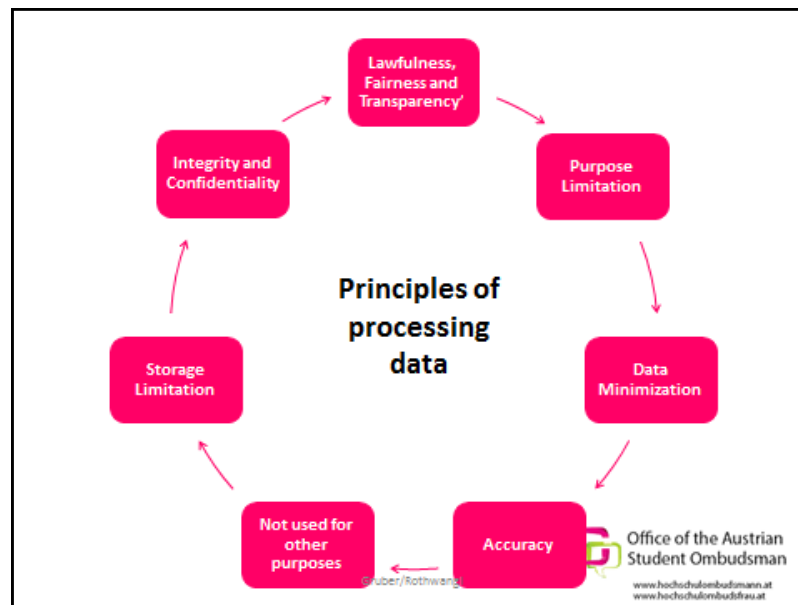


When can personal data be processed?

- consent of the individuals concerned
- contractual obligation
- legal obligation under EU or national legislation
- processing is necessary for performance of a task in public interest
- protect the vital interests of an individual
- for your organisation's legitimate interests

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Public Administration

Data Protection Officer (DPO)

Information about processing

appropriate technical and organisational measures have been implemented to secure personal data

contract or another legal act guaranteeing that the processor provides sufficient guarantees

Data breach: must be notified to the Data Protection Authority (DPA) without undue delay and at the latest within 72 hours after having become aware of the breach

Key principles: fair and lawful processing; purpose limitation; data minimisation and data retention

In the case of processing on the basis of this law, this law should already ensure that these principles are observed (e.g. the types of data, storage period and appropriate safeguards)

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Gruber/Rothwangl

II. GDPR and the Austrian Student Ombudsman



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§ 31 Act of Quality Assurance in Higher Education

legal definition

in particular following categories of personal data

necessity of the processing of special categories of personal data

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www.hochschulombudsmann.at

§ 31 Act of Quality Assurance in Higher Education

The student ombudsman shall have the right to **request personal data** (Art. 4(1) GDPR) and other information from the respective bodies and members of the educational institutions that deal with student issues. The bodies and members of the educational institutions shall be obliged to provide the student ombudsman with the information requested.

Gruber/Rothwangl

 Office of the Austrian Student Ombudsman
www.hochschulombudsmann.at
www.hochschulombudsmann.at

§ 31 Act of Quality Assurance in Higher Education

The student ombudsman may act as an advisor to the bodies and members of the educational institutions that deal with student issues.

To discharge its duties the student ombudsman has the right to **process in particular the following personal data (Art. 4(1) GDPR) and other information** and to file it for a maximum period of **30 years**.

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Personal data categories



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Special categories of pers. data

Where necessary, the processing of sensitive categories of personal data (Art. 9 GDPR) is also permissible.

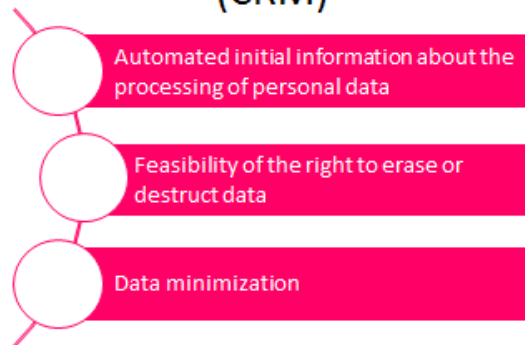
- a disabled student had an issue about communication between him and the representative for students with disabilities
- a group of students was complaining about a religious promotion of other students on campus
- a transgender student had an issue about housing during an exchange semester

Gruber/Rothwangl



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Adaptation of the digital database (CRM)



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www.hochschulombudsfrau.at

Adaption of the initial information

Thank you for contacting the Austrian Student Ombudsman!

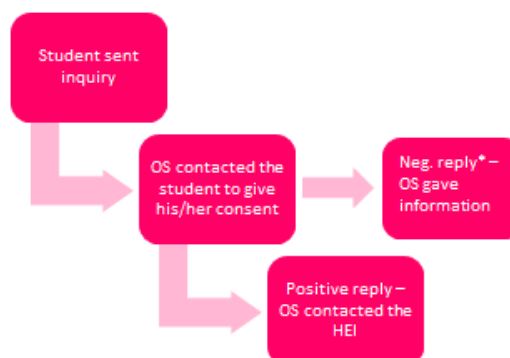
*Your request is very important to us, therefore we try to answer your inquiry within a short time. As each request has to be processed individually, we ask for your understanding should there be shorter waiting times. In order to fulfil its legal tasks, **the student ombudsman processes personal data on the basis of relevant statutory provisions, in particular the GDPR and the Act of Quality Assurance in Higher Education.***

Best regards,

Gruber/Rothwangl

Office of the Austrian Student Ombudsman
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www.hochschulombudsfrau.at

Working process before May 25th 2018



*about 15 – 20 Persons p.a.

Gruber/Rothwangl

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www.hochschulombudsfrau.at

Working process after May 25th 2018

Student sends issue

OS contacts
HEI

Information

Further communication
between OS and
student

Gruber/Rothwangl

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www.hochschulombudfrau.at

Feasibility of the right to erase or destruct data

- What personal data has to be stored for statistic reasons?
 - HEI
 - The categorie of the issue
 - The final status/the result
 - Sex
- Adoption of the technical possibility in the database to erase or destruct the personal data

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Reconsidering the Annual Reports

Each year the student ombudsman shall prepare a report on its activities. Those individuals who in accordance with (1) sought out the student ombudsman **may not be named in this report**. The report for the preceding academic year shall be submitted to the competent Federal Minister and the National Council by 15 December of each year at the latest. This report must be published by the student ombudsman.

Gruber/Rothwangl

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Reconsidering the Annual Reports

- How can anonymization be guaranteed?
 - describing issues anonymized
- What data is necessary for statistic purposes?
 - Which data has to be stored after the erasion or destruction of personal data?

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Discussion

 Chance

- CHANCE
 - to adapt working processes
 - to analyze the need of data storage
 - to overthink involving processes

 Roadblock

- ROADBLOCK
 - exzessive administrative burden
 - angst of legal consequences

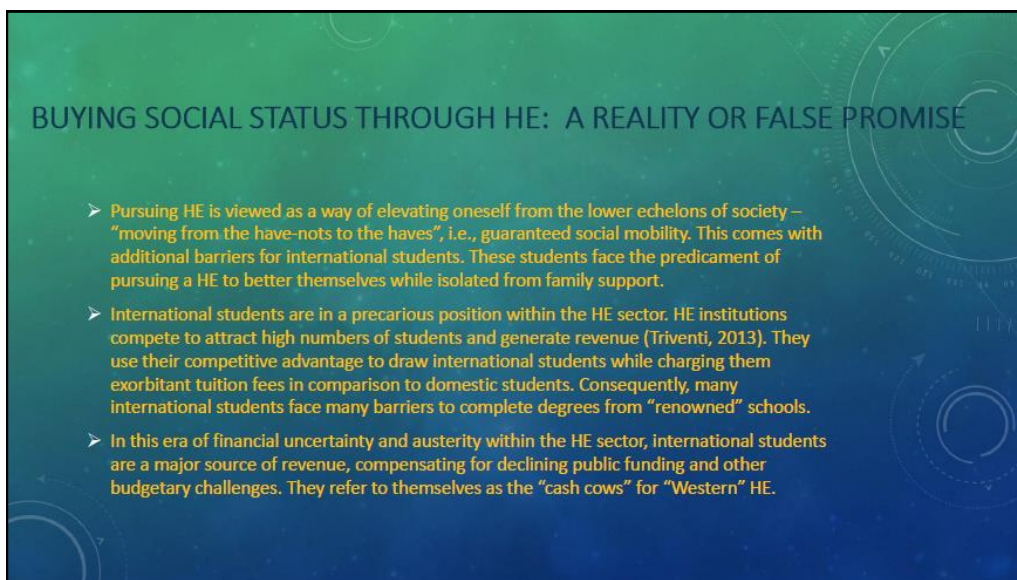
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Working Session F2

Exploited by a global neoliberal education market? | [Marc Johnson](#) and [Natalie Sharpe](#)

A recent Canadian study found that international students are exploited by skyrocketing, unregulated tuitions to feed underfunded public universities; it concludes this neoliberal approach to higher education funding is unsustainable. In Canada, international students face tuition fees three times higher than domestic students. Their families struggle to help with tuition. Recent cuts to postsecondary funding in Alberta, Canada followed with an immediate increase in international tuition and residence fees contribute to the precariat of international students' lives. No wonder international students visit the Ombudsman at twice the rate of domestic students. 2-3 case studies exposing these inequities were explored.



KEY TERMS

- **Internationalization** As a key pillar of institutional planning in “Western” HE institutions, it is viewed as embracing academic teaching, learning and research on a global level, with ongoing research and teaching exchanges. Alternatively, it can be viewed as a global competitive, education market strategy to increase revenue. Examples include: English as a Second Language (ESL) programs, international partnerships; recruiting revenue-generating international students.
- **Neoliberalism** 1. Classical economic perspective supports a free market approach to education with less interference from government and minimal public funding. 2. Class/conflict analysis views it as hegemonic, capitalist ideology, supporting the liberalization of global trade, privatization of public services, and market governance (Harvey 2005, 2007; Robinson 2004, as cited in Brodie 2007). 3. Social constructivism sees this as a governance approach that redefines concepts of citizenship (Brodie 2007). “Under the guise of individualism, entrepreneurialism, and resilience as values of citizenship — neoliberalism embraces market fundamentalism and permanent social precariousness” (Brodie 2007).
- **Commodification of Education** In many parts of the world, HE institutions attempt to sell courses or education to a broader range of students, thus standardizing the teaching process and reducing the relational component of education (Sum and Jessop 2013; Levidow 2002). These changes to HE disproportionately impact international students because they pay substantially higher tuition and relocation fees in addition to receiving minimal support in the pursuit of their education. International students are indoctrinated to believe that the institutions in the “Western” world offer them future class mobility because of the international reputation of these schools; hence, they and their families make every sacrifice to help them attain these degrees.
- **Human Capital Theory** “This approach focuses on higher education as a private good elevating the working capacity of the individual who then reaps the personal benefit from their education” (Gestl-Pepin 2014, p. 179). This is problematic because the benefit is primarily with the individual, and therefore furthers the social divide. (Triventi, 2013) In contrast, a human rights perspective, views HE as a public good.

OUTLINE

- Key Terms for Understanding How International Students are Tied to the HE Market
- HE Promise of Future Mobility or Buying Social Status – Myth or Reality
- Statistical Trends and Costs for International Students in Canadian HE
- Tuition Fees/Revenues for International Students in Alberta and Ontario
- Myths Justifying/Reinforcing Fee Increases
- Impact of Higher Tuitions for International Students
- Three (3) Case Studies
- What is the Ombuds’ Role in Exposing Systemic Inequities for International Students?

ABSTRACT

A recent Canadian study found that international students are exploited by skyrocketing, unregulated tuitions to feed underfunded public universities; it concludes this neoliberal approach to Higher Education (HE) funding is unsustainable. In Canada, international students face tuition fees three times higher than domestic students. Their families struggle to help with tuition. Recent cuts to HE funding in the province of Alberta, Canada, followed by an immediate increase in international tuition and residence fees, contribute to the precarity of international students’ lives. No wonder international students visit the Ombudsman at twice the rate of domestic students. We explore 3 case studies exposing these inequities.

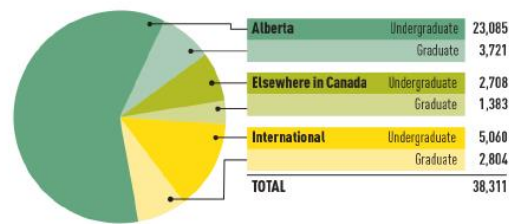
STATISTICAL TRENDS AND COSTS FOR INTERNATIONAL STUDENTS IN CANADA

- International students in Alberta's HE sector have increased by 40% from 2011 to 2016. (This increase is fairly consistent across Canada.)
- HE institutions in Canada depend on international student tuition in light of increasingly restrictive budgets.
- Alberta HE administrators state that international students strengthen their institutions, and that revenue-generation is not the main objective of international recruitment.
- International students provide significant financial support to the Canadian economy by paying tuition, accommodation and other living costs, and working, paying income tax (they often receive poor wages.)
- International students pay tuition fees that are 3 – 4 times higher than domestic students.

Edmonton Journal, 2016. Retrieved from: ([HTTP://EDMONTONJOURNAL.COM/AUTHOR/JURISGRANEY](http://edmontonjournal.com/author/jurisgraney))

INTERNATIONAL STUDENT NUMBERS AND FEES AT THE UNIVERSITY OF ALBERTA

STUDENTS BY HOME ADDRESS 2016-17



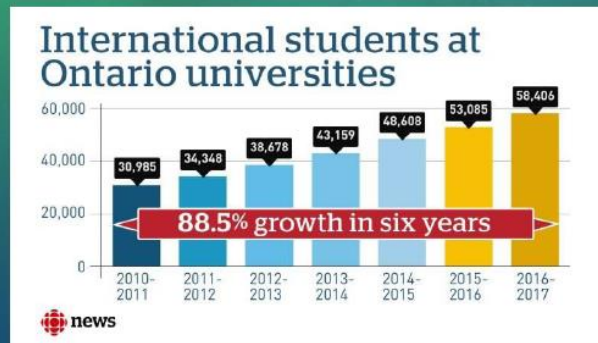
Tuition and fees
 \$6,923 per year (full-time arts, domestic)
 \$22,612 per year (full-time arts, international)

<https://www.ualberta.ca/about/facts/studen>

IMPACT OF HIGHER TUITIONS FOR INTERNATIONAL STUDENTS

- International students are forced to work to pay for their expenses, thereby reducing time for study, rest, and social activities. Moreover, if there are restrictions on the hours they can work, some resort to illegal, "under the table" cash jobs or sex work where they risk exploitation.
- International students have higher living costs as residence fees increase; some face prejudicial treatment in off-campus accommodation (they may fall victim to slum landlords.)
- International students may face nutritional and health crises because of limited food budgets.
- International students are not eligible for the same number of bursaries and scholarships as domestics. Some cut costs by not buying required texts/study materials and tutoring resources.
- Family members are forced to take high-interest loans to pay their tuition. This puts undue pressure on the family, and increases strain on the family relationship.
- The excessive financial burden may negatively impact the student's academic performance. This creates a vicious circle as satisfactory academic standing is tied to their student study permit.
- Less income and the threat of not attaining a degree poses a toll on mental and physical health well-being. (Gerstl-Pepin, 2014)

INTERNATIONAL STUDENT ENROLLMENT IN ONTARIO HE

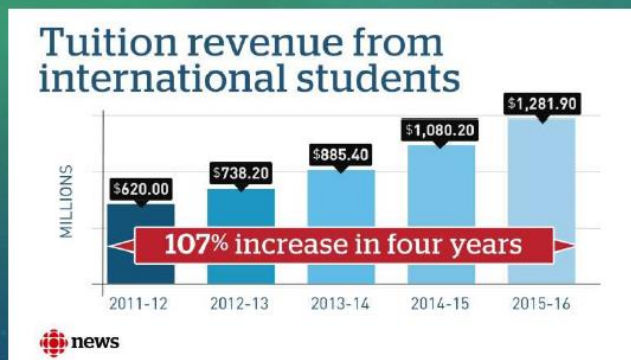


<http://www.cbc.ca/news/canada/toronto/international-students-universities-ontario-tuition-1.4199489>

MYTHS JUSTIFYING HIGHER INTERNATIONAL STUDENT FEES

- HE administrators and many "taxpayers" argue that international students' parents do not pay taxes, so government should not subsidize their tuition. *Reality: Many international students work at jobs that pay income taxes.*
- There is no guarantee that international students will stay after graduation, and contribute to the Canadian economy. *Reality: Many stay and become permanent residents/future Canadians contributing to the Canadian economy.*
- International students use more university resources than domestic students. *Reality: They pay for many of the support services, and extra user fees, even though some universities have dropped minor costs. i.e., the application fee.*
- Local students are deprived of the opportunity to attend because space is taken up by international students. *Reality: International students do not steal the spaces of domestic students.*
- International students are admitted with lower academic requirements than domestic students. *Reality: They must meet the same admission standards, including language proficiency. Many attend English language upgrading programs to meet these requirements.*
- International students are treated better, and get easier grades than their domestic peers. *Reality: They face more stereotyping, discrimination and harassment, and bullying than others. They are suspected more often of academic misconduct.*
- Others?

INTERNATIONAL STUDENT TUITION REVENUE IN ONTARIO*



*Ontario, the most populated province, has the highest HE population in Canada

<http://www.cbc.ca/news/canada/toronto/international-students-universities-ontario-tuition-1.4199489>

CASE STUDY ONE

Yari, an undergraduate student was recruited to the University Hockey team with a promise that his international tuition would be covered for 5 years if he remained in good academic standing. He takes a special reduced course load while playing on his team. After 3 years, Yari has played only briefly in the third string lineup, spending most of his time dressed to play but sitting on the bench; he is frustrated that he is unable to demonstrate his skills. His coach just told him his funding may be cut. Yari has "heard" that the coach has another star international player he wants to offer the funding to. Yari approaches the Athletic Director and Dean who feel their hands are tied. Once the coach learns that Yari has spoken to these people, he cuts Yari from the team. At the University, coaches have the power to remove players at their discretion. The Dean is sympathetic to Yari's dire situation, and approaches the ombuds to discuss the lack of an appeal process; the ombuds recommends that an appeal process be set in place. Unlike his domestic counterparts, Yari faces exorbitant fees that make it impossible for him to graduate without his scholarship. He stands to lose 3 years towards his university degree.

Was it appropriate for the Dean to contact the ombudsman in this situation?

Was it also appropriate for the ombuds to make this recommendation and if so, why?

CASE STUDY TWO

In a specialized graduate program, twelve international students receive what they perceive as false, misleading claims to the content of the program and its promise of employability in a specialized sector (there has been a recent crash in this industry). The students have many questions about the ethics and integrity of how the program was advertised as there has only been a 10% graduate employment rate. In addition to the high international fee originally assessed, the students found that their admission letters had provided a variety of estimates with slight discrepancies. The students assumed the costs per semester would not increase and would follow similar standard fees for international students in other graduate programs at the university. However, their fees were reassessed and they received a letter requesting more than double the original estimate. Many students who had completed at least half of the program felt they would have to quit and go home because they could not afford the new tuition increases. When they first approached the ombuds, they had been told to submit individual petitions to the Registrar to be handled on a case-by-case basis. They rejected this, as they felt that as a group of international students, they had been unfairly assessed and not properly informed that "estimates" meant fees could double in a year. The Graduate Ombudsman recommends a meeting with the Registrar, the Department Chair, and the Dean of Graduate Studies, and advises them to send a group letter outlining their grievance of not being duly informed. The increased fees were rescinded for this group of students. However, the program could not be held accountable for a recession in the industry.

What are your views of the Graduate Ombudsman's actions in this matter?

CASE STUDY THREE

Dr. Kutzfundz (K) is a renowned researcher who has received generous funds to conduct major international projects and recruit international students and postdoctoral fellows. Dr. K is often absent because he has many international speaking engagements. He has ties to HE sectors in two other countries (one his original home). He recruits the majority of his graduate students from these two countries. Dr. K's lab, however, is notorious for rumour leaks about bullying and sexual harassment, verbal abuse, shaming and degradation. Further he sends students to work on industrial projects that lack appropriate preparation, training and accommodation. He is referred to as a bully at committee meetings, and threatens to cut funding whenever someone disagrees with him. Over the past 10 years, students have quit, transferred to other departments, taken medical leaves, and filed formal discipline complaints against him that have been routinely dismissed. The Graduate Ombudsman coordinates a number of meetings with the Department Chair, Faculty of Graduate Studies, and a group of his graduate students. Students are working on different kinds of outcomes, while a review has been called for the first time in 10 years on Dr. K's laboratory working conditions.

Why do you think this situation has persisted?

What do you think of the Graduate Ombudsman's approach to this situation?

ROLE OF THE OMBUDS

Should the Ombuds play a role in highlighting the systemic inequities caused by the neoliberal market agenda, and by exposing the exploitation of international students as “cash cows” for “Western” HE?

If so, what does that role look like?

ACKNOWLEDGEMENTS

Thanks to Murtoza Manzur, Undergraduate Ombuds Intern and Remonia Stoddart-Morrison, Graduate Ombuds Intern, University of Alberta for their valuable contribution and personal insights as international students; and Dr. Brent Epperson for his collegial support and contribution as the Graduate Ombudsperson, University of Alberta.

Working Session G

PhD students and ombudspersons: How do ombuds contribute to civil, fair and productive PhD trajectories? | Jenna Brown, Nora Farrell, Ursula Meiser, Paul Herfs

Concerned about the completion rate of PhDs in The Netherlands, Paul Herfs invited academic ombudspersons from Canada, Germany, and the USA to consider the plight of PhDs in their countries. The four ombudspersons noticed that while their systems are different, the nature of the requests for ombuds' assistance are similar. In a forthcoming ENOHE occasional paper, the authors will consider the problems that PhD students encounter and factors that contribute to the completion rate of PhDs in their countries. The authors will identify challenges that ombudspersons face in these situations, and suggest ways that ombudspersons may assist individual students and identify aspects of the university that are creating problems.



Working Session H1

Getting out of the box | Michel Villiard

Dealing with issues presented by graduate and post graduate students, we are often confronted in situation where we have few tools to help them; either because of the timing of their demand or the gravity of their situation that most of the time means that their student project is at risk. Is there another way we can help them? In this presentation, you will find other ways, other paths, which will guide you to shift from curative to prevention. You will be giving also some guide lines to make this move.



Initial findings

Graduate and post-graduate students request assistance when they already completed several semesters

- Direct consequences: student project at risk
- Reasons:
 - issues with Research Director: research subject, mentoring style, financing...
 - difficulties meeting requirements: modification research subject to a research proposal...
- Lack of understanding of what is at stake; do not know who can help them

Support solutions

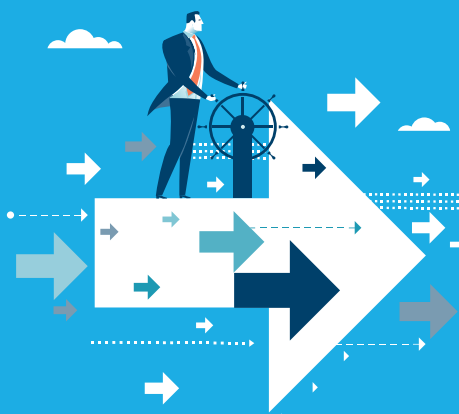
Continue to offer them assistance in a very difficult situation

OR

Give them the tools to help them prevent and manage the difficulties inherent in their study project

3

Shift from curing to preventing



Choose the best strategy Analyse risk

Leaving our usual environment can be destabilizing – as much for the organization as for us

Questions:

- What legitimacy and credibility do I have within the organization, given in my mandate, the organization expectations, and the history of the Ombudsman's office ?
- What legitimacy and credibility do I have with those already involved with the students(academic direction, department directors, coordinators...)?

5

How to enhance our credibility

1

Show those involved the **mutual advantages** of taking a preventive approach

2

Select and make intervention that are **beneficial** to both students and academic staff

3

Publicize success within the organization and with those involved

6



Strategy

Prerequisite

- Meet the students in their academic environment

Objective

- Make them aware of the issues and challenge inherent in the doctoral reality at the start of their study
- Identify the resources likely to give them the support needed when they encounter difficulties

8

Action plan

- Validate interest and feasibility with academic staff responsible for workshops for doctoral students
- Work together to adapt the initial tool to the context of the workshop-format and content
- Test the tool in a pilot project
- Make corrections following the pilot project

9

Intervention model

Present an organizational chart showing the various people who are part of the doctoral student's environment, including their role and responsibilities:

- ▶ **Who can help and how?**

Use case studies to illustrate the issues and identify potential solutions:

- ▶ **What is the nature of the problem, how did it develop and what are the potential solutions based on student's expectations?**

10



Understand the organizational environment

Student expectations

- Personal: Why did I want to pursue a doctorate?
- Support: What do I expect from my Research Director in terms of academic and financial support?
- ...

The diagram features a central Venn diagram with three overlapping circles: 'Student' (bottom), 'Research subject' (middle), and 'Professor (Research Director)' (top). These are enclosed within a larger dashed circle. Labels around the dashed circle include 'Pedagogical rules and coaching' at the top, 'Department' on the right, 'Higher Education Director' on the right, 'Research Bureau & Technology Development Center (BRCDT)' at the bottom, 'Student Association AECSP' on the left, and 'Student services' on the left. A box labeled 'Ombudsman' is connected to the dashed circle by a double-headed arrow.

12

Professor (Research Director)

Responsibilities

- Teach
- Engage in research activities:
 - Coach students
 - Manage all research activities, including lab operations
- Have a wide exposure in the community (ex. articles)

The diagram features a central Venn diagram with three overlapping circles: 'Professor (Research Director)' (top), 'Research subject' (middle), and 'Student' (bottom). These are enclosed within a larger dashed circle. Labels around the dashed circle include 'Pedagogical rules and coaching' at the top, 'Department' on the right, 'Higher Education Director' on the right, 'Research Bureau & Technology Development Center (BRCDT)' at the bottom, 'Student Association AECSP' on the left, and 'Student services' on the left. A box labeled 'Ombudsman' is connected to the dashed circle by a double-headed arrow.

13

Research subject

Main objective of relationship between student and Research Director

- Concept of common interests
- Choice of research subject
- Evolution of a research subject into a research proposal
- Was there some kind of agreement, formal or informal, between you and your Research Director?
- How do you ensure the agreement on your research project is maintained?

Issues

- Transforming a research subject in a research proposal
- Maintaining communication with Research Director during the evolution of the project

The diagram features a central Venn diagram with three overlapping circles: 'Research subject' (middle), 'Professor (Research Director)' (top), and 'Student' (bottom). These are enclosed within a larger dashed circle. Labels around the dashed circle include 'Pedagogical rules and coaching' at the top, 'Department' on the right, 'Higher Education Director' on the right, 'Research Bureau & Technology Development Center (BRCDT)' at the bottom, 'Student Association AECSP' on the left, and 'Student services' on the left. A box labeled 'Ombudsman' is connected to the dashed circle by a double-headed arrow.

14

Ombudsman

Mandate

- Advise and guide in identifying their problems and in seeking solutions with the aim of **finding equity**

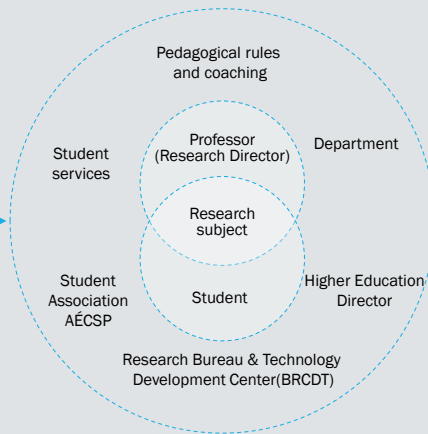
Principles

- Confidentiality, independence, impartiality and neutrality

Means

- Inform students about the mechanisms that can help them resolve a dispute
- Deal informally with the parties implicated in an issue
- Act as a facilitator and mediator in the resolution of a dispute
- Investigate and make recommendations in cases when a decision is contested

Ombudsman



15

Pedagogical rules and coaching

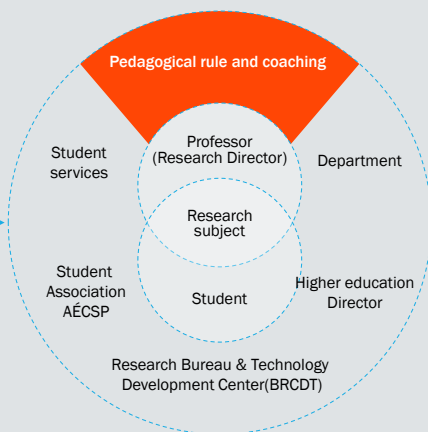
Objective

- Determine the terms, conditions and criteria for obtaining a diploma under the program (e.g. length of time)
- Establish responsibilities of the student, the Research Director, the Department and the institution

Main issue

- Students are responsible for managing their own doctoral program; they therefore have to take the steps required to get the coaching they need

Ombudsman



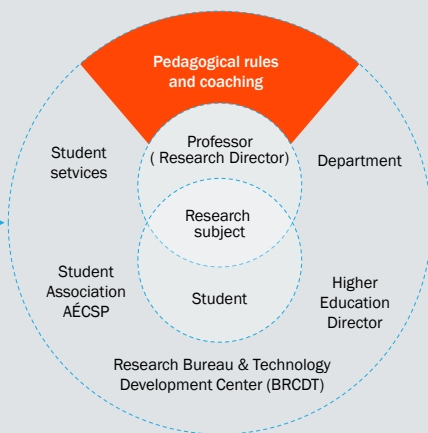
16

Pedagogical rules and coaching

Good coaching practices

- Discuss respective expectations at the start
- Establish an agreement, if needed
- Create a feeling of belonging (group research activities, participation in conferences...)
- Prepare a research log
- Request a regular evaluation
- Plan activities with Research Director in preparation of defending thesis

Ombudsman



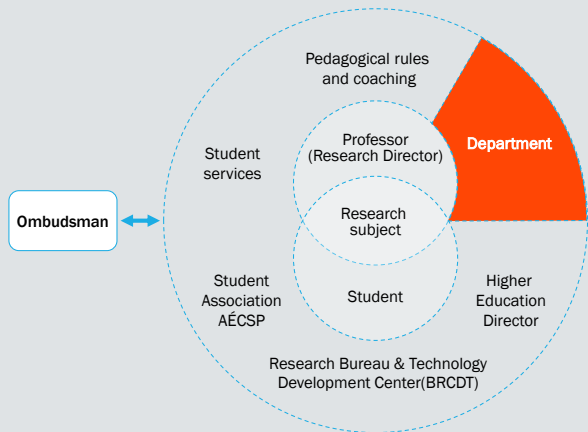
17

Department

Principal parties

- Director:
Play a leadership role with members of the teaching faculty in developing the department's academic activities and the coaching provide to students
- Graduate studies coordinator
Play the role of coach and facilitator with student and professors managing disputes likely to impede completion of a doctoral program
Question the Research Director, if appropriate

18

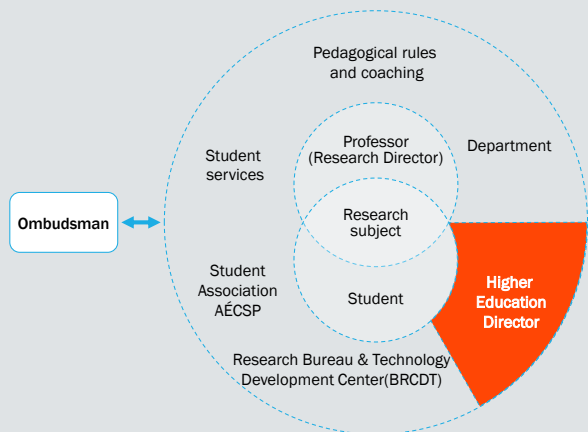


Higher Education Director

Role

- Ensure that the coaching given by academic staff complies with policies in effect.
- Analyse and handle request from students experiencing irregular situations.
- Guide and advice the administration in adopting policies and rules related to higher education.
- Support the department in developing and evaluating higher education programs.

19



BRCDT

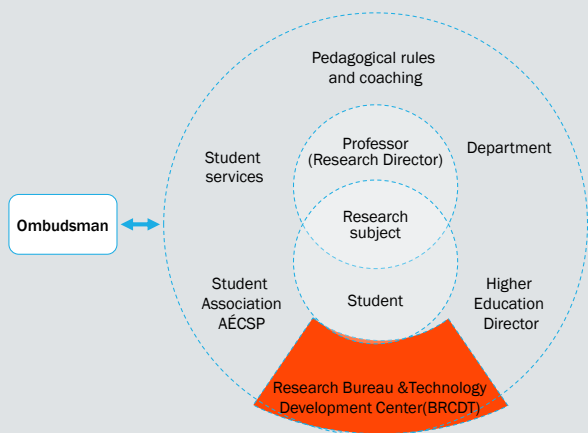
Mandates

- Advise and coach researcher in preparation and administration of their research grants
- Support researchers (professors and students) in the transfer and promotion of their research

Responsibilities

- Offer advisory services (e.g. legal aspects)
- Submit proposals and negotiate contracts
- Promote innovations with Univalor
- Intervene to manage disputes concerning intellectual property

20



Student Association

Mandate: To inform and represent

- Inform students about their rights
- Offer support and coaching during hearings before tribunals (ex. Fraud and Plagiarism Committee)
- Represent students before some bodies(ex. Studies Commission, Academic Council..)

21

Support services to students

- Counselling, orientation, support during internship abroad, reasonable accommodation, assistance to foreign students...

22

Approach to problem resolution

Prepare a report outlining the main steps in your research project, the difficulties encountered, and the steps to try to resolve them

Discuss possible courses of action based on your expectations with people you trust (eg. delay to complete your doctorate) and the potential impacts

Identify those best positioned to help you carry out the action envisaged

Draw up action plan and take action

Revise your action plan, as needed based on the results and your expectations

Challenge: Agree to confront your view of the problem with people in authority


Working Sessions H2

Resolving conflicts and complaints about postgraduate supervision | [Patty Kamvounias](#)

This paper provides an overview of policies in Australian public universities dealing with supervision of higher degree by research students and an analysis of how complaints about supervision have been resolved by the courts and public sector ombudsmen. The paper also discusses the recent initiative of the New South Wales Ombudsman to start a consultation with universities, publish a discussion paper and invite submissions and comments from interested parties about the supervision of postgraduate students.



Resolving conflicts and complaints about postgraduate supervision: policies, examples and good practice guidelines

*ENOHE Annual Conference
Resolving conflicts on campus:
Strategies for enhanced policies and effective operations
University of Edinburgh, 5-8 June 2018*



About me:

Patty Kamvounias
Senior Lecturer in Business Law



ENOHE 2017

- ENOHE Annual Conference: Higher Education Ombudsmen as Beacons – Towards a fair and transparent European Higher Education Area: Strasbourg, 28-30 June 2017
- Presentation:
Challenges for higher education: is there a communication gap between ombudsmen and students?
Case study: unsolicited requests for assistance with student complaints (2011-2016)
- 5 out of 24 from PhD students enrolled at various universities in NSW, across various schools including Business and Pharmacy
- Termination of PhD candidature
 - PhD candidate at WSU; problem with supervisor; alleged misconduct; transferred candidature to Victoria University; WSU refused to refund tuition fees
 - PhD candidate at UNSW; supervisor resigned suddenly; graduate school claimed could not find a replacement supervisor and candidature was discontinued
 - PhD candidate at UoN; candidature terminated because no appropriate supervisors and alternate supervisors could not be found
 - PhD candidate; candidature terminated 'on falsified grounds and internal procedures weren't followed'

ENOHE 2017

- Presentation:
Challenges for higher education: is there a communication gap between ombudsmen and students?
Case study: unsolicited requests for assistance with student complaints (2011-2016)
- **Concerns about mental health**
“Early last year I spoke to E, a PhD student from Iran working in my library while undertaking lab work here as part of her candidature. She mentioned to me that she was depressed and suicidal about the course of her studies at the University... and poured out her sad story... [that] demonstrates how an overseas student can fall through the cracks of our legal system and the current law-into-itself situation of Australian universities”
(email dated 20.10.12 from employer of PhD student)
- *“ I got consultation from GP and my GP wrote letter to the university that, I'm phobia, stress and will impact on my mental health if I continue supervision with [my supervisor]...”*
(email dated 10.3.16 from PhD student)

The PhD delusion (Springer, 2017)

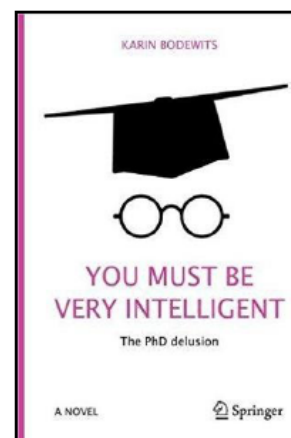
You Must be Very Intelligent is the author's account of studying for a PhD in a modern, successful university. ...

This witty, warts-and-all account of Bodewits' years as a PhD student in the august University of Edinburgh is full of success and failure, passion and pathos, insight, farce and warm-hearted disillusionment....

This book will put a wry, knowing smile on the faces of former researchers. And it is a cautionary parable for innocents who still believe that lofty academia is erected upon moral high ground...

<https://www.springer.com/gp/book/9783319593203#aboutBook>

... “a wake-up call about the power plays between supervisors and students”.... *Many universities, she went on, “have BSc and MSc student satisfaction as a very high priority – students are almost a bit spoiled. In contrast, PhD student satisfaction does not seem to be the focus of attention. Striking a better balance here would be good.” She argued that supervisors could be sent on leadership courses, rated by students after they finish their PhDs or encouraged to “pop into each other's labs to see what is happening, if people are happy or not, and why”* (Times Higher Education, Nov 13, 2017)
<https://www.timeshighereducation.com/news/phd-novel-wake-call-supervisor-student-power-plays>



The Thesis Whisperer

<https://thesiswhisperer.com/>

A blog newspaper dedicated to the topic of doing a thesis and is edited by Associate Professor Inger Mewburn, director of research training at the Australian National University.

Some topics:



- *How to complain – and be heard* (Elizabeth Humphrys)
- *I'm a paying customer...how assertive can I be with my supervisor?* (Sarah Louq)
- *How to tell your supervisor you want a divorce* (Dr Sarah-Louise Quinell)



The University of Sydney Page 6

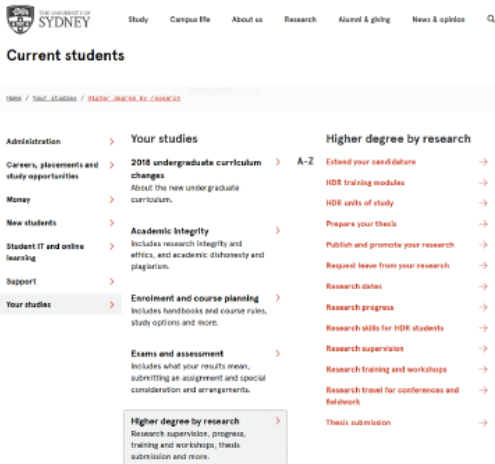
At the University of Sydney...

- University of Sydney (Higher Degree by Research) Rule 2011
- Progress Planning and Review of Higher Degree by Research Students Policy 2015
- Progress Planning and Review of Higher Degree by Research Students Procedures 2015
- Supervision of Higher Degree by Research Students Policy 2013
- Thesis and Examination of Higher Degree by Research Policy 2015
- Intellectual Property Policy 2016

The University of Sydney Page 6

For current students at the University of Sydney



The University of Sydney Page 8

For current students at the University of Sydney

<https://sydney.edu.au/students/research-supervision.html>

Research supervision

- Communicating with your supervisor
- Resolving difficulties with your supervisor
- Changing your supervisor

"If you are not able to resolve any issues directly with your supervisor, you can seek the help of the postgraduate coordinator, head of department/school or any other member of permanent staff."

You can also seek advice and support from the [Sydney University Postgraduate Representative Association \(SUPRA\)](#), [Counselling and Psychological Services \(CAPS\)](#) or [compliance officers \(for international students\)](#).

For current students at the University of Sydney - SUPRA

[Sydney University Postgraduate Representative Association SUPRA](#)



Postgraduate Survival Guide

If you're a postgrad, then the SUPRA *Postgraduate Survival Guide* is your essential Guide to studying at the University of Sydney. It contains important information about policies and loads of student advice, and an A-Z guide and map to help you find any contacts that you are after.

Dealing with student grievances and appeals

within universities

- **policies and procedures** to deal with student disputes and misconduct
- support from **student associations**
- 12 universities have an **ombudsman on campus**; 5 universities have a **Dean of Students**

outside universities

- **Courts and tribunals** (State, Territory, Commonwealth level)
- **NO** single national ombudsman to deal with student complaints in Australia BUT **Parliamentary ombudsman** (State, Territory, Commonwealth level) can investigate complaints about **public universities** (from students, staff and others)

PhD students in the courts – some examples

- misconduct in doctoral studies with respect to laboratory results:
Griffith University v Tang (2005) 213 ALR 724
- refusal to extend time to complete doctoral studies:
Ogawa v University of Melbourne [2005] FMCA 1118
- FOI request: identity of examiner:
Darwish v Deakin University [2002] VCAT 87
- FOI request: internal inquiries about award of degree and supervisor:
Bennett v Vice Chancellor, University of New England [2002] NSWADT 175
- Allegation of unlawful discrimination in termination of PhD candidature:
Kitoko v University of Technology Sydney [2018] FCCA 699
- Allegation of breach of duty, misrepresentation and fraud in cancellation of PhD candidature:
Nandutu v The University of Sydney [2017] NSWSC 509
- Access to documents re PhD candidature; attribution of authorship in published journal article
Abbot and Marohasy and Central Queensland University [2017] QICmr 54



Dealing with student grievances and appeals: outside universities – 10 ombudsman offices in Australia



State Ombudsman

- Jurisdiction over all public universities in the state
 - NSW has 10 of Australia's 40 Universities (37 public institutions + 3 private)
- Publications:
- **Annual reports:** complaint data/statistics and case studies
 - **Discussion papers:**
 - Discussion paper: Complaint Handling in NSW Universities (November 2004)
 - Complaint Handling at Universities: Best Practice Guidelines (December 2006)
 - Discussion paper: Complaints about the supervision of post-graduate students (January 2016)



PhD student complaints to ombudsmen + resolutions annual report data 2010 to 2017

Where/when	complaint
WA (2016)	Delay in appointment of new supervisor and thesis panel
Victoria (2012)	Fail mark for PhD dissertation *
SA (2010)	Thesis submitted; resubmitted and ultimately failed *



PhD student complaints to ombudsmen + resolutions annual report data 2010 to 2017

Where/when	complaint
NSW (2016)	Relationship breakdown
NSW (2016)	Complaint about one of the examiners of a thesis *
NSW (2014)	Examination of a thesis; different views of examiners *



State Ombudsman



Discussion paper: Complaints about the supervision of post-graduate students (October 2017)

For several years, we have been looking into complaints that relate to postgraduate supervision in NSW universities. We have received a steady number of these complaints and they are often complex and time consuming to examine. They are also often accentuated by career and personal concerns reflected in the breakdown of research relationships between postgraduate students and supervisors.

In January 2016, we released a draft discussion paper to university complaint handlers in NSW. There was strong interest in the topic, with submissions from universities and discussions between Ombudsman and university staff and with representatives from postgraduate student organisations.

We have now decided to take the issue a step further by publishing a revised discussion paper that will be made more widely available on our website. This revised paper builds on the consultation that has occurred to date....

We invite submissions or comments from any interested parties by 31 January 2018 particularly examples of initiatives that have successfully resolved conflicts in postgraduate supervision.

We will then decide if further action is needed to develop best practice guidelines or share practical examples and ideas among universities.

State Ombudsman



Discussion paper: Complaints about the supervision of post-graduate students (October 2017)

- Consultation
- Themes/problems including:
 - Why postgraduate complaints can be challenging
 - Difficulties in investigating postgraduate complaints
 - Complaint issues
 - Informing postgraduate students about complaint pathways
 - Reviewing student performance
 - Changing supervisors
 - Warning signs and responses
 - Resolving disputes
- **Recommendations: steps towards a more structured framework for avoiding and resolving conflicts in postgraduate supervision**

NSW Ombudsman: Recommended strategies



1. Universities should prepare accessible **written guidelines** for students and supervisors on dealing with conflicts and disputes – including counselling, appointing a new supervisor, and referring disputes for conciliation. These guidelines should advise students and supervisors that problems can arise in all supervisory relationships that are not the fault of either party.

2. Universities should consider developing or continuing a structured **training program for supervisors** on the skills of supervision. This training should contain practical advice on dealing with problems in the supervisory relationship, such as 'having difficult conversations'.

3. Members of supervisory panels should be advised when they start their role to take note of **signs of deterioration in supervisory relationships**, and report these to the conflict resolution officer in postgraduate administration or the 'mentor' if one has been appointed to the panel.

NSW Ombudsman: Recommended strategies



4. Students and supervisors should be encouraged to keep a **written record of their supervisory arrangements, expectations and mutual responsibilities**. Both could be encouraged to co-sign any important records.

5. Universities should implement a procedure whereby a student, after their annual performance review, can submit a **confidential report on perceived problems** in their supervisory relationship.

6. Universities should nominate a designated officer – a **'go-to' person – that a student or supervisor can speak to if they are experiencing significant difficulties in a supervisory relationship**. This designated officer (or panel of officers) could be located or administered by the central university office responsible for postgraduate administration. They could be given a recognisable title, such as 'conflict resolution officer'.

NSW Ombudsman: Recommended strategies



7. A designated **student 'mentor'** could be appointed to the supervisory panel for each student who has changed their principal supervisor more than once – with the exception of changes arising from matters such as the death, illness, resignation or retirement of a supervisor. The mentor's role would be **to monitor the general supervisory relationship, independent of the substance of the research project**. It should also be understood that the appointment of a mentor is not seen as a negative or punitive response to the changes in supervisory arrangements.

Universities could also consider, on an individual basis, whether a 'mentor' should be appointed to a supervisory panel in other special circumstances. For example, if the principal supervisor is undertaking supervision for the first time – or the principal supervisor was involved previously in a sustained formal grievance process or was the subject of serious allegations of bullying or harassment. Including the mentor on the supervisory panel should be seen as a safeguard measure to minimise potential problems and provide independent feedback to the supervisors – not as a performance management measure that reflects on the supervisor's suitability.

NSW Ombudsman: Recommended strategies



8. Universities should consider establishing a **panel of internal university mediators, conciliators or trained dispute-resolution specialists** who are available – with the consent of the parties – to deal with unresolved conflicts between students and supervisors.

9. Universities should consider implementing a structured program for **contacting students by email at designated stages of a research project**, and inviting them to raise or discuss on a confidential basis any issues they may be experiencing with their supervision. (suggested text included)

10. Students should be made aware – both in their induction material and through other accessible policies or guidance material – of the **independent complaint and appeal mechanisms that are available** to them. This includes the right to complain to the NSW Ombudsman, the Australian Research Integrity Committee, The Anti-Discrimination Board of NSW, the Human Rights and Equal Opportunities Commission, the Tertiary Education Quality and Standards Agency, and the Independent Commission Against Corruption – as well as professional bodies, schools or boards that regulate careers in certain occupations.

NSW Ombudsman: Recommended strategies

Will these recommendations resolve all conflicts and complaints of higher degree by research/PhD students?



a final note...



The University of Sydney

Page 24



Patty Kamvounias

Plenary

The university ombuds in the wake of a societal call-to-action against campus sexual violence: a perspective from two Canadian provinces | [Natalie Sharpe](#) and [Carolyn Brendon](#)

Presenters looked at the traditional culture and practices on university campuses in relation to sexual violence as well as the paradigm shift that is well underway. They examined the impact of these changes and consider what work may still need to be done. Finally, they considered the sometimes seemingly conflicting roles that ombuds play in relation to this issue and consider how ombuds can best position themselves to assist in the positive transformation of our campuses in way that achieves the right balance of rights and responsibilities in relation to the critical issue of eradicating sexual violence.

The Role of the Canadian HE Ombuds in the Wake of a Societal Call-to-Action against Campus Sexual Violence

ENOHE – ACCUO Edinburgh 2018

Natalie Sharpe, University of Alberta, Edmonton, Canada
Carolyn Brendon, McMaster University, Hamilton, Canada

Abstract

We will look at the traditional culture and practices on university campuses in relation to sexual violence as well as the paradigm shift that is well underway. We will examine the impact of these changes and consider what work may still need to be done. Finally, we will consider the sometimes seemingly conflicting roles that ombuds play in relation to this issue, by examining how ombuds can best position themselves to assist in the positive transformation of our campuses in ways that achieve the right balance of rights and responsibilities in relation to the critical issue of eradicating sexual violence.

Traditional Attitude of Higher Education Institutions to Concerns around Sexual Violence on Campus

- There is a prevailing view that addressing sexual violence is not related to the core research and teaching mission of the University and, therefore, not a priority.
- It was thought that allegations of sexual violence involving members of the University community were best handled by the police and the courts.
- The overarching concern of administrators when allegations of sexual violence involving community members were brought forward seemed to be to protect the reputation of the institution.

This Attitude was Reflected in the Inadequate and/or Inappropriate Responses to the Issue

- The processes to address allegations of sexual violence on campus were typically embedded in student codes of conduct, collective agreements and harassment policies rather than a dedicated policy.
- Many of these processes required complainants to participate in an adversarial process that allowed for cross-examination.
- Those administering the process often had no training or expertise in handling sexual violence allegations, such as trauma-informed notions of survivor behaviour.
- There were typically no dedicated resources to assist survivors in navigating either the legal system or the internal complaint processes.

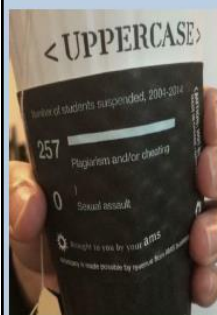
Institutional Responses (Continued)

- There was no official commitment to provide survivors with academic accommodations if requested; rather survivors relied on the goodwill of empathetic administrators or sought accommodation under the disability policy.
- There was often no guarantee that the survivor's confidentiality would be protected if a complaint was made.
- In some cases, the survivor was forbidden to speak about the outcome of the complaint process (referred to as a 'gag order').

Social Movement Against Sexual Violence

- The social movement against sexual violence has begun to gain momentum in recent years. There has been increased awareness and activism on university campuses.
- Activists have attempted to change the culture of higher education by raising awareness of the legal definition of “consent” among the student body and by pressuring governments and universities to develop better policies and protocols.

Student-led actions: Protest and Education Projects



<http://www.cbc.ca/news/canada/campus-sexual-assault-1.3750355> SAMS Society



Quebec HE student protests (Sans consentement, c'est une agression!)

(See Appendix ii)



Universities and Government of Alberta



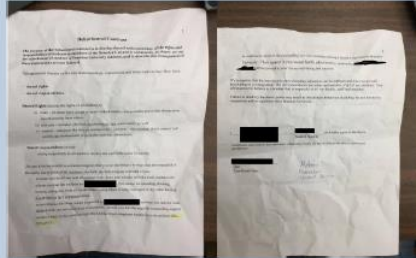
University of Victoria

Increased Scrutiny of Universities' Role in Sexual Violence on Campus

- Along with the increased activism and awareness of sexual violence on campuses, universities have been coming under increased scrutiny.
- They are being seen as in some ways responsible for the high incidences of sexual violence on their campuses.
- The hierarchical culture of academia characterized by extreme power differences has been thought to create the ideal conditions for harassment and sexual violence.
- There is a view that universities have condoned behaviours, such as orientation activities, among the student body that are misogynistic and promote sexual violence (e. g. “rape chants”).

Increased Scrutiny Reflected in Recent High Profile Media Cases

For example, the Canadian Broadcasting Corporation and other media outlets reported that survivors of sexual assault at Brandon University were required to sign a behavioural contract or “gag order” and only discuss their assault with their counsellors. A breach of the contract could be sanctioned which created potential for further victimization.



<http://www.cbc.ca/news/canada/manitoba/brandon-university-behavioural-contract-1.3520568>

“I’ve often said that my meeting with Human Rights and Kingston Police is harder for me to relive than my actual rape. I’d like you to take a moment to seriously consider the implications of that statement”

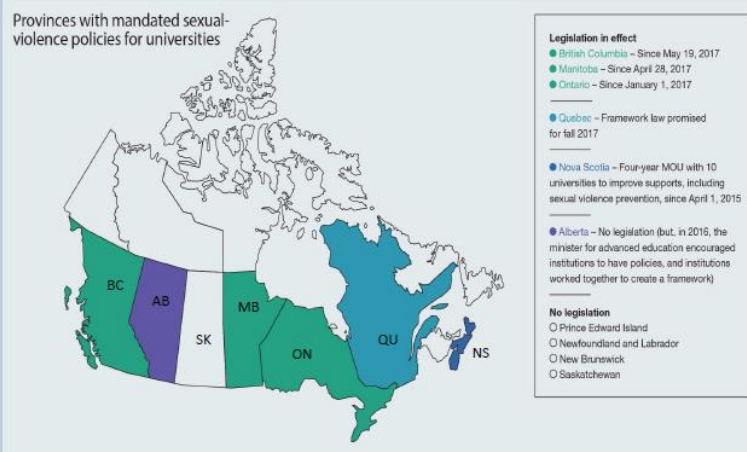
-- Excerpt from a submission to a university as reported in Macleans’ Magazine, March 1, 2018

- In media reports involving students from universities in several provinces, students complained that they felt revictimized by lengthy and bungled complaint processes.
- In some cases, in addition to going to the media, students made human rights complaints against their universities.

Call to Action to Address Campus Sexual Violence

- In some provinces, governments have responded to call for action with legislative changes.
- Ontario’s Bill 132 *Sexual Violence and Harassment Action Plan Act* (2016) requires all publicly-funded Higher Education Institutions, among other things, to create stand-alone sexual violence policies.
- British Columbia and Manitoba also have legislation requiring HE Institutions to have stand-alone policies.
- Quebec and Nova Scotia have instituted agreements with Universities with similar objectives.
- In Alberta, universities agreed to develop their own institutional policies without legislation by 2017.

Stand-Alone Sexual Violence Policies in Canadian HE



Provincial Legislation Typically Requires Sexual Violence Policies to have the Following Elements:

- Widespread consultation with stakeholders, particularly students, on policy development and review
- A distinction is made between disclosure and reporting
- Provision of academic accommodation and other supports for survivors of sexual violence regardless of where or when it occurred
- Creation of a Sexual Violence Coordinator position for preventive education training and supports for survivors
- Outside independent expert for investigations

Concern that More Needs to be Done

- Students still question whether or not provincial policies alone can work without a collaborative national strategy.
- Even with legislation, some university policies are still seen to be inadequate.
- Governments have mandated policy changes but have provided no additional resources to ensure proper implementation.
- In some cases, the sanctions assailants receive do not reflect the seriousness of the offence.

Reactionary Response: *Not everyone believes universities should adjudicate allegations of sexual violence involving members of the community.*

- There are those who question the fundamental premise that university campuses have higher rates of sexual violence than the rest of society, and submit that they may, in fact, have fewer.
- Universities are not equipped to handle these sensitive and difficult cases.
- Boundaries of the jurisdiction are unclear which leads to uncertainty and potential overreach.

Challenges for the University Ombuds

- Demonstrate through our work that Gender Equity is compatible with Procedural Fairness.
- Maintain, and be seen to maintain, our impartiality in the face of pressure either to align with the “cause” or to “represent” respondents.
- Consider and balance the fairness interests of all participants in a disciplinary process.
- Promote an equitable working and learning environment for all members of the community.

Questions and Comments

Sources

- http://www.thestar.com/news/crime/2014/08/22/university_of_ottawa_sexual_assault_scandal_highlights_campus_rape_culture.html
- http://www.huffingtonpost.com/2013/09/10/university-of-british-columbia-chant_n_3896343.html
- <http://avaloncentre.ca/2014/12/avalons-letter-to-dalhousie-president-on-the-misogynistic-events-at-the-dalhousie-school-of-dentistry/>
- <http://www1.uwindsor.ca/bystander>
- <http://www.queensjournal.ca/story/2016-03-08/news/ontario-government-passes-sexual-violence-and-harassment-legislation/>
- <https://www.thestar.com/yourtoronto/education/2016/04/06/u-of-t-unveils-sexual-violence-prevention-plan.html>
- <http://thevarsity.ca/2016/09/16/u-of-t-releases-draft-policy-on-sexual-violence/>
- <https://www.ontario.ca/page/lets-stop-sexual-harassment-and-violence>
- <http://www.cbc.ca/news/canada/campus-sexual-assault-1.3750355>
- http://nsllegislature.ca/legc/bills/62nd_2nd/1st_read/b164.htm
- <https://nsndp.ca/ns/protect-students>
- <http://studentsns.ca/wp-content/uploads/2014/01/2014-01-12-sexual-assault-report-Final.pdf>
- <http://www.cbc.ca/news/canada/manitoba/manitoba-proposing-legislation-on-sexual-violence-at-universities-1.3324695>
- <http://main.cfs-fcee.ca/wp-content/uploads/sites/71/2015/07/Sexual-Violence-on-Campus.pdf>
- <http://www.smu.ca/webfiles/PresidentsCouncilReport-2013.pdf>
- www.metrac.org
- http://nsllegislature.ca/legc/bills/62nd_2nd/1st_read/b164.htm
- <http://www.ohchr.org/Documents/ProfessionalInterest/eliminationvaw.pdf>
- <http://camosun.ca/about/policies/sexual-violence-misconduct.html>
- <http://www.cbc.ca/news/canada/toronto/our-turn-movement-unites-survivors-of-sexual-assault-through-student-unions-1.4348709>
- <http://www.cbc.ca/news/canada/toronto/university-sexual-assault-investigation-leads-to-human-rights-complaint-1.4275622>
- <https://www.theglobeandmail.com/opinion/article-courts-not-universities-should-judge-campus-sex-crimes/>

Appendix i. a: University of Toronto Sexual Violence Policy

- All members of the university must report sexual violence on or off campus (no bystanders).
- Process for disclosure and support even if person chooses not to make a formal complaint.
- Accommodations made to help complainant, such as safe housing, exam deferral, etc.
- Support provided to the university member alleged to have caused the harm.
- Complainant is not re-victimized by having to repeat the alleged incident during investigation.
- Outside qualified expert conducts the investigation.
- Potential for independent investigation if university deems necessary for safe community.
- Potential for informal resolution or mediation.
- Sexual Violence Support Centre for support, education and resources to eradicate a culture of sexual violence and transition to a culture of consent.
- Glossary of Definitions: Sexual Violence; Sexual Harassment; Sexual Assault; Cyber Assault; Cyber Sexual Violence; Cyber Sexual Harassment; Gender-Based Harassment; Consent
- Serious allegations must be responded to quickly, responsibly and provide support to the complainant so the complainant can live work and study without fear or retaliation.
- *CONCERN: Many students are wary about transparency of process and there is also concern about due process for respondent.*

Bill 132, Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment) 2016
#It's Never Okay

Appendix i. b: University of Alberta Sexual Violence Policy

- Alberta HE officers met to develop common language and procedures for sexual violence stand-alone policies (no government legislation).
- Consultation process with campus community covered four streams: Policy and Accountability; Assessment; Support; and Education.
- Policy covers sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, and distribution of intimate images, incapacitating/impairing someone to engage in non-consensual sex; and includes a clause on retaliation.
- Sexual Violence Coordination Team was set up to receive disclosures and to provide timely supports and accommodation.
- External investigation and specialized training supports began.
- *CONCERN: Some institutions have been provided resources for a coordinator and centre; some have not. With limited resources, supports and processes will be compromised.*

<https://policiesonline.ualberta.ca/PoliciesProcedures/Policies/Sexual-Violence-Policy.pdf>

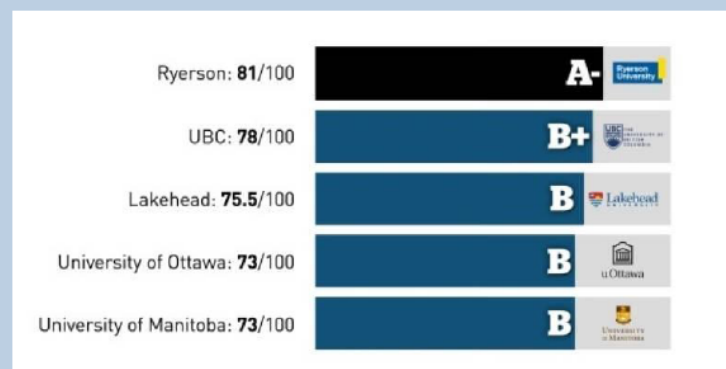
Appendix ii: Anti-Sexual Violence Education

- Campus Toolkit for Combating Sexual Violence (Canadian Federation of Students)
- UBC's "Creating Healthier Masculinities on Campus"; Sexual Assault Support Centre exposes harmful male stereotypes, to promote healthier masculinities (University of British Columbia)
- Humber College has "Bystander", "Date Safe" and "Consent is Sexy" programs
- University of Windsor models University of Hampshire Bystander intervention program
- St. Xavier University initiates a bystander program and safety audit
- York University conducts a campus safety audit, and produces a safety app downloaded by 12K users for direct access to a security/support line
- McGill University holds an informed consent forum
- Bishops University holds mandatory sexual-assault training at 1st year orientation
- University of Alberta Students' Union's Accountability Action Project, makes men more accountable for sexual violence, using peer-led discussions on gender role discourse
- Dalhousie University RESPECT Team: uses social media postings to educate on consent
- McMaster University collaborates with Hamilton Sexual Assault Centre and YWCA on "It's Time to End Violence Against Women on Campus" Project

Appendix iii: Commissioned Reports on Sexual Violence

- Promoting a Culture of Safety, Respect and Consent at Saint Mary's University and Beyond (2013) St. Mary's University Wayne MacKay, Dalhousie Law Professor) focuses on "commitment, consent, critical thinking, communication, collaboration, and caring." MacKay talks about the need to respond adequately to sexualized violence and to promote a culture of equity. The report defines sexual violence, sexual assault, sexual harassment, cyber harassment, cyber stalking, gender-based violence, hyper-sexualization (objectification and commodification of sex). Mackay concludes: "A hypersexualized culture, alcohol use, a hook-up culture, the persistence of rape myths and a lack of appropriate educational preparation all contribute to this confusion and uncertainty."
- Student Safety, Nova Scotia: A Review of Student Union Policies and Practices to Prevent Sexual Violence (2014) by Martell Consulting Services Ltd. for Students Nova Scotia, focuses on the reality of sexual predators on campus, the necessity to educate vulnerable populations about consent. It noted that student athletic teams and fraternity members were more likely to perpetuate sexual violence because of their drinking culture and the lack of education on consent.
- Developing a Response to Sexual Violence: A Resource Guide for Ontario's Colleges and Universities, (2013) METRAC Action on Violence, has advocated Campus Safety Audits since the 1980s; also contributed to the Ontario Women's Directorate's
- Shared Perspectives: A Joint Publication on Campus Sexual Violence Prevention and Response (2018) Canadian Alliance of Student Associations et al, reviews what has been done in the various provinces and calls for a national collective strategy from students and other stake holders to eradicating sexual violence on campuses.

Appendix iv: Report Card on Government-Mandated Stand-Alone SV Policies in Ontario, B.C. and Manitoba



University Sex Assault Policies Average C- in Analysis by Nationwide Student Group
 Lisa Xing CBC Oct 11, 2017 <http://www.cbc.ca/news/canada/toronto/our-turn-movement-unites-survivors-of-sexual-assault-through-student-unions-1.4348709>

Appendix v. a: Insufficient Knowledge of Canadian Consent Law

What is consent? A patriarchal myth of sexual entitlement around consent is a violation of the law. How you choose to dress and consume alcohol or drugs does not mean you have acquiesced to sex. Today, consent means:

- You can only consent for yourself; others cannot consent for you.
- You must be awake, conscious and sober to make a clear decision to give consent. (This is particularly important on campus because of the party culture).
- People in positions of trust, power or authority cannot abuse their authority to get consent. (your professor, supervisor, or boss)
- It means no if you imply through your words or behaviour.
- You can change your mind at any time to say no to sexual activity. (*should I just go up to this*)
- The age of consent in Canada is 16.
- Young people under 18 are protected from exploitation.

<http://www.consented.ca/consent/consent-and-canadianlaw>

Appendix v. b: Consent Law in Canada (CCC 273.1 & 2)

- There is no consent in law if the complainant:
 - 1) did not give express words or conduct;
 - 2) was incapable of consenting (e.g., drunk, incapacitated);
 - 3) was induced to the activity by an abuse of trust, power, authority;
 - 4) expresses by words or conduct, a lack of agreement;
 - 5) after consenting, by express words or conduct, no longer agrees to continue to engage in the activity;
 - 6) where the agreement is expressed by the words or conduct of a person other than the complainant.
- CCC 273.2 also limits the scope of the defence of honest belief in consent if the accused believed consent due to self-induced intoxication; due to the accused's recklessness or willful blindness or when the accused fails to take reasonable steps to ascertain that there has been consent.

Summary of <http://www.justice.gc.ca/eng/cj-jp/victims-victimes/def.htm>



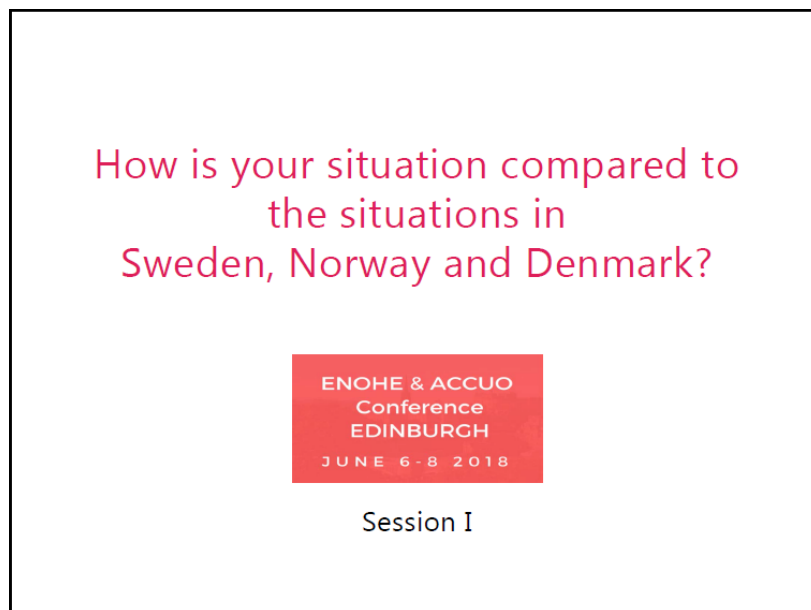
Natalie Sharpe and Carolyn Brendon

Working Session I

How is your situation compared to the situations in Sweden, Norway and Denmark? |


Sindre Rødne Dueland, Juval Pruitt and Bo Gad Køhlert

Often in the Scandinavian countries, we experience that the world looks at us as one coherent region. And although there are many similarities there are also quite a few both eye catching and subtle differences in legislative and societal norms between the countries. Colleagues in Sweden, Norway and Denmark have been meeting once a year since 2013 learning about our situations and reflecting on differences and similarities in practices and legislative frameworks. During this session five learnings from our conference in October 2017 at Stockholm University were shared.








Juval Pruitt
Studentombud


 KARLSTAD STUDENTKÅR

Western Norway
University of
Applied Sciences



Sindre R. Dueland
Studentombud HVL
7. juni 2018





Bo Gad Køhlert
Student Ambassador



UNIVERSITY OF COPENHAGEN

The Student Ombud at Göteborg Univ.

1. How is your student ombud position/office organized?
 - Who do you report to?
 - How is the position financed?
2. What is the legal status of the student ombuds in your country?



The Student Union at Stockholm Univ.

Do you as student ombud co-operate with the student union(s) at your university?

Is it the student ombud or the student union that:

- represents students best?
- drives improvements in student rights best?

Stockholms
universitets
studentkår



Swedish act to ban discrimination

Section 1 The purpose of this act is to counteract discrimination, and, in other ways, promote equal rights and opportunities regardless of sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age."

(Act 2014:958)



Swedish act to ban discrimination

1. How do legal frameworks regarding discrimination affect policies at your university?
 - ... and how does your university take on issues involving discrimination?
2. How do you as student ombud work on issues regarding discrimination?
 - Do you investigate these cases?
 - Do you involve other parts of the organisation?



Support of students with disabilities

1. How does your university encourage diversity and inclusion?
 - What support is offered for students with disabilities?
2. What legal framework exists regarding rights for a person with disabilities?
 - What support is offered for students with disabilities?
 - Do you have a roll as student ombud regarding accessibility?
 - How are rights enforced?



The Stockholm Student Health Services

1. Does your university provide any student health services?
 - Treatment of physical illnesses?
 - Treatment of mental health?
2. Do you as student ombud co-operate with student health services?



Sindre Rødne Dueland, Juval Pruitt and Bo Gad Køhlert during their workshop

Working Session J1

Translating the ombudsman recommendations into institution-wide practices – examples from the Ombudsman of the University of Warsaw | [Anna Cybulko](#)

The aim of the presentation was to discuss the impact ombudsmen might have on the practice and paradigm of his/her university. Starting point of the discussion was a case study, concerning the anti-mobbing policy introduced as a result of the ombudsman's activity in the problem area. The presentation describes all the necessary stages of introducing new solutions: identification of the problem, diagnosing and reporting it, working on the recommendations, presenting the propositions and lobbying for change. The presentation elaborated on the sources of practical difficulties with respect to translating the ombudsman recommendations into institution-wide practices and the possibilities to overcome them.



UNIWERSYTET
WARSZAWSKI

**Translating the Ombuds
recommendations into
institution-wide practices**

*examples from the practice of the
Ombudsman of University of
Warsaw*

Anna Cybulko.
Edinburgh 7th June 2018

University of Warsaw:

- Founded in 1816
- Consists of around 55.000 students, 8.000 employees
- Encompasses 20 faculties and over 20 research units.
- Position of ombudsman (first in Poland) since 2011.



Polish landscape

We are growing ... 😊



Ombudsmen in Polish Universities:

Ombudsman:

- University of Warsaw 2011
- Nicolaus Copernicus University in Toruń 2013
- The John Paul II Catholic University of Lublin 2016
- Medical University of Warsaw 2018

Student Ombudsman:

- University of Wrocław 2016
- Students Parliament



University of Warsaw: Institutions

- The Center for Dispute and Conflict Resolution at the Faculty of Law and Administration 2006
- Rector's Anti-Discrimination Committee 2010
- Ombudsman 2011
 - Ombudsman 2011
 - Office Coordinator 2013
 - Specialist Lawyer 2018
- Equal opportunity specialist 2017
- Anti-Harrasment Procedure 2018



Ombudsman's role in developing new practices

Legal basis of Ombudsman activity



Problem

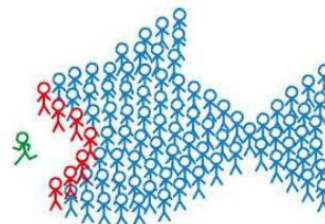
? Ombudsman role ?

New (institution wide) practice



Case study: problem of workplace harassment

- Legal regulations are not clear
- Difficulties with defining the problem
- Unjustified accusation
- Lack of procedures
- Difficulties with finding the decision makers
- Unclear consequences



The competences of Ombudsman:

- Promoting **high ethical standards** and **methods of alternative dispute resolution**;
- Assisting in **conflict resolution**;
- Supporting individuals and organizational units of the University in **problem resolution**;
- **Identifying sources of problems**, which hinder the proper functioning of the University;
- **Informing and advising Rector with respect to changes aimed at improving the functioning of the university**

90 % of
the time &
energy

Initiating ombudsman activity

Ombudsman initiates the procedure upon:

- **request of the member of academic community**: student, PhD student, employee;
- **motion of Students' (or PhD students') Union bodies**;
- **motion of Rector**;
- **motion of University organizational unit**;

Ombudsman may act upon his/her own initiative.

Professional subordination

- Ombudsman is appointed by the Rector for four year cadency
- Ombudsman reports to the Rector for administrative and budgetary purposes (annual report).

Legal possibilities & expectations

- **Competences:** Identifying sources of problems, informing and advising Rector with respect to changes aimed at improving the functioning of the university.
- **Accreditation:** Ombudsman may act upon his/her own initiative.
- **Expectations:...?**



Ombudsman role in creating new practices (1/2)

- Diagnosing the problem/unmet needs/
 - Necessary data
 - Level of seriousness
 - Accessible tools
- Reporting the problem
 - Recipient
 - Direct or indirect
 - Official or informal



Ombudsman role in creating new practices (2/2)

- **Elaborating the recommendations**
 - Proposition: general or detailed
 - Team: inclusive or exclusive
- **Presenting the recommendation**
 - Recipient
 - Official or informal
 - Oral or written



Practical difficulties

- Doubts about ombudsman role in the process
- Finding the right partner/recipient
- Keeping the confidentiality
- Taking into account all the interests
- Persuading the authorities about:
 - seriousness of the problem
 - need of the change
 - Costs (material and non-material) of the change are worth paying



Risks

- Losing the neutrality
- Getting involved into conflict of interests
- Re-directing the time and energy on the expense of everyday work



CONTACT

Ombudsman of University of Warsaw: Anna Cybulko

Address: **56/66 Dobra Street, 00 - 312 Warsaw, Poland**
E-mail: **anna.cybulko@uw.edu.pl**,
Tel. **+ 48 (22) 55 27 214, + 48 882 15 22 35**

Office: **Magdalena Miksa (lawyer), Elzbieta Felkner (office co-ordinator)**

E-mail: **ombudsman@uw.edu.pl**
Tel. **+ 48 (22) 55 27 813**

Web page: **www.ombudsman.uw.edu.pl**



Working Session J2

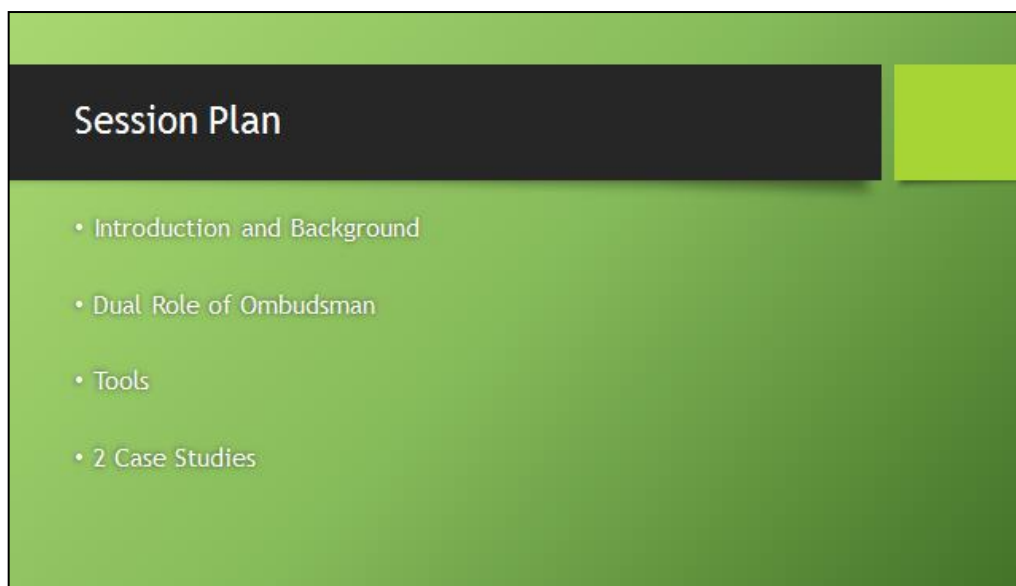
Systems and simple rules | Jan Morse

As an ombudsman you talk every day with members of your institution about problems and concerns. In doing that work, it's possible to detect patterns and recurring themes in the kind of cases you are hearing.

Using a systems approach to address complex problems within your organization will help you:

- 1) get 'unstuck' when the usual methods are unsuccessful and
- 2) move 'up-stream' to the site of sources that generate numerous problems year after year.

Using a case study and systems theory, this session will introduce a few simple tools that will enable participants to identify strategies for working with entrenched parties and intractable conflicts to create real, sustainable change.



ENOHE 2017, Emily Riley, European Ombudsman

- Viewing casework in a wider context
- Ombudsman, a unique position

- 3 Criteria
 - Is it worth doing?
 - Is someone else doing it?
 - Is it doable?

- “If you think you don’t have the power to do this - you don’t”

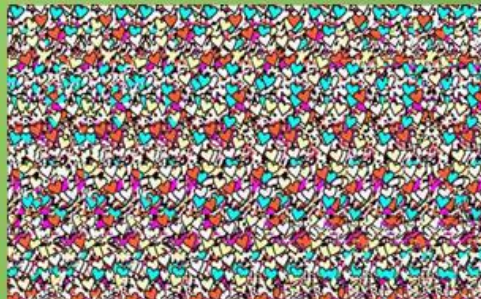
Casework as Data

- Case Features - Actors, Actions, Interactions, Other

- Locate on a (complex, dynamic) landscape

- Notice and identify emerging and recurrent themes, patterns

Picture / Landscape



Hidden Picture



Pattern (System, Culture, Community)

- Similarities, differences, and connections that have meaning over space and time.
- ▶ How things are
- ▶ How they behave
- ▶ How we understand them

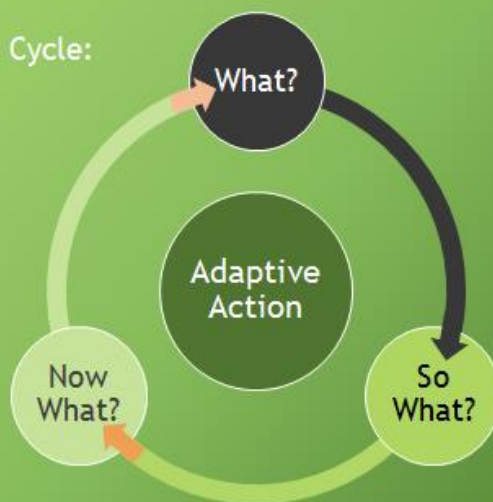
Context

- University of Minnesota, large public Research I institution
- 2017 demographics
 - 44,544 undergraduate
 - 12,614 graduate
 - 3,508 professional
 - 3,911 faculty
- Student Conflict Resolution Center
 - Academic issues, working primarily with students as the reporting party; 850 cases/year. Emerging problems.



...we're going to need a bigger rug

Adaptive Action Cycle:



Glenda Eoyang, HSD Institute

What?

'What?' Questions

- What/when did I see or hear something?
- Generally I noticed ____?
- Except for ____?
- I was surprised by ____?
- I wonder ____?

So What?

Purpose: To make meaning and generate options for action

Where are we now?



Where do we want to be?



How can we get there?

Now What?

Culture change initiative: can't force culture change - can only set the stage for culture change to occur (Schein)

Can only anticipate, not predict, effects of action.

Small actions can yield big results

Simple Rules:

- ▶ Start where you are with what you have
- ▶ Search for the true and useful
- ▶ Enlist confederates
- ▶ Respond to felt needs
- ▶ Employ 'weak power'
- ▶ Have a bias toward action

▶ What is my next wise action?

MAYA: Most Advanced Yet Acceptable

• Radical Change

- People confused by it, don't like it, will fight it
- Have to break a habit, which means WORK

• Incremental Change

- Gradually, over time
- Draws on present skills, mindset
- Can recognize benefit
- An easier change

Incremental Steps

- Meaning is essential to humans; they act according to that meaning with a purpose or goal.
- Example 1: One-time free drop
- Example: Address academic incivility
- [The Dignity Project Workgroup web page](#)
 - Surveys, Workgroup, Resources, Workshops
 - #MeToo. Comparable collegiate data over a 10 year period

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Senge, Peter M. 1990. *The Fifth Discipline: The Art and Practice of The Learning Organization*.

Twale, D., & Luca, B. (2008). *Faculty incivility: The rise of the academic bully culture and what to do about it*. San Francisco, CA: Jossey-Bass.

Westley, Frances, and Michael Quinn Patton. 2006. *Getting to Maybe: How the World Is Changed*.



Jan Morse, Anna Cybulko and Jenna Brown

Working Session K

Sexual harassment and abuse – a topic for the ombudsman? | [Wolf Hertlein](#)

About two years ago the TU Darmstadt adopted guidelines against sexual discrimination and assaults which are now being implemented. The ombudsman office for students acts as a contact point for students affected by discrimination and abuse. In this session, the experiences made so far with the directive and with cases of discrimination as well as the public relations were presented and discussed. Participants could get a deeper insight into the activities at the TU Darmstadt on this topic and thus compare it to the activities of their own institutions.

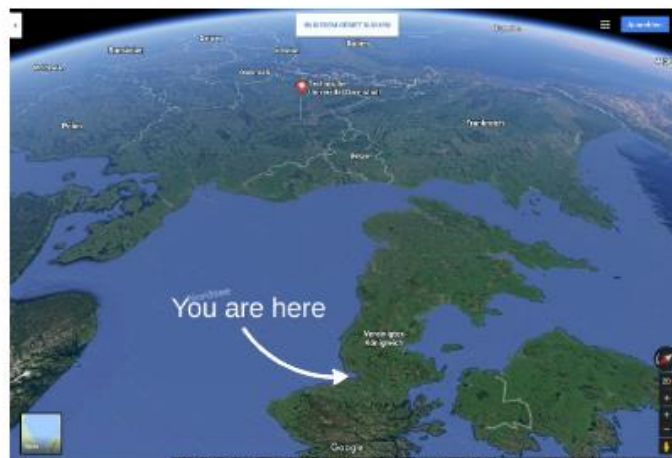
Sexual Harassment and Abuse, a Topic for the Ombudsman?

Agenda:

- Previous history
- Guidelines
- The campaign
- Attitude of the university
- Further education courses
- Future ...



... the previous history





... a helpful study



EU-Projekt 2009-2011



WWW.GENDERCRIME.EU

... the guidelines



Sexuelle Belästigung, Diskriminierung
und Übergriffe verstoßen gegen Gesetze
und verletzen Persönlichkeitsrechte.



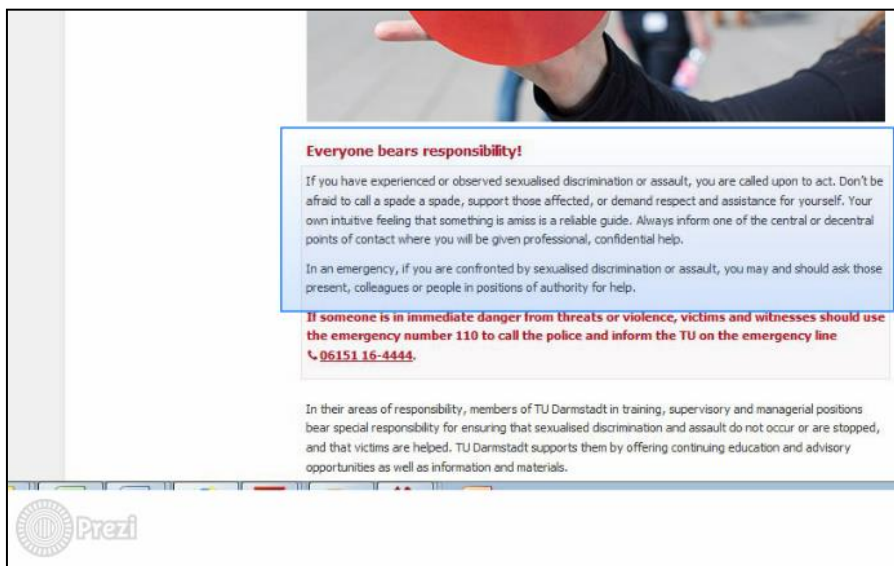
achtung!

... steht allen Angehörigen und Gästen der TU zu. Stehen Sie
füreinander ein. Hilfe und Beratung unter: achtung@tu-darmstadt.de
Mehr zum Thema: www.tu-darmstadt.de/achtung



... WWW






sexual assault

Sexualised discrimination and assault
Mutual respect at TU Darmstadt

Sexualised discrimination and assault are not tolerated. TU Darmstadt demands and ensures equal treatment of others by all members and associates of the university by guests and others from outside.



Contact
Technische Universität Darmstadt
✉ achtung@tu-darmstadt.de

Central points of contact in the team against sexualised discrimination:

Social Counselling and Conflict Support
S1103, Hochschulstraße 1
64289 Darmstadt
☎ +49 6151 16-26565 oder
☎ +49 6151 16-26566
✉ sokobe@pww.tu-darmstadt.de

Complaints Management
S1105, Raum 13, Magdalenenstr. 12
64289 Darmstadt
☎ +49 6151 16-28220
✉ feedback@tu-darmstadt.de

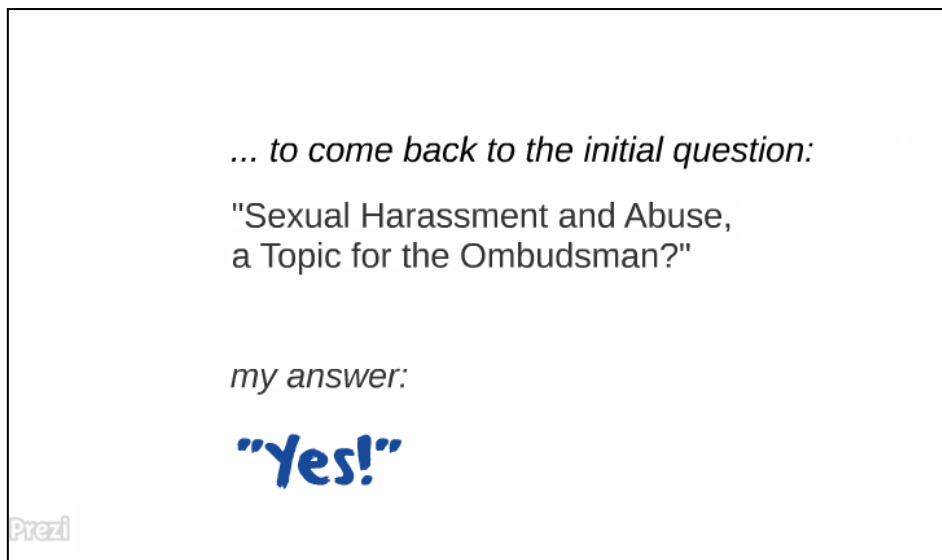
In threatening situations:
Police emergency number: 110
TU Darmstadt central emergency number: 06151 16-4444

... further education



... case handling

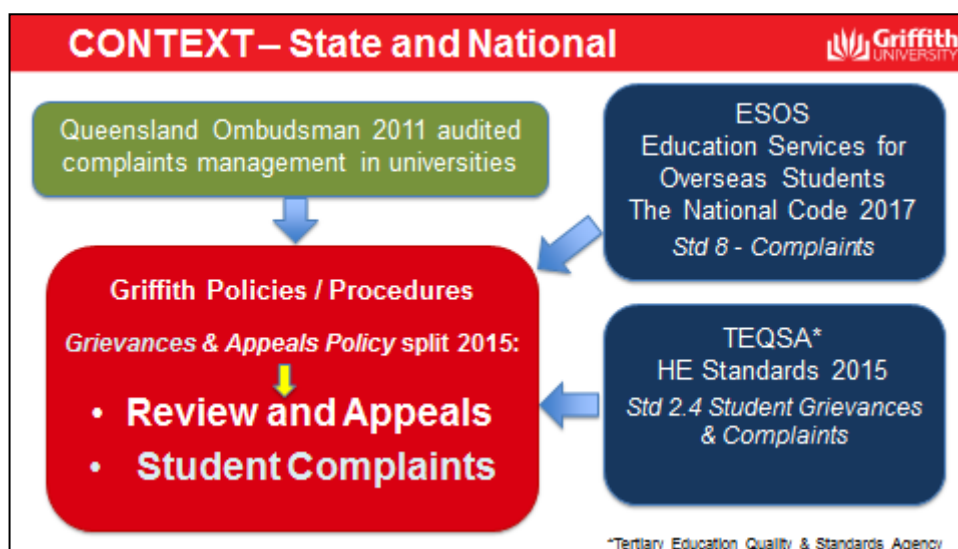




Working Session L

Investigating complaints matters and reporting outcomes: a critical reflection | [Barrie O'Connor](#)

Framed within state and national compliance regimes, this presentation critically explores approaches used to investigate and report student complaints in a 3-step (informal, formal, review) process adopted by one Australian university. The Student Ombudsman's review includes: identifying core issues; collecting evidence/establishing relevance; resolving ambiguities, checking outliers; keeping auditable records; observing procedural fairness; generating/testing hypotheses; managing confidentiality. Findings were reported with clear explanations linked to university policies and relevant government legislation and addressed in a fair and reasonable manner respectful of all participants. Outcomes and recommendations tackle core issues and appeal avenues were advised. Processes are subjected to continuing critical review.



Office of Student Ombudsman

- Reflects “Organisational model ... operates independently but inside organisation” (Behrens, 2017, p. 17)
- Oversight of Student Complaints regime: monitors, reports, advises
- Administrator triages initial cases to designated staff, answers inquiries, maintains staff Sharepoint site – report templates, staff guides
- Student Ombudsman investigates referred cases, reports initially to senior officer (Deputy Vice Chancellor - Academic or VP Corp. Services)
- SO sends approved report to complainant (cc. involved parties)

Office of the Student Ombudsman does not handle

Academic & Admin Decisions made by Univ.

Student Review and Appeals

Student Misconduct

Workplace Harassment, Bullying & Discrimination By Staff

Student Sexual Assault Harassment, Bullying & Discrimination

Student Charter and other policies inform...

Type:

- Individual
- Group
- Anonymous

About:

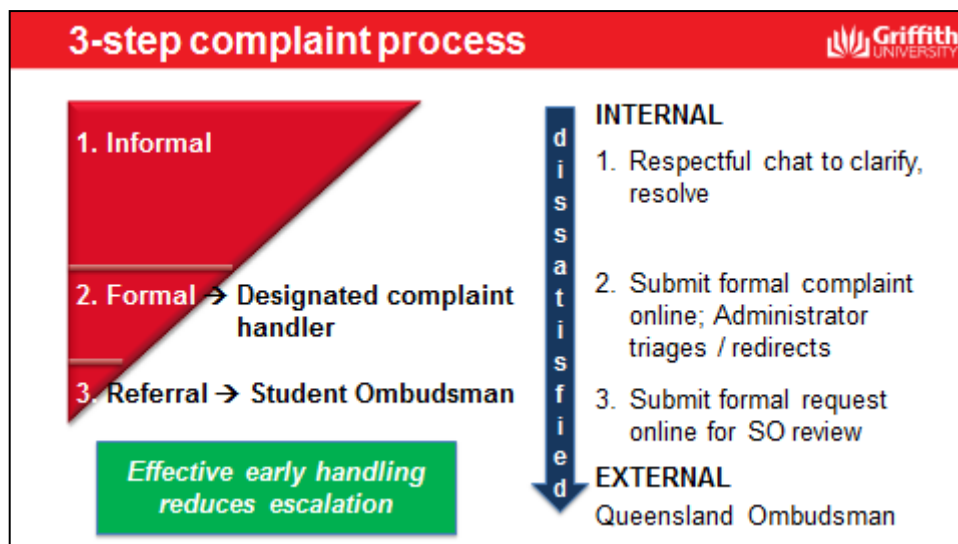
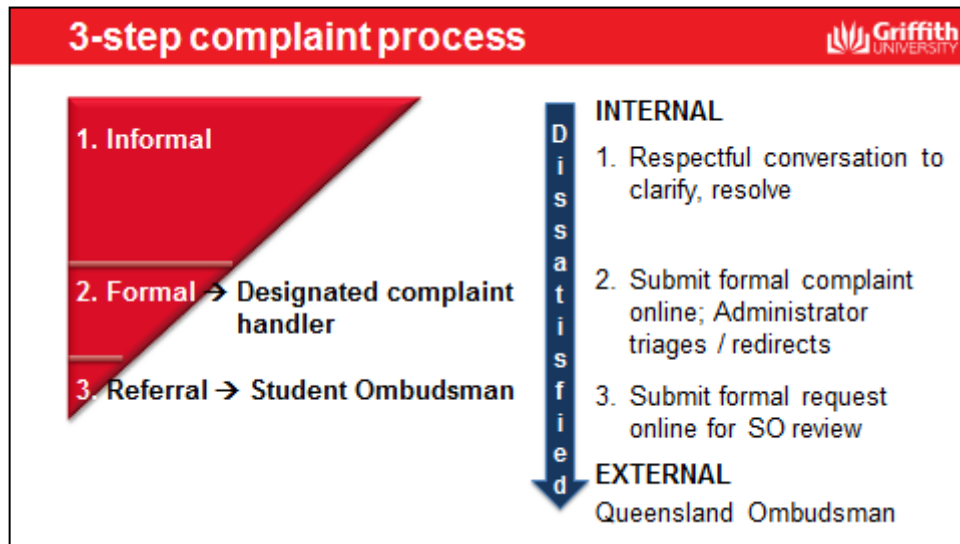
- Treatment as a student
- Quality/delivery of service
- Conduct of staff / students

Outcome:

- Receive apology
- Correct error in record
- Have decision made
- Improve services / processes

STUDENT COMPLAINTS

Student Advocates employed by Student Association/Guild



Student Ombudsman

Expectations:

- Neutral arbiter
 - acts impartially, confidentially
 - clarifies student outcomes
- Manner is consistent and procedurally fair
- Outcomes are fair, equitable, balanced for all parties

Operates according to policy; independence respected.

Case record keeping



Secure electronic folders

- a. **Complaint matters:** docs tendered by complainant
- b. **Emails:** (in/out)
- c. **Relevant policies,** procedures, legislation, standards
- d. **Investigation:** case notes, documents, artefacts (audio, video, photo)
- e. **Findings:** (Final letter / Report; Case Closure Notes; Follow up Notes)

Investigation



- Assessing complaint details
 - identifying core issues and participants
 - checking potential bias, forming early hypotheses
 - deciding sequence of inquiries
- Approaching participants (informally phone vs. formal email)
- Applying natural justice principles
 - fair, unbiased treatment; presumed innocence; timely resolution
- Weighing evidence
 - hearsay vs facts... confirmable thru data triangulation
 - pursuing outliers
 - resolving ambiguities
- Refining hypotheses to match emerging data

Case Study




Jasmine was issued a parking breach notice – “failing to display valid permit” (partially obscured). She argued that she had a valid permit but her appeal for fine waiver was denied. Matter escalated to SO.

Complainant Evidence	Parking Office Evidence
a. Scanned image of valid permit	a. Breach notice
b. Fellow student witness statement via text message exchange	b. Blurred photo shows permit partially obscured from view

Enquiries revealed both students had history of repeated fines and both were fined on this day. Jasmine’s car had a personalised number plate “Jaz” and windscreen surrounded by a “sporty” black border.

Case Study – the evidence


Complainant



Your thoughts?


- Who to believe?
- Bias?
- Evidence quality?
- Inadmissible info?

Parking Office




Case Study – testing the evidence

Complainant



Parking Office




Enlarged photo to establish if:


- permit in situ
- small date visible

Case Study – pursuing ambiguities

Complainant

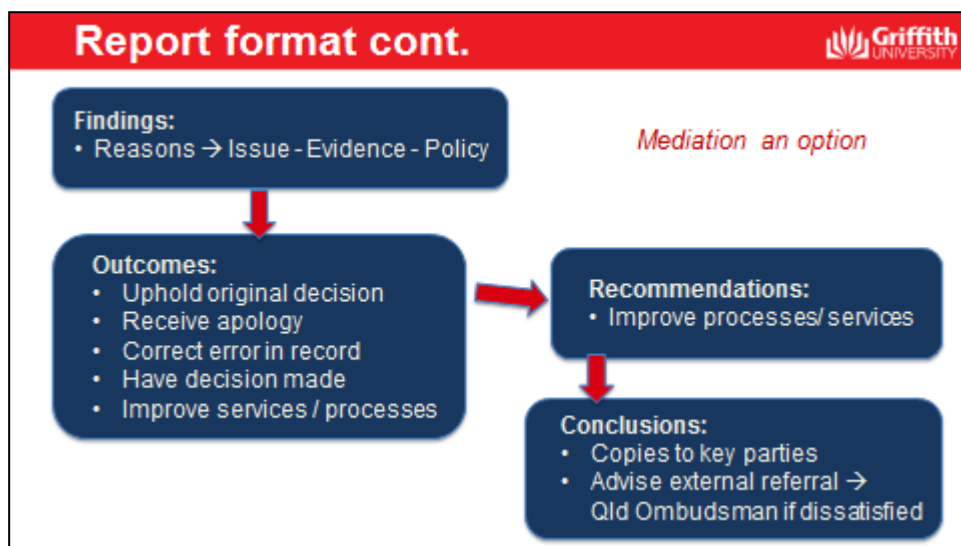
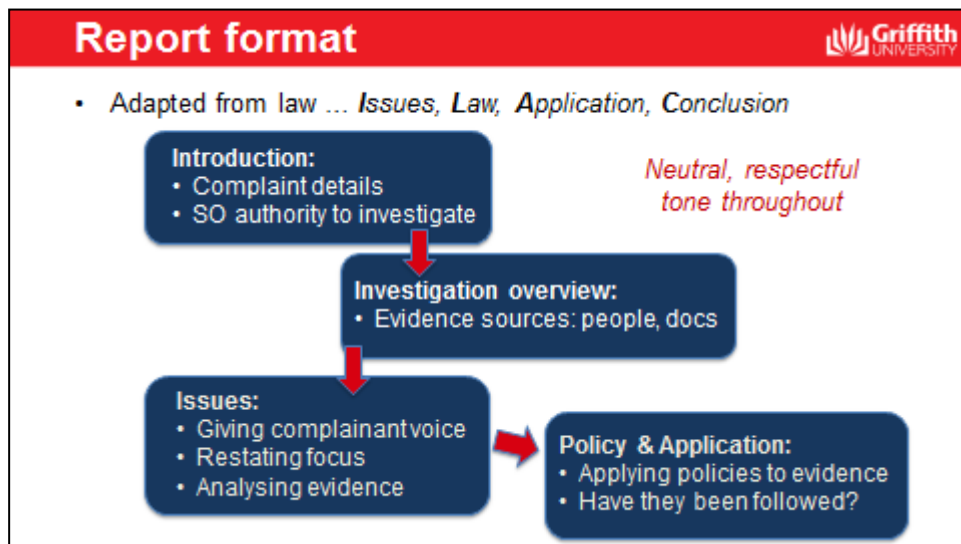


Parking Office



Date available to be seen; partial match

Locates permit on dash



- ### Follow Up
- Griffith UNIVERSITY
- Separate report to DVC(A) on matters outside SO remit, as needed
 - Recommendations implemented? (TEQSA and Qld Ombudsman conduct regular audits)
 - Debrief opportunities
 - Case closure note

Typical Cases



- Step 3 Student Complaints often more complex e.g.:
 - Multi-layered and multiple issues
 - Single/Multiple complainants
 - Involve University policies + external standards (e.g. Overseas students, Professional Standards; Disability Education Standards)
 - Cover past or continuing matters

Emerging Issues & Review



Issues	Review and Respond
a. Step 2 decision maker reports unclear	a. Review referral instructions to eliminate ambiguity
b. Mental health issues impacting complaints (emerging fitness to study/practice concerns?)	b. Improve staff awareness of Students with Disability policies and associated services
c. Quality of assessment feedback complaints	c. Improve staff awareness of assessment policies
d. Adequacy of course profile details	d. Deputy Academic Registrar sends Course Convenor reminder blogs
e. Vexatious complainants	e. Advise will be ignored as per policy



Continually checking assumptions



Thank You!

References

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- Disability Standards for Education 2005
<https://www.legislation.gov.au/Details/F2005L00767>
- ESOS Regulation 2001 (updated 2016)
<https://www.legislation.gov.au/Details/F2016C00681>
- National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (The National Code 2007)
<https://www.legislation.gov.au/Details/F2017L00403>
- Higher Education Standards Framework (Threshold Standards) 2015
<https://www.legislation.gov.au/Details/F2015L01639>

Working Session M

Keeping the complaint on track: ensuring fairness and efficiency in the face of challenging behavior |

Felicity Mitchell and Alison Walker

As complaints handlers we often have to deal with the challenging behavior of our service users. In this session presenters looked at what "good service" looks like in this context; how we balance the need to ensure that all students can access our scheme, with the need to protect our staff and maintain an efficient review process; and the systems we put in place to help students help us. There was an opportunity to discuss some OIA case studies.




oia office of the independent adjudicator

**Keeping the complaint on track:
ensuring fairness and efficiency in the
face of challenging behaviour**

Felicity Mitchell
Independent Adjudicator
Alison Walker
Senior Assistant Adjudicator

14th ENOHE/ACCUO Conference,
June 2018, Edinburgh

www.oiahe.org.uk



oia office of the independent adjudicator

Why are we here?

Our Values 

Service ethos
We treat all who engage with us with respect and sensitivity. We listen, reflect, and learn, being flexible and responsive to those who use our service and working continuously to improve what we do.


Our staff feel safe and protected  Our Scheme is efficient & effective

When behaviour becomes challenging (1) 

- Aggressive, offensive or abusive actions or behaviour
- Unreasonably demanding
- Unreasonably persistent

But

www.oiahe.org.uk

When behaviour becomes challenging (2) 

What is causing the behaviour ?

- Anger or distress at the situation
- Mental health difficulties/ cognitive impairments
- Difficulties communicating

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What are the consequences of challenging behaviour?

www.oiahe.org.uk

The consequences of challenging behaviour office of the independent adjudicator

- Detrimental to staff wellbeing and morale
- Impairs effectiveness/efficiency:
 - Damages relationship between complainant and case-handler
 - Takes time: calls/emails/logging
 - Risk that important points get lost
- Affects our ability to deal with other cases

Our approach and recent developments office of the independent adjudicator

- Staff training: key to empowering staff
 - helps them deal with the situation effectively
 - helps them to cope
- Website – new pages “Helping us review your complaint”
- Updated Behaviour Policy
- Updated Accessibility Adjustments
- Launch of MyOIA

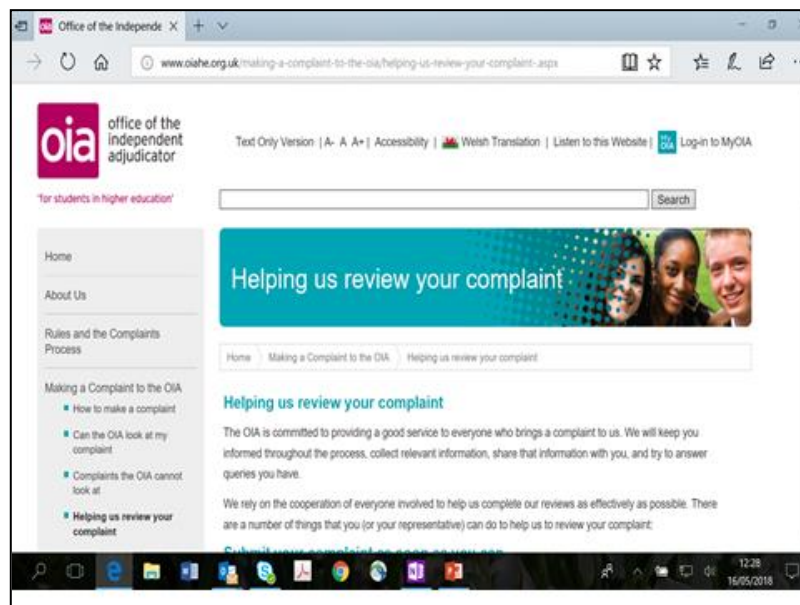
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The Behaviour Policy – how has it changed?



- Positioned differently
- Reframed: “Behaviour Policy”
- Positive language

www.oiahe.org.uk



Office of the Independent Adjudicator

Text Only Version | A- A+ | Accessibility | Welsh Translation | Listen to this Website | Log-in to MyOIA

For students in higher education

Home

About Us

Rules and the Complaints Process

Making a Complaint to the OIA

- How to make a complaint
- Can the OIA look at my complaint
- Complaints the OIA cannot look at
- Helping us review your complaint

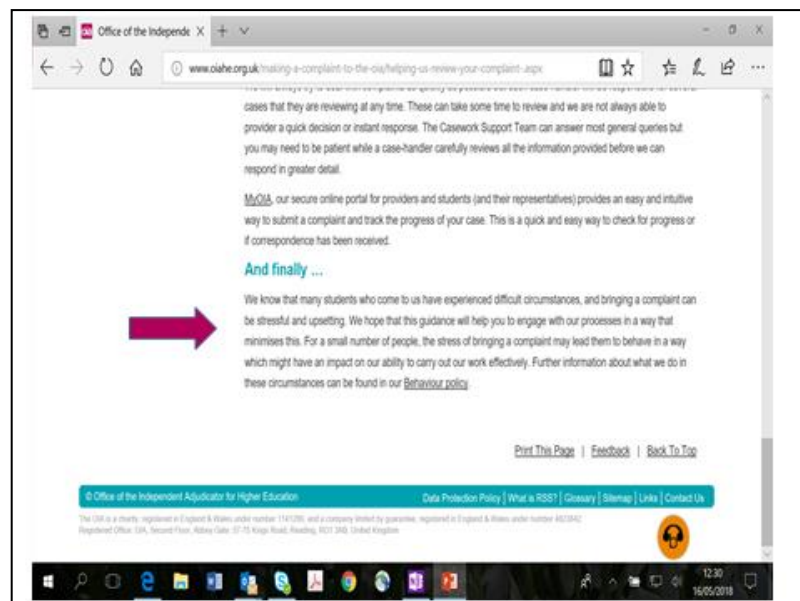
Helping us review your complaint

Home > Making a Complaint to the OIA > Helping us review your complaint

Helping us review your complaint

The OIA is committed to providing a good service to everyone who brings a complaint to us. We will keep you informed throughout the process, collect relevant information, share that information with you, and try to answer queries you have.

We rely on the cooperation of everyone involved to help us complete our reviews as effectively as possible. There are a number of things that you (or your representative) can do to help us to review your complaint.



cases that they are reviewing at any time. These can take some time to review and we are not always able to provide a quick decision or instant response. The Casework Support Team can answer most general queries but you may need to be patient while a case-handler carefully reviews all the information provided before we can respond in greater detail.

MyOIA our secure online portal for providers and students (and their representatives) provides an easy and intuitive way to submit a complaint and track the progress of your case. This is a quick and easy way to check for progress or if correspondence has been received.

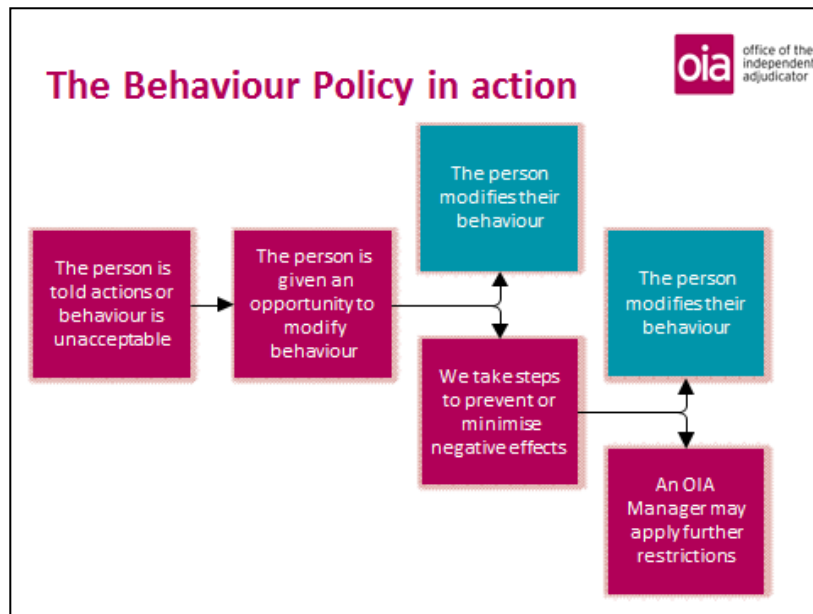
And finally ...

We know that many students who come to us have experienced difficult circumstances, and bringing a complaint can be stressful and upsetting. We hope that this guidance will help you to engage with our processes in a way that minimises this. For a small number of people, the stress of bringing a complaint may lead them to behave in a way which might have an impact on our ability to carry out our work effectively. Further information about what we do in these circumstances can be found in our [Behaviour policy](#).

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Views of colleagues



- “I think the examples are good and very broad, I would feel comfortable referring to them”
- “...it puts more of an emphasis on not being confrontational ...”
- “I think point 4 in the policy is perfectly clear and reasonable but it would take extra tact and consideration to be used appropriately.”

26/06/2018

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13

Accessibility Adjustments



- Need to ensure that all students can access our Scheme
- Recognise that behaviour can be linked to underlying impairment
- May be undisclosed or even undiagnosed
- Need to preserve confidentiality (special category data)
- Students can discuss adjustments with an OIA manager

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Examples



- Scribed complaints over the telephone
- Audio recordings made of comments
- Provided written notes of telephone calls
- Corresponded only on specific days or times
- Suspended cases to enable treatment and/or full recovery to occur
- Agreed to only send essential correspondence

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Challenging behaviour: case study 1



Issue

- Undeclared mental and physical disability
- Complaint about lack of support, bias, bullying

What made the behaviour challenging?

- Persistent telephone calls.
- Unreasonable demands on OIA staff.
- Increasingly aggressive, offensive and inappropriate language.

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What would you do?

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Challenging behaviour: case study 1



What worked well

- Assisted S to obtain a representative
- Requested information to try and understand S's health conditions
- Gave extensions and suspensions to our complaints handling due to ill health.

What we could have done better

- Applied restrictions limiting phone calls and email responses earlier.
- Flagged the behaviour policy at an earlier date.

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Challenging behaviour: case study 2



Issue

- Medical student: complaints about bullying and harassment and maladministration

What made the behaviour challenging?

- Persistent and repetitive emails / calls about process and timelines
- Escalation to different staff
- Large number of queries unrelated to our review
- Distrust of the OIA and challenges to independence
- Delays in providing information
- Threat of JR throughout process

www.oiahe.org.uk



What would you do?

www.oiahe.org.uk

Challenging behaviour: case study 2




What worked well

- Suspended the case when student became anxious and distressed over time frames.
- Timely and full response to emails with queries.
- Did not give information that was not relevant to the complaint.
- Kept the same case handler on the case – consistent approach.
- Identified a senior member of staff for decision-making.
- Careful to avoid conflict of interest.
- Offered an exceptional face to face meeting.

What we could have done better

- Difficult case to assess any learning.
- Escalated to a manager earlier.
- Outlined the process in full earlier.

www.oiahe.org.uk

Challenging behaviour: case study 3  office of the independent adjudicator

Issue

- S has serious mental health difficulties
- S submitted multiple complaints

What made the behaviour challenging?


- The volume of correspondence
- S's unreasonable expectations
- S's emotional fragility – possible threat of suicide

www.oiahe.org.uk

 office of the independent adjudicator

What would you do?

www.oiahe.org.uk

Challenging behaviour: case study 3  office of the independent adjudicator


What worked well

- Managed timing of outgoing communications
- Extending timeframes for S to provide information.
- Meeting with S and her father and taking oral representations.

What we could have done better

- Met with S at an earlier point to move the complaints forward more quickly.
- Managed S's behaviour more forcefully particularly in relation to volume of contact.
- The case-handler spoke to S on the telephone frequently and read a huge amount of correspondence. However, this was not always helpful in progressing the complaint.

www.oiahe.org.uk

 office of the independent adjudicator

Challenging behaviour – case study 4

Issue

- S has a complex combination of physical, learning and behavioural disabilities, including a written language disability

What made the behaviour challenging?


- S was not always able to engage with our processes – he did not always explain why.
- Any progress we wanted to make on his case meant that we had to telephone him and he was seldom available to take the calls.
- Numerous suspensions of the case were made.
- S wanted the Head of Team to consider his complaint.

www.oiahe.org.uk

 office of the independent adjudicator

What would you do?

www.oiahe.org.uk

 office of the independent adjudicator

Challenging behaviour – case study 4

What worked well

- Agreed early on that main channel of correspondence would be by telephone.
- Calls via Skype or Zoom.
- Clear and detailed correspondence when we were explaining the process and who would conduct the review.
- Offered various dates and times at all stages to discuss his case.
- Deadlines for responses made clear at all stages.

What we could have done better

- Better enforcement of deadlines
- Earlier use of telephone

www.oiahe.org.uk

How to contact us

Online: www.oiahe.org.uk
Tel: 0118 959 9813
Email: enquiries@oiahe.org.uk
Outreach: outreach@oiahe.org.uk
Twitter: @oiahe



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Felicity Mitchell and Alison Walker

Working Session N

You learn more from mistakes than from successes! | Lies Poesiat and Stephan Querido

Probably most of us have been educated in a system that focuses on knowledge, some practice and foremost: doing the right thing. Making mistakes would probably not further your study success. In education, one is bound to say that we are allowed to make mistakes; we learn more from our mistakes than from things we do right. But how do we know that we are actually learning?

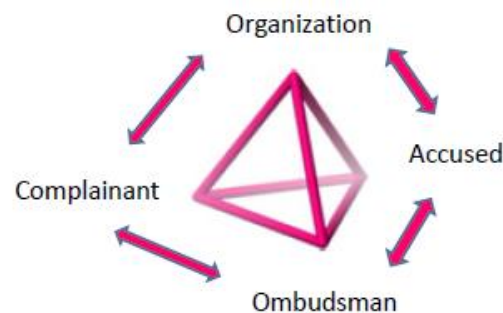
So as ombudsmen, do we grant ourselves the same rights; do our clients grant us these rights; the accused; the board? Is it ok to make a mistake, as long as you learn from it? What kind of mistakes are tolerated? And maybe most important, do you allow yourself to make mistakes? After being aware, how do you deal with the situation?

While reflecting on mistakes, is it possible to objectify them? Does your personality play into your behavior, your coping mechanism? Do you write incident-reports? Do you share this knowledge, and with whom?

We would like to facilitate you in finding some answers, some insights. We believe that sharing experiences can be very meaningful. To help the continuous process of learning, we would like to offer a framework for professional growth. The following figure shows the players, their relationships and the dynamic involved. This may serve as a reference for the different angles to take.

We also have different phases to cover:

1. Initial contact
2. Confirmation
3. Intake
- Accused
4. Considering options
5. Action
6. If it comes to it: report
7. Follow-up



We are sure, that there are some useful rules to detect in every phase and in the different dynamics involved. We would like to compose a nice best practices-list, illustrated by examples, from the contributions by our colleagues. We will compile the written input for an article on this subject, to follow. To do so, we would like to ask you to split up in smaller groups and discuss (please make notes and hand them in afterwards) your mistakes by using these questions:

- a. What went wrong, how, when did you notice?
- b. What did you do to correct your mistake?
- c. Which best practice rule would have been helpful?

The impact of complaints on public service employees | [Rosemary Agnew](#)

The impact of complaints on public service employees: an overview

ENOHE 8 June 2018

Rosemary Agnew
Scottish Public Services Ombudsman

SPSO Scottish Public Services Ombudsman



SPSO Scottish Public Services Ombudsman

Making Complaints Work for Everyone
Learning from Complaints



Organisations need to actively support their staff through complaints processes and engage staff in positive and purposeful activities to manage and learn from complaints

SPSO Scottish Public Services Ombudsman

*Just in case
you're
thinking ...*

SPSO Scottish Public Services Ombudsman



*Let me share our
journey with you that
took us to this point*



SPSO Scottish
Public
Services
Ombudsman

Let's be very clear



SPSO Scottish
Public
Services
Ombudsman

The pieces started to fit together



5 key effects

1. Adverse impact on staff well-being
2. Adverse impact on future practice
3. Lost opportunity for learning
4. Disproportionate use of staff and organisations' resources
5. Failure to make reasonable adjustments

SPSO Scottish
PUBLIC
Services
Ombudsman

Learning points



SPSO Scottish
PUBLIC
Services
Ombudsman

Learning points



SPSO Scottish
Public
Service
Ombudsman

Learning points



Engaged

- enthusiasm and passion
- feel a connection to and part of the organisation
- drive innovation and move the organisation forward



Not engaged

- go through the motions
- complete tasks but put no energy or passion in work



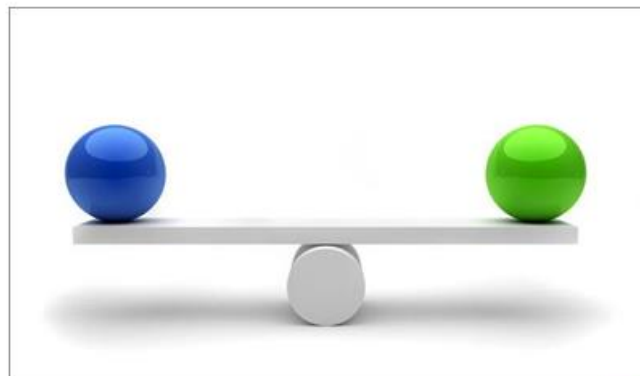
Disengaged

- not just unhappy, but act out unhappiness
- undermine colleagues' & organisation's achievements
- reflect this in the service provided

SPSO Scottish
Public
Service
Ombudsman



Learning points



SPSO Scottish
Public
Service
Ombudsman



Learning points



Learning points



What we need to do ...



Resources and ideas



SPSO Scottish Public Services Ombudsman

But remember...



SPSO Scottish Public Services Ombudsman

SPSO Scottish Public Services Ombudsman

4 Melville Street
Edinburgh
EH3 7NS

0800 377 7330
www.spsso.org.uk

Working Session O

Values of the ‘millennial’ youth generation: what are the implications for conflict resolution in higher education? | Doris Kiendl

The “Millennials” have entered Higher Education. (persons born between 1982 and 2001). This group is not homogenous and there is not (yet) evidence that their character traits impact their process of learning as a whole. The main objectives of this session were to inform participants about research on youth values of the Millennials their, highlight how these current youth values impact the behavior of students, trigger an interactive discussion on how universities can/should adapt their dispute resolution procedures to the value system of students in the 21st century.

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Values of the „Millenial“ Youth Generation: What are the Implications for Conflict Resolution in Higher Education?

Doris Kiendl


ENOHE Conference, Edinburgh, June 2018

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Agenda

1. Problem Statement
2. Literature Review
3. Methodology
4. Results
5. Limitations
6. Discussion



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Problem Statement

The “Millennial” generation refers to persons born approximately between 1982 and 2002. (Ricketts 2009, p. 7)

This generation has grown up in a different environment than the baby boomers’ generation. The “Millennials” have specific values and behaviour which influences their communication.

“Values” are defined as goals, varying in importance, which serve as guiding principles in people’s lives. (Braun-Lewensohn 2016, p. 662)

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The Goals of this Session are ...



to


- a) Present the current state of research on the values and behavioural traits of the “Millennial” generation;
- b) Share the results of an empirical study conducted in May 2018 in Austria;
- c) Discuss the implications for student counselling, conflict resolution and student ombuds services.

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Research Questions



- 1) What are the needs of „Millennials“, and what drives them?
- 1) What is the appropriate way to deal with „Millennial“ students when it comes to conflict resolution?

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Literature Review/1

Two groups of articles on the Millennial generation have been digested:

- a) The Millennial generation in the **workplace**
- a) The Millennial **student**



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Literature Review/2: „Millennials“ in the workplace

Literature on the effects and leadership styles of and for the „Millennial“ generation describes this peer group as

- Team- and achievement oriented
- Hyper-connective, also in social networks
- With high self-esteem and confidence (raised with optimism)
- Demanding
- Used to a lot of attention (by parents), looking for immediate feedback.

(Holt et al, 2012; Smith and Nichols, 2015).

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Literature Review/3: The „Millennial“ student

According to literature, „Millennial“ students are

- „sheltered by overprotective parents“
- „strongly tied to parents, family and friends“
- „confident“
- „consumers, juggling curricular and extracurricular activities, not shy seeking professional assistance“
- „wanting structure from within to guide them“.

(Rickes, Planning for Higher Education 2009)

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Summary and Critical Evaluation of the Reviewed Literature

The sparse literature on this topic is mostly oriented towards the U.S. society. The papers seem to focus on middle class U.S. citizens.

One very interesting paper has „deconstructed“ the research implying certain stereotypes of the „Millennial“ generation:

DiLullo et al, highlight in their article with the title „Demystifying of the Millennial Student: A Reassessment in Measures of Character and Engagement in Professional Education (Anatomical Science Education 2011, pp. 214-226) that **Millennial students are „considerably diverse in backgrounds, personalities and learning styles.“**

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Holt, S., Marques, J., Way, D. (2012), Bracing for the Millennial Workforce: Looking for Ways to Inspire Generation Y, Journal of Leadership, Accountability and Ethics 2012, pp. 81-93.

Rickes, P.C. (2009), Make Way for Millennials! How Today's Students are Shaping Higher Education Space, The Journal of the Society for College and University Planning 2009, pp. 7-17.

Smith, T.J., Nichols, T. (2015), Understanding the Millennial Generation, Journal of Business Diversity 2015, pp. 39-47.


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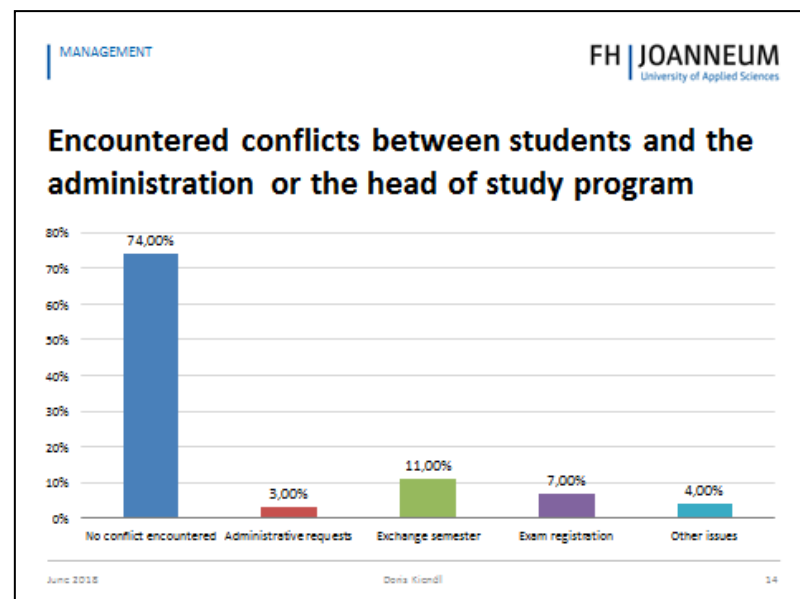
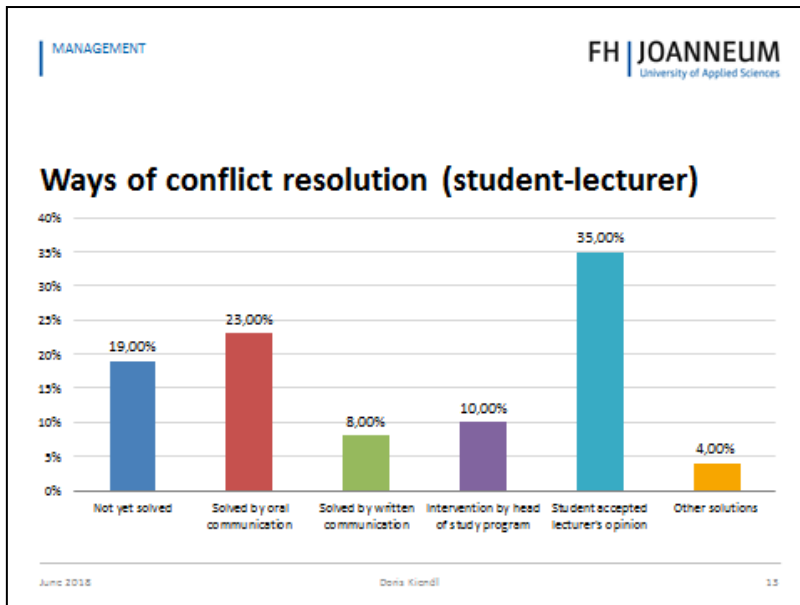
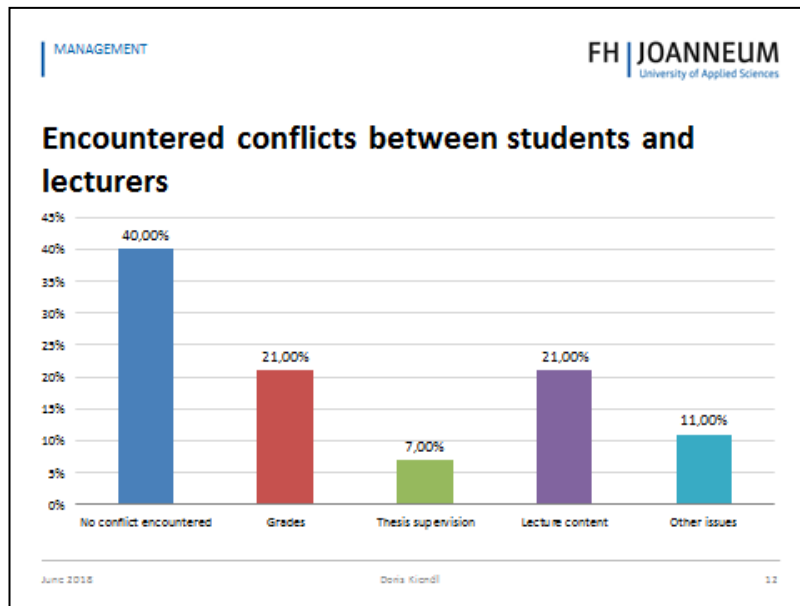
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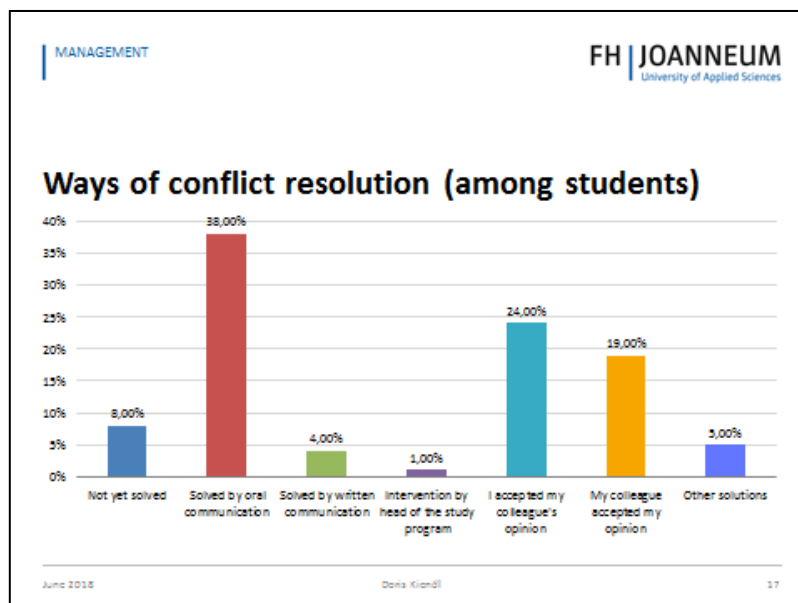
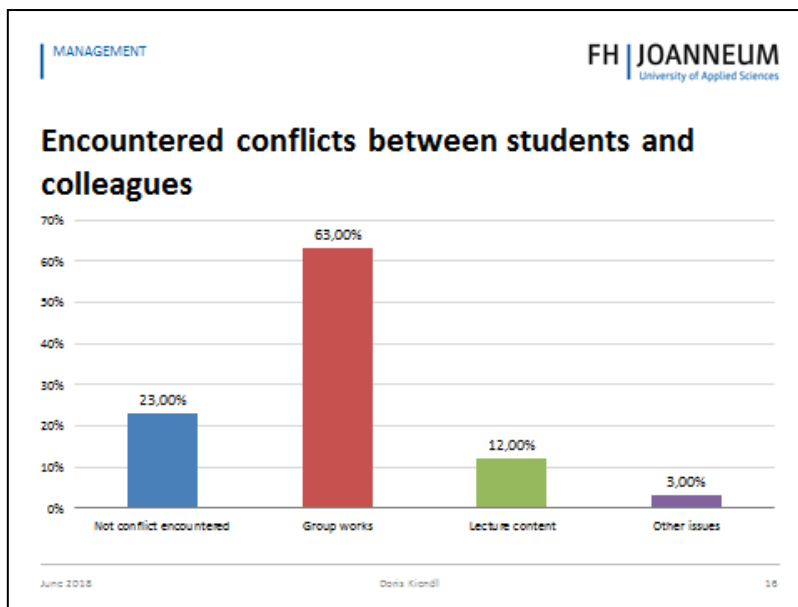
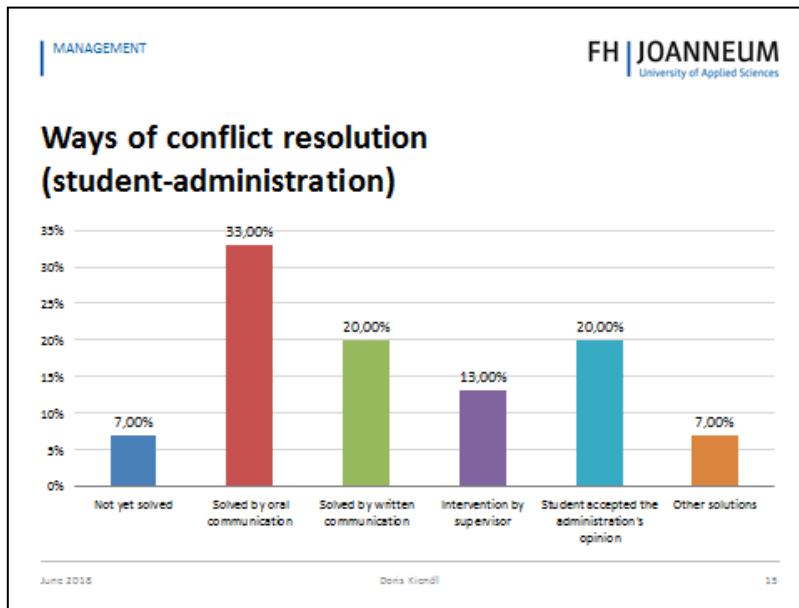
Empirical Study: Methodology

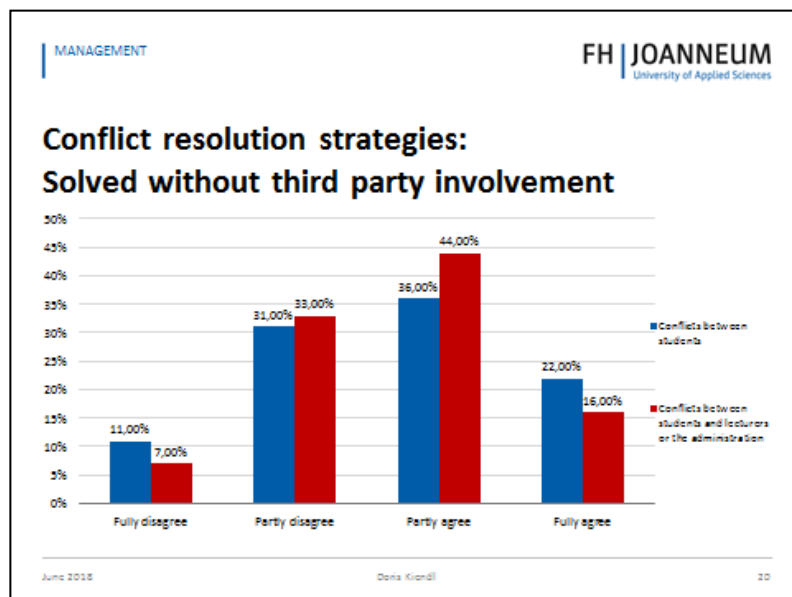
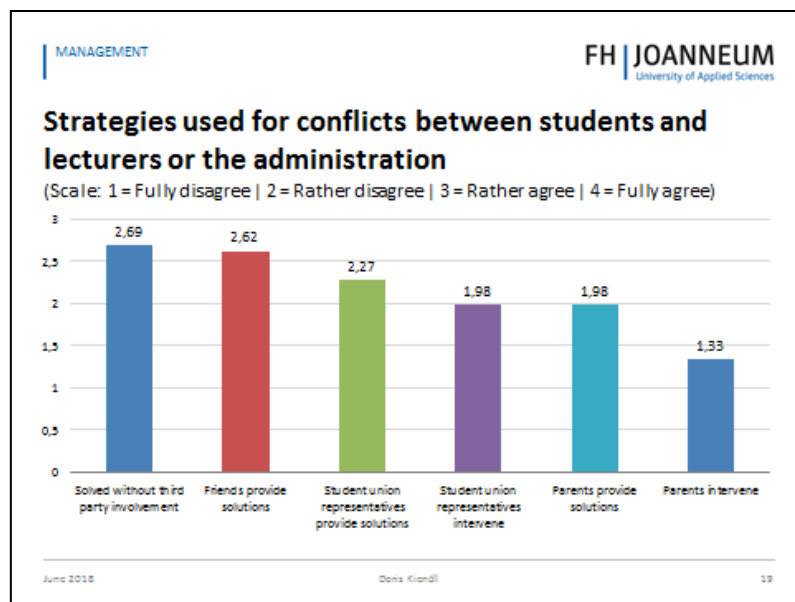
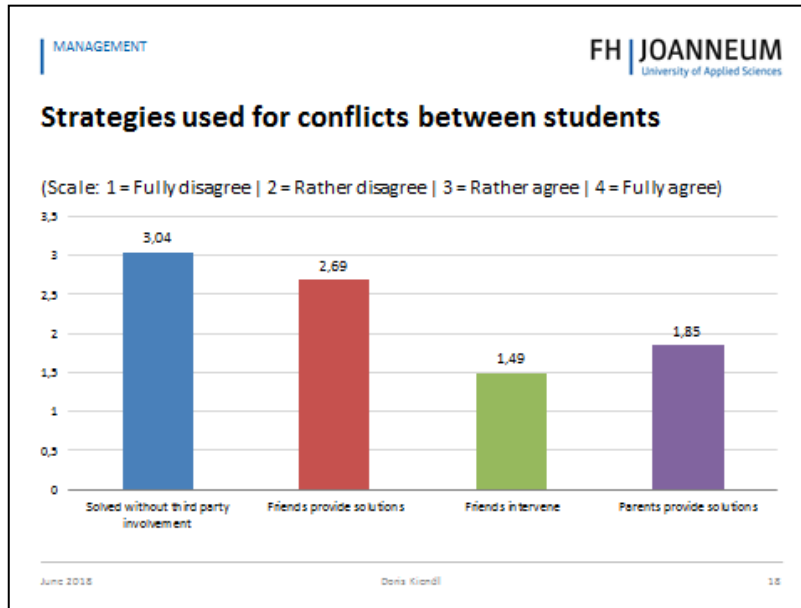
- Quantitative survey, conducted in May 2018
- Target group: Students of the department of international management at FH Joanneum University of Applied Sciences in Graz, Austria
- 51 respondents
- Descriptive analysis

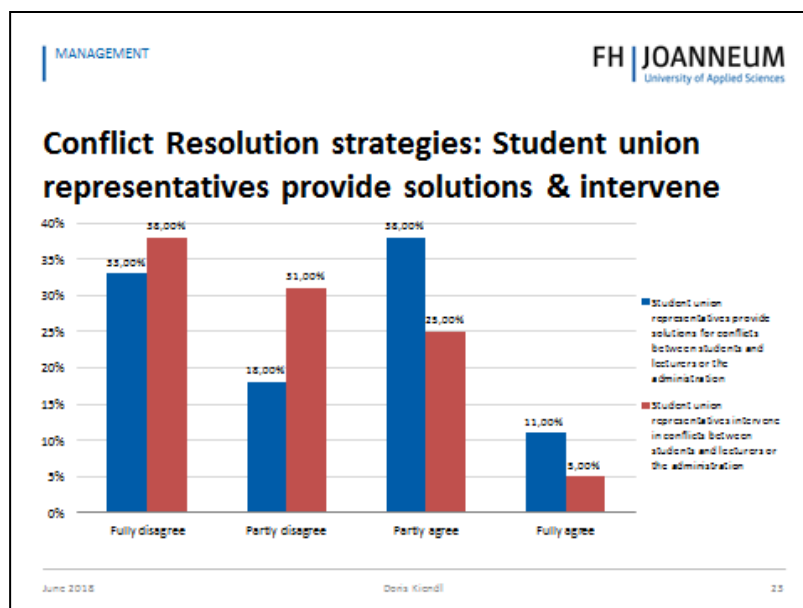
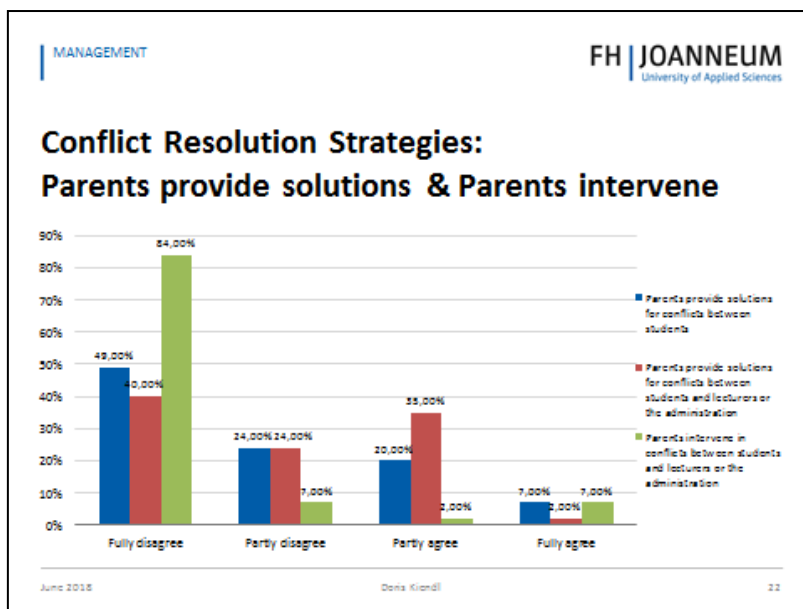
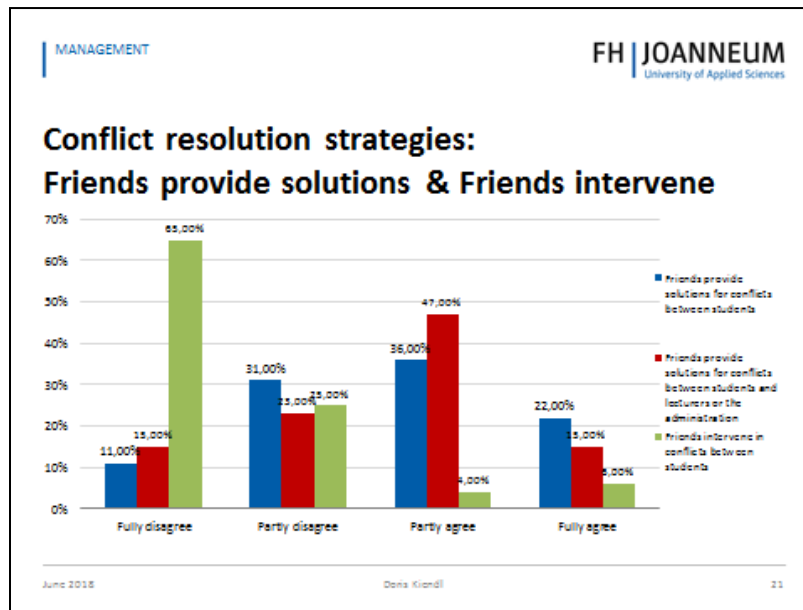


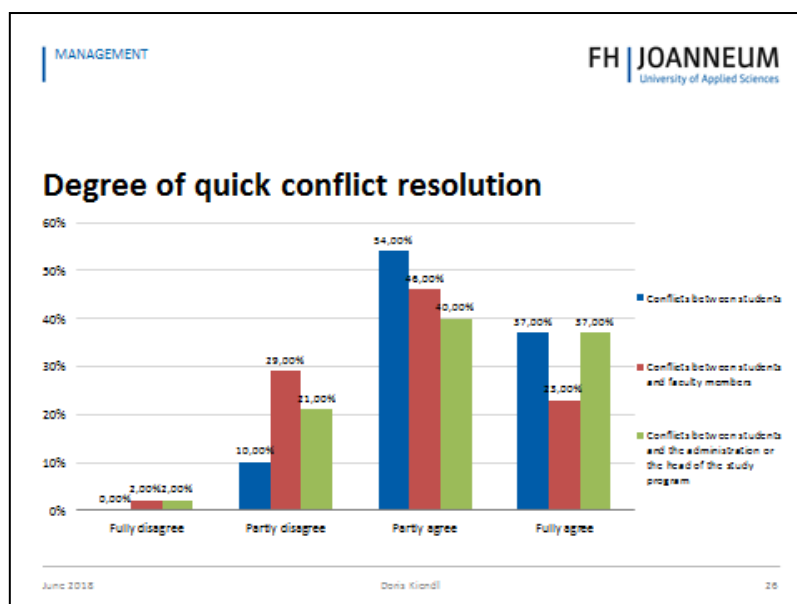
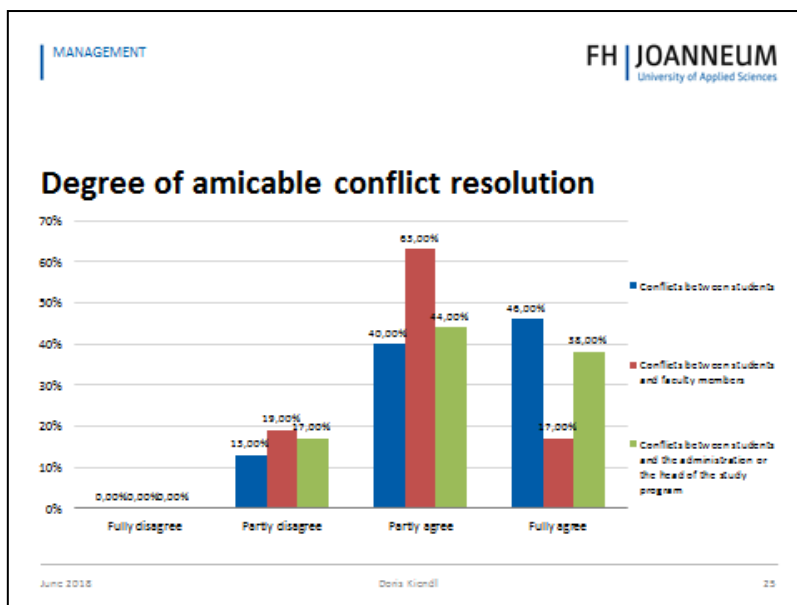
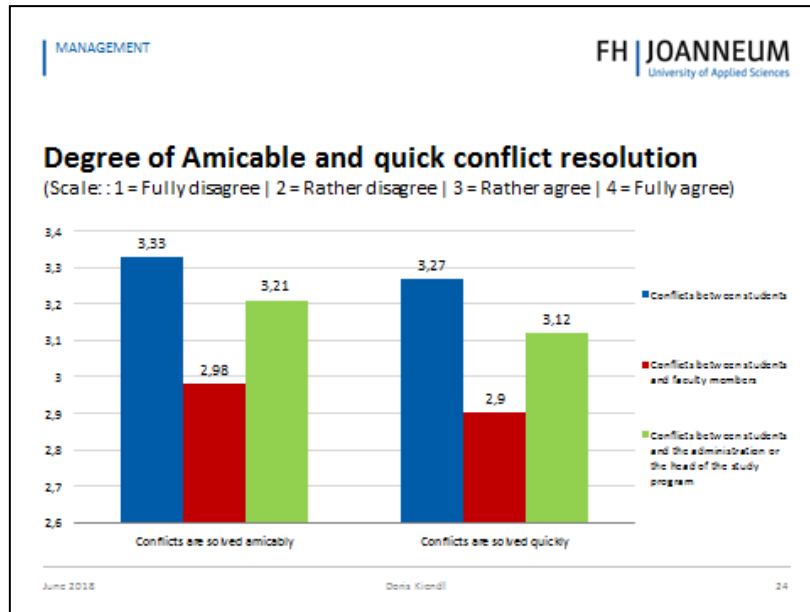
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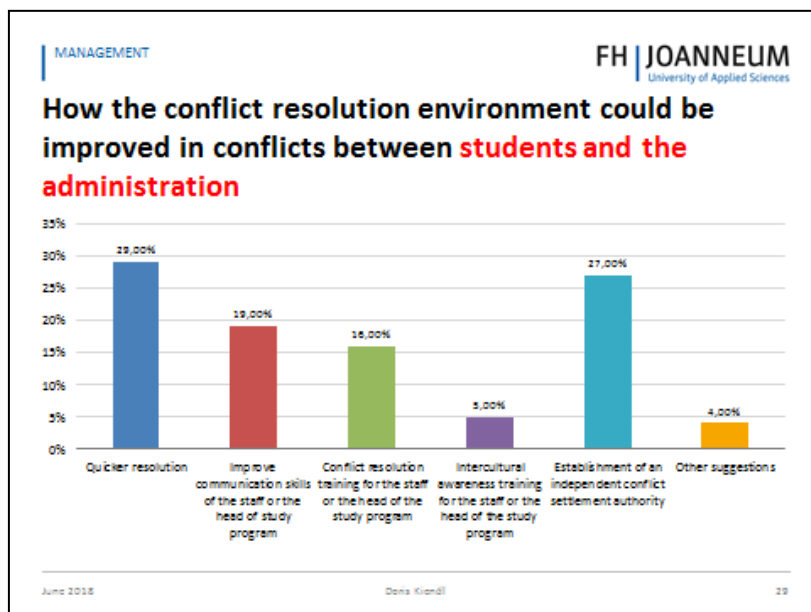
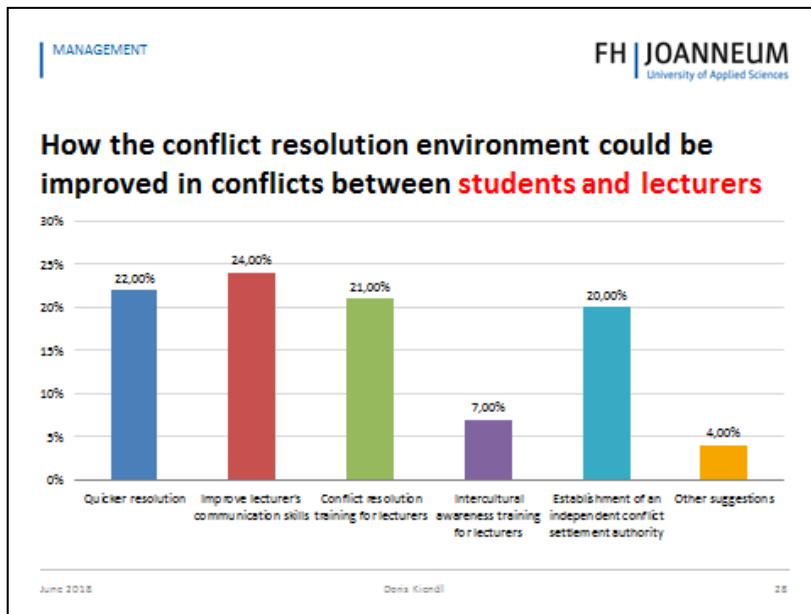
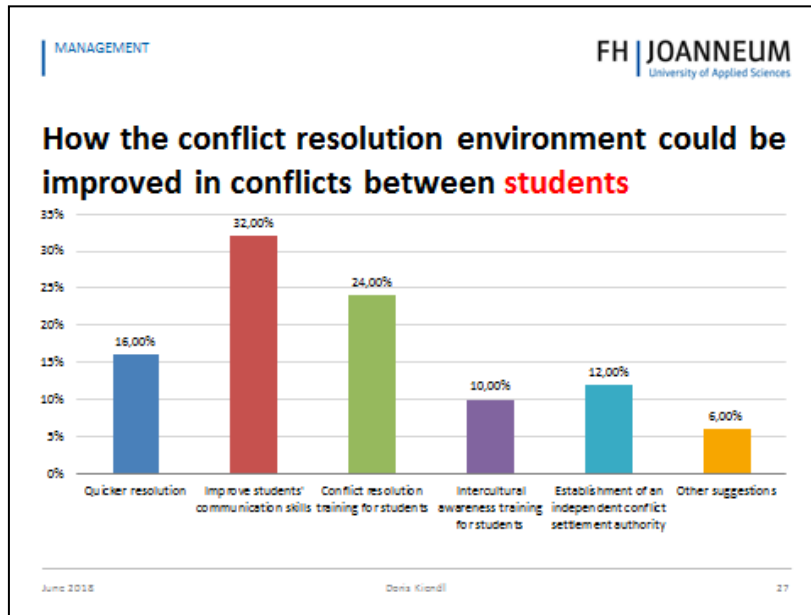


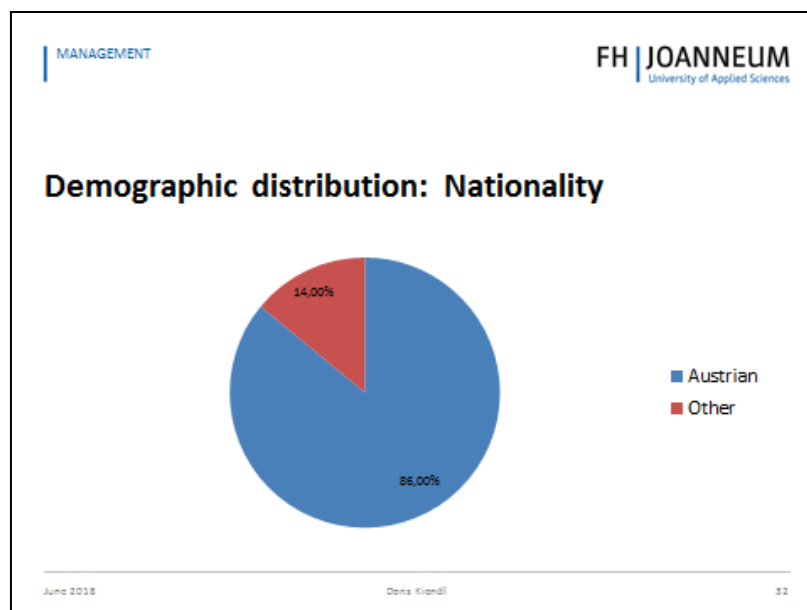
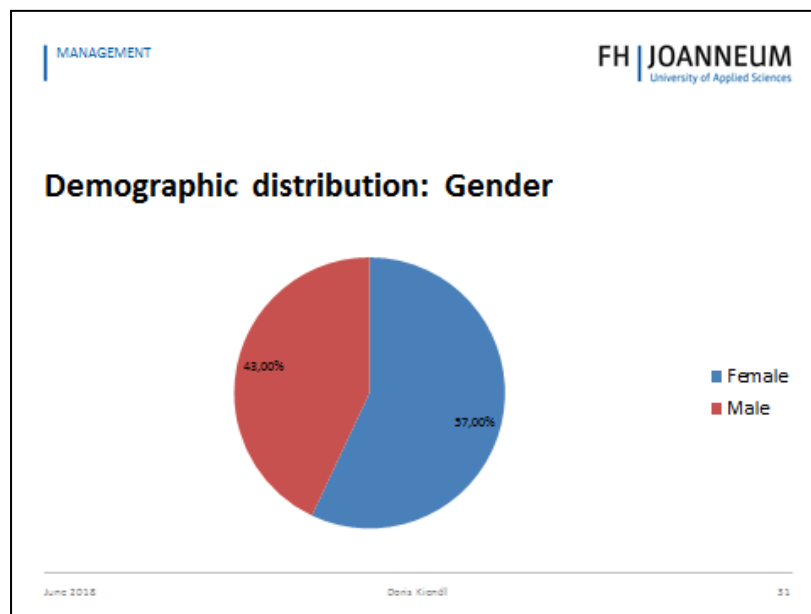
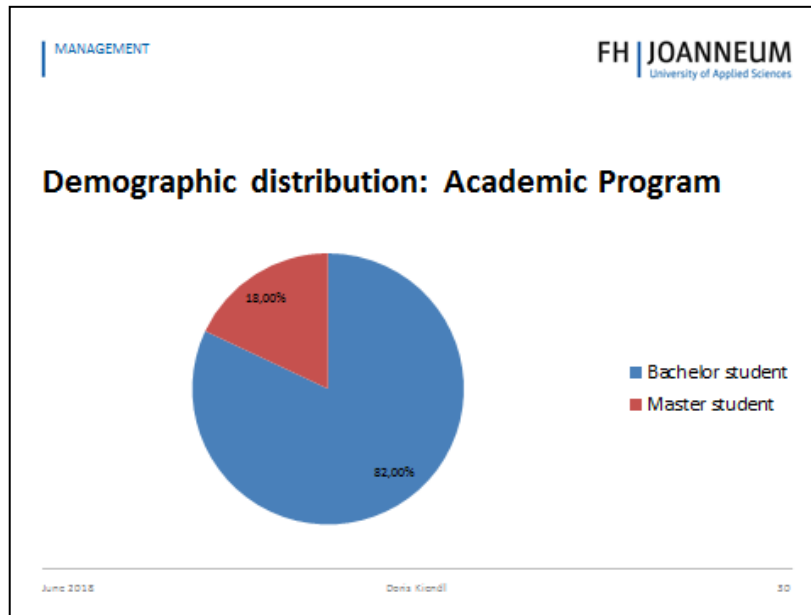













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Limitations of this study


- Small sample size (just 51 respondents)
- Only respondents from one department within one university

Therefore, the results cannot be generalized.

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Conclusion and Discussion/1

- 1) Literature suggests that **the "Millennial" student is confident** and has high self esteem. The findings from the empirical study that students appear to **prefer solving conflicts on their own** is consistent with this finding in literature.
- 2) Students are keen on **quick conflict resolution** and would value an **independent conflict resolution authority**.

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Conclusion and Discussion/2

The **increasing diversity in the classroom** makes it more challenging to cater to the needs of the „Millennial“ students.

We need to establish conflict resolution methods that are both **fair and transparent and at the same time flexible in handling**, according to the specific needs of the students.

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What is your opinion?

Questions or Comments on the literature?
Questions or Comments on the empirical study?

Comments on the topic?

What is your experience?



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Thank you very much for your attention!



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Dr. Doris Kiendl

Working Session P

Dealing with ‘the powers that be’ (Romans 13:1): a case study | [Josef Leidenfrost](#)


The Austrian Court of Auditors, due to public accusations between professors, is investigating “moonlighting” (i.e. secondary employment) at two Austrian public universities. In this context the Austrian Student Ombudsman was contacted and asked about cases of either cancelled or postponed lectures by these professors. Searching its data base the Ombudsman found more than 100 issues with “lecture(r)s” (Austrian-wide), yet none on the known persons. The Ombudsman’s annual report 2016/17 suggested a central register by all institutions of all courses, containing also expost details of whether courses were held or not. The session analyzed the dialogue with the “powers that be” as well as issues of data handling by the Ombudsman as a quasi public authority.

The “Real” Bible: Romans 13:1



omnis anima potestatibus sublimioribus subdita sit non est enim potestas nisi a Deo quae autem sunt a Deo ordinatae sunt

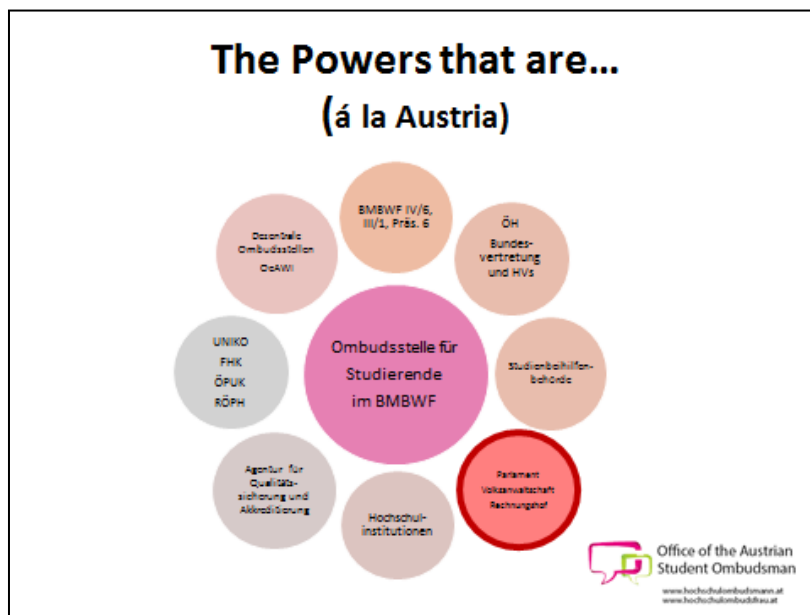
Let everyone put himself under the authority of the higher powers, because there is no power which is not of God, and all powers are ordered by God.


 Office of the Austrian Student Ombudsman
www.hochschulombudsman.at

“...powers that be” á la Scotland




 Office of the Austrian Student Ombudsman
www.hochschulombudsman.at



Austrian Student Ombudsman

<http://www.hochschulombudsmann.at/english/>

Ombudsstelle für Studierende

Toll-free hotline: Monday to Friday from 9.00 to 16.00


0800 311 610


Do you have a problem or question relating to your studies at an Austrian higher education institution?
The new Austrian Student Ombudsman is here to help! We report abuse, injustice and design shortcomings.
You can contact the Student Ombudsman at any time.
By email: info@hochschulombudsmann.at
By fax: +43 1 311 24 91 01 01
By mail: Austrian Student Ombudsman, Währingstraße 1, 1090 Vienna
(general appointments can also be made by prior arrangement)

Wir sind für Sie da!

What's new?
The Austrian Student Ombudsman:
- investigates and reports abuse to the relevant authorities in order to take action to solve the relevant governing bodies and staff of the higher education institutions, or with other authorities. All matters are dealt with confidentiality.
- requests measures to address or remedy serious wrongs at higher education institutions.
- draws attention to justice issues in the higher education system.
- collaborates with other national ombudsmen, ombudsmen and ombudsmen's offices, national groups and umbrella organizations within the higher education sector.
- advises all governing bodies and staff of higher education institutions.

Who has?
The Ombudsman services are available to:
- all Austrian and international students, as well as their representative student bodies at universities, private universities, academies of higher education and other institutions.


Office of the Austrian Student Ombudsman
www.hochschulombudsmann.at
www.hochschulombudsmann.at

- ### The Austrian Student Ombudsman ...
- in charge of approx. 400.000 students
 - in charge of 70 higher education institutions
 - is dealing with around 500-700 cases per year
 - has to report annually to the minister and to parliament
 - has to give access to national authorities to its data
- 
Office of the Austrian Student Ombudsman
www.hochschulombudsmann.at
www.hochschulombudsmann.at

HEQAA 2011 Art. 31 (4)

- *The student ombudsman shall have the right to request all personal data (Art 4 (1) General Data Protection Regulation) and other information from the respective bodies and members of the educational institutions that deal with student issues.*



Data Flow

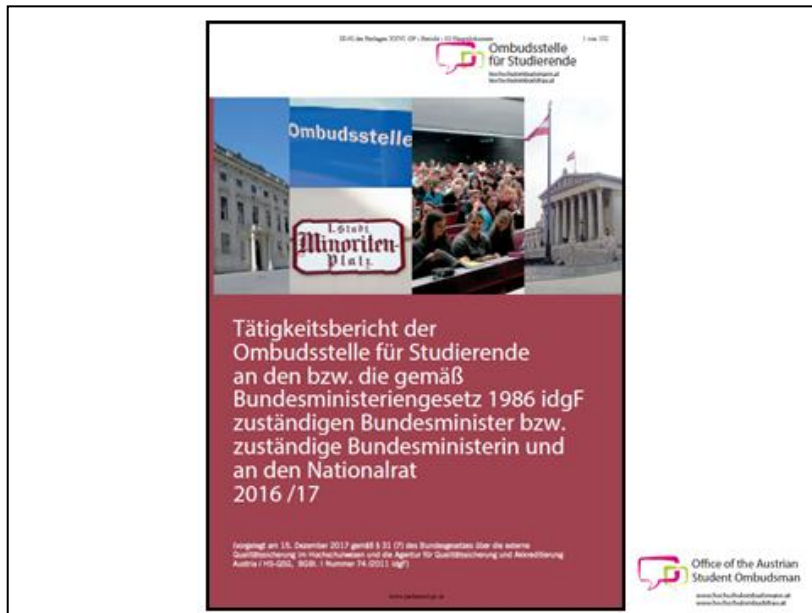
- student issue taken
- student data entered into CRM® database
- student issue categorized
- student contacted (for additional information...)
- institution (pull-up menu) contacted (WHO?)
- institution hopefully reacts (WHO?)
- student informed about the (non)results
- (selected) issue(s) prepared for being published (without personal details)
- annual report presented to Minister and Parliament (and discussed for 30 minutes)



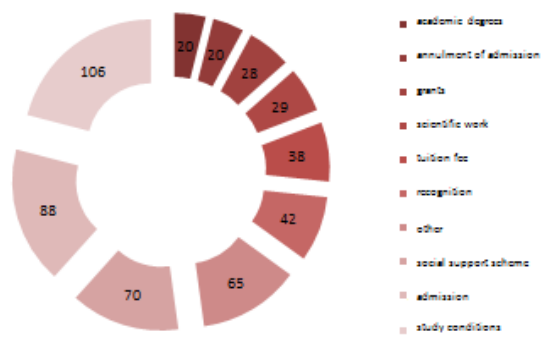
CRM® Database

ID	Name	Datum	Status	...
1	Student A	2011-01-01	Open	...
2	Student B	2011-01-02	Closed	...
3	Student C	2011-01-03	Open	...
4	Student D	2011-01-04	Closed	...
5	Student E	2011-01-05	Open	...
6	Student F	2011-01-06	Closed	...
7	Student G	2011-01-07	Open	...
8	Student H	2011-01-08	Closed	...
9	Student I	2011-01-09	Open	...
10	Student J	2011-01-10	Closed	...





Issues during the academic year 2016/17



GDPR: When can data be processed?

- ...when processing is necessary for the performance of a task in the public interest (like the Court of Auditors)

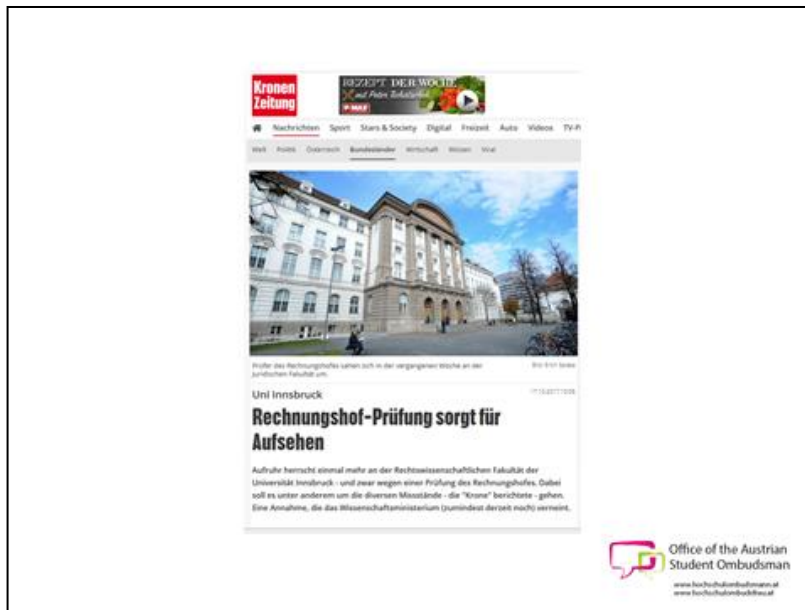


The Austrian Court of Auditors...

- *“...perceives itself as an institution that paves the way for innovation and reform. It is a central part of the ACA's strategy to actively contribute to this with its knowledge and experience gained in the course of its auditing activities. By publishing the ACA reports and positions on its website, **the ACA creates transparency and gives an insight into the use of public funds for the citizens of Austria.**”*

Universities Act 2002 § 15 (6)

- *The universities' financial management as well as that of the companies, foundations and associations they have founded under § 10 (1) and the financial management of those companies of which the university holds a direct or indirect share of more than 50%, **shall be examined by the Court of Auditors.***



Office of the Austrian Student Ombudsman
www.hochschulombudsmann.at
www.hochschulombud@rau.at

Public Accusations

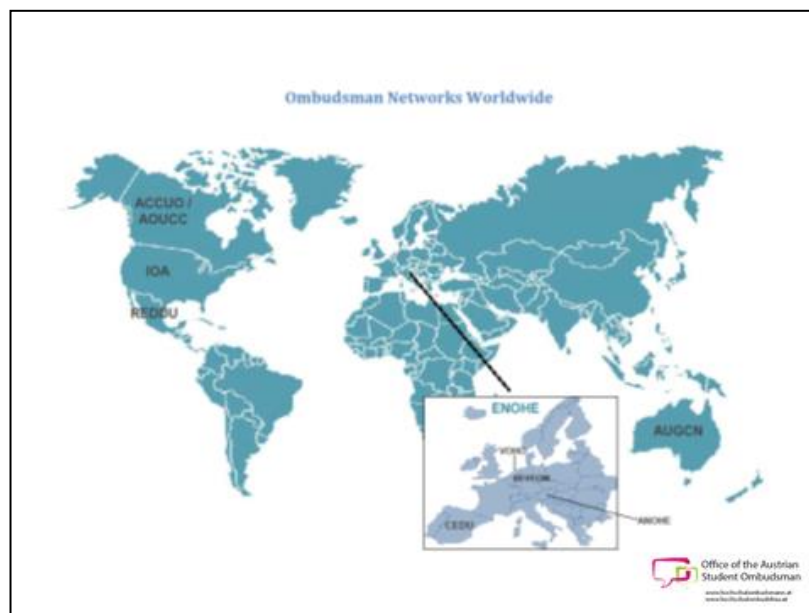
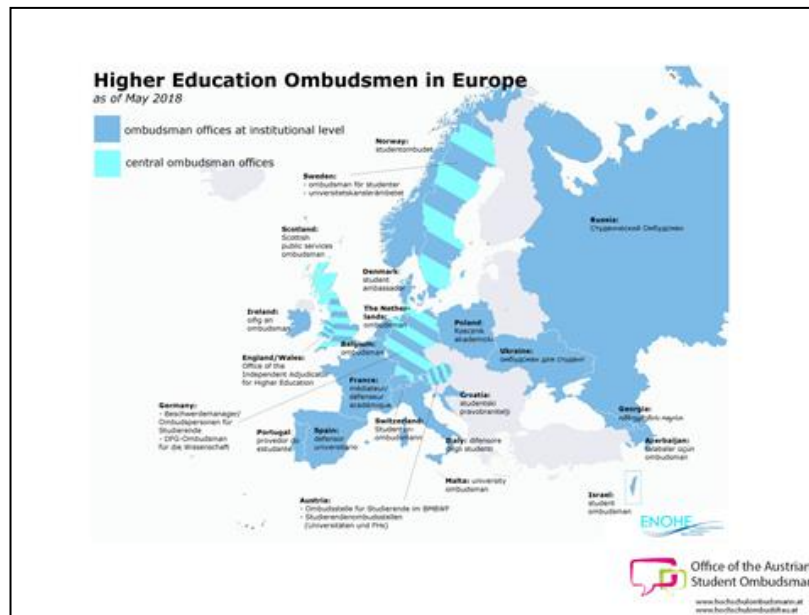
- "moonlighting" (secondary employment)
- cancelled or postponed lectures
- bias
- *Ministry: § 9 UA 2004: The universities... are subject to supervision by the Federal Government. This shall comprise monitoring of compliance with the acts, ministerial decrees and the universities' statutes (legal supervision).*
- *Ombudsman: § 31 (3) HEQAA 2011: Each student shall have the right to turn to the student ombudsman for information and advice on matters related to degree programs, teaching, examinations, services, and administration at higher education institutions. Each such inquiry shall be dealt with by the student ombudsman. The student ombudsman has also the right to act on its own terms. The student and the educational institution shall be informed about the results as well as, if applicable, any measures taken.*

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www.hochschulombudsmann.at
www.hochschulombud@rau.at

Previous investigations

- effects of the reintroduction of tuition fees
- customer satisfaction at selected faculties
- orientation period

Office of the Austrian Student Ombudsman
www.hochschulombudsmann.at
www.hochschulombud@rau.at



Qs & As

- To whom do YOU report? (if at all)
- How detailed / specified is the information to X?
- Do YOU publicise (statistical) facts and figures (only)?
- Do you “protect” YOUR data?
- Any major changes since 25 May?

- Who benefits how from the flow / withholding of data?

Working Session Q

The ombudsman without an office | [Sindre Dueland](#)

Western Norway University of Applied Sciences covers five towns and villages in Western Norway. Travelling distance being up to five hours by boat. Managing an ombuds office with equal access in all locations is complex, but non the less fun. In this session a brief history of how it has been setting up an ombuds office that in essence is without an office was given.

Ombudsman without an office

Sindre R. Dueland

Ombudsman

Western Norway University of Applied Sciences

Western Norway University of Applied Sciences, HVL

- Only university of applied sciences (høyskole) in Norway with ombud for students
- Merger of three former university colleges
- Five locations, two satellites
- 16.000 students
- 2.000 faculty and administrative staf
- Best HE institution in the world (some would say)

Sindre R. Dueland

- LLM, University of Oslo
- M.phil., University of Bergen
- I live with my mom

Subjects

- Norway
- Merger
- Geography
- Practice

Norway

- Public universities
- Public regulation
- Different ombuds

Merger

- Three organizations
- New facilities
- New administration
- New bylaws and regulations

Geography

- Five campus solution
- Offices and meeting venues
- Accessibility
- Equality
- Time

Practice

- Informal
- Formal
- Review

Thank you

Questions and discussion



Sindre R. Dueland


Working Session R

Ombudsman in an era of social movements: providing assistance when policies are not necessarily violated |

Jim Wohl

Social movements raise new perspectives and interpretations of university policy and procedures. In the United States, issues are coming to ombudsmen as a result of the #metoo movement and controversies involving free speech on campus. This session explored how ombudsmen can alert decision makers on social issues where no policies exist while still serving the needs of students and staff. In these functions, the ombudsman can be an important player in helping universities adapt to changing social ideas. Examples were presented from a US institution and attendees are encouraged to share experiences from their institutions.

Ombudsman in an Era of Social Movements: Providing assistance when policies are not necessarily violated



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University of Connecticut

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Student (and Faculty) Activism

- Policies not applicable or irrelevant
- Not the “snowflake” problem
- Different from protests against identifiable University Practices
 - sustainability, investments
- Hypothesis:
 - Critical Theory underpinning to protests
 - In the USA, Black Lives Matters movement is most significant movement of this generation
 - Student activism networks are National and/or international
 - Generational underpinning to protests and is evident in the professoriate

4 Goals of Presentation

- 3 examples from the USA affecting University of Connecticut (UConn)
- Observations from my Ombuds experience with these examples
- Themes emerging from an Ombuds perspective
- Hear your your stories and experiences of student protests

Example 1. Spirit Rock

- UConn Tradition
- Usually clubs, fraternities, sororities
- Once paint dries anyone free to repaint
- No guarding
- No drinking



Students upset by vandalism on UConn Spirit Rock

April 8, 2015 kghoreshi News



The words "black" and "racism" were censored on the spirit rock that RA's for Social Justice painted.

Students, faculty concerned racism not a priority for administration

By Kyle Conzabla & Steve Spinella News



The Atlantic Popular Latest Sections Magazine More

EDUCATION

When Gender Discrimination and Racism Collide

A scuffle between a largely black sorority and a predominantly white fraternity provides an interesting case study on Title IX.

JANELL ROSS DEC 22, 2014

PETER INCROCCI/UConn PHOTO

MORE STORIES

- Mitch Daniels Urges Graduates to Resist Tribalism**
CONOR FRIEDSDORF
- The Confusing Information Colleges Provide Students About Financial Aid**
ADAM HARRIS
- DeVos Says There's One Thing Her School-Safety Commission Won't Be Studying: Guns**
ALIA WONG
- The Rapid Retraction of a School-Shooting Video**
CASSIA

Observations

- Multiple protests and open fora, calls for administrator firings
- National Media attention
- Ombuds suggested to mediate between Fraternity and RAs for Social Justice
- Resulted in task force on diversity and new position of Chief Diversity Officer
- Generational differences on race among faculty

2. Lucien Weintrich Event

- Alt-Right “correspondent”
- Provocateur
- Invited by College Republicans
- Visit announced 24 hours before event
- Title: “It’s OK to be White”



Education

Fight erupts during "It's OK to Be White" speech at UConn, speaker arrested

By: Mario Boone, News 8 Reporter

Posted: Nov 28, 2017 04:49 PM EST
Updated: Nov 28, 2017 04:49 PM EST



- <https://edition.cnn.com/videos/us/2017/11/29/lucian-wintrich-uconn-speech-arrest-orig-vstop.cnn>



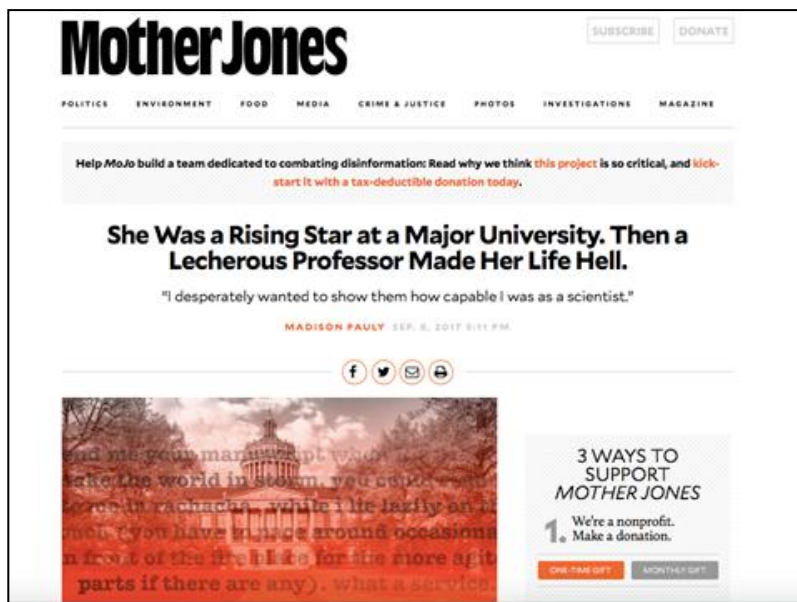
Observations

- Debate on free speech – who should be allowed to speak
- Was the theft of written speech justified?
- Does civility stifle free speech?

- 1 month later event with conservative Ben Shapiro occurred without incident – though organized campus antifascist network announced it would not protest Shapiro.

Observations

- Unclear about reporting policies for sexual harassment
- Who is responsible for reporting
- Title IX Officer, Women's Center, Ombuds fora
- "Creepy guy" syndrome
- Calling out of problematic behavior beyond sexual harassment specifically referencing #metoo



The screenshot shows the Mother Jones website interface. At the top, there are navigation links for POLITICS, ENVIRONMENT, FOOD, MEDIA, CRIME & JUSTICE, PHOTOS, INVESTIGATIONS, and MAGAZINE. A 'SUBSCRIBE' and 'DONATE' button is visible in the top right. Below the navigation is a banner for a fundraising campaign: 'Help MoJo build a team dedicated to combating disinformation: Read why we think this project is so critical, and kick-start it with a tax-deductible donation today.' The main article headline reads: 'She Was a Rising Star at a Major University. Then a Lecherous Professor Made Her Life Hell.' Below the headline is a quote: '"I desperately wanted to show them how capable I was as a scientist."' and the author 'MADISON PAULY' with the date 'SEP. 8, 2017 9:11 PM'. There are social media sharing icons for Facebook, Twitter, Email, and Print. Below the article is a large image with text overlay: 'and the your marriage it was... take the world in storm, you could... or read rachada, while i lie lazily on a... much (you have to face around occasions... n front of the fire like for the more of it... parts if there are any), what a service.' To the right of the image is a '3 WAYS TO SUPPORT MOTHER JONES' box with the first item: '1. We're a nonprofit. Make a donation.' and buttons for 'ONE-TIME GIFT' and 'MONTHLY GIFT'.

3. University of Rochester #metoo

- Faculty colleagues at University of Rochester publically denounce fellow faculty member Florian Jaeger
- Both Jaeger and accusers are collaborators with UConn faculty and graduate students
- Two Departments call on ombuds for department discussion about #metoo and response




"I Am Student X": how graduate students are seizing their #MeToo moment

Some say universities haven't had the same reckoning around sexual harassment as Hollywood or media. Students and faculty are trying to change that.

By Anna North | Jan 17, 2018, 1:30pm EST

f t SHARE



Attendees wearing black at the Society for Social Work and Research conference on January 12. | Courtesy of Tess Thompson

Most Read



Disturbing video shows Mesa police brutally beating an unarmed man



Theme: Convergence of

- social media
- increasing student and faculty diversity
- public awareness of social injustice throughout society

PERSON OF THE YEAR
THE SHORT LIST
NO. 4

Black Lives Matter

A new civil rights movement is turning a protest cry into a political force.

Themes emerge

- People and institutions with power are complicit in oppression
- Goal is not to change policy but to change social structure dominated by white male Western European privilege
- University action should catalyze societal change; requires acknowledging complicity in a racist and oppressive social structure

Themes....

- Critical Theory: a social theory oriented toward critiquing and changing society as a whole, in contrast to traditional theory oriented only to understanding or explaining it. - *Ashely Crossman*
- Critical pedagogy - inspired by **critical** theory and other radical philosophies, which attempts to help students question and challenge posited "domination," and to undermine the beliefs and practices that are alleged to dominate.

Norms and the Hard Work of Diversity

- Norm (Cambridge Dictionary)
 - An accepted standard or a way of behaving or doing things that most people agree with
- Thus, norms arise from the people making up a community
- Diversity by definition changes the people who make up a community
- Therefore, diversity ultimately means putting traditional norms up for debate

Norms up for Debate

- Free speech, Hate speech definitions?
- Civility: necessary for reasoned debate or stifling to the oppressed?
- Establishment structures (eg. universities) beacons of enlightenment or structures of male Western European oppression?
- Truth and evidence is objective or truth and evidence is variable to the identity of the individual?
- Policies and the law should be objective or policies and law should advocate for oppressed

Anarchy?

People with authority (power) and privilege are seen as problematic.

Is it that the purpose of authority (power) must only be used to secure social justice?

Or...is the idea of authority (power) over others the problem itself?

Implications for Leaders

- But are things that dramatic compared to previous generations?
 - Not so much fear of violence but fear of appearing tone-deaf
 - Resignations, dismissal of University Presidents, Provosts, administrators

My Conclusions

As conflict interveners, regardless of our remit, philosophies, or authority, Ombudsmen engage with students whose point of view is informed by social justice movements.


We are the ones who learn what students are looking for and ask why (or why not). What we learn from the responses to the questions we ask generates knowledge. What we do with that knowledge will help our Universities adapt to the modern world.

What are you seeing in student social justice movements?




Jim Wohl

Plenary debate – Developing the Ombuds Learning Community | [Rob Behrens](#)



Parliamentary
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50 years of the Ombudsman service
1967-2017

Developing the Ombuds Learning Community

Rob Behrens CBE

Ombudsman and Chair
Parliamentary and Health Service Ombudsman

rob.behrens@ombudsman.org.uk

ENOHE Annual Conference
Edinburgh, Scotland - June 8, 2018

'I am dead but in the Elysian Fields' - Benjamin Disraeli on switching institutions



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What binds us as Ombuds

- To provide redress for individuals and groups
- To be independent and impartial
- 'Classic' (institutionally separate, the last resort for complainants) or 'Organisational' (operating from within institutions)
- Using an informal, non-adversarial approach
- No binding powers to impose recommendations, but using moral authority
- Ensure the service or profession overseen receives policy and operational feedback from complaints decisions
- Free to service users
- Ombudsmen can generate user confidence and wider public trust in themselves and institutions overseen
- Part of a wider ombudsman community as shelter and inspiration

2

My transition



Paul Flynn MP: “The job you are applying for is not merely playing the piano while moving it upstairs but also, simultaneously, rebuilding part of the piano. The task is an enormous one.

Robert Behrens: Yes.

Q13 Paul Flynn MP: Why on earth do you want the job in these circumstances? It really is a formidable one... you are facing a challenge that will require qualities that are very demanding. You are that person?

Robert Behrens: My wife has been asking the same question.

Paul Flynn MP: A very sensible woman.”

Oral evidence: [Pre-appointment hearing: Parliamentary and Health Service Ombudsman](#), HC 810
Wednesday 18 January 2017
Ordered by the House of Commons to be published on 18 January 2017.

3

Playing the piano, and moving it upstairs at the same time



Radio Ombudsman #1: How can the NHS and the PHSO get better at learning from mistakes?

A candid discussion with photographer, father and patient safety campaigner Scott Morrish about how the NHS can create a just, learning culture and what the Ombudsman needs to do to improve its service.

You can also [read the transcript](#) for this podcast or [download a pdf](#) (340 KB).

Our strategy 2018-21: Delivering an exemplary ombudsman service

Our new strategy sets out our vision to be an exemplary public services ombudsman. We will do this by providing an independent, impartial and fair complaints resolution service, while using our casework to help raise standards and improve public services.

[Download our strategy 2018-21 now.](#)

Our Service Charter

Our Service Charter explains what you can expect from us when you ask us to look into a complaint.

This is to give you confidence in our service. It also explains what we need from you in return.

Parliamentary and Health Service Ombudsman Annual Open Meeting

Live stream of the Parliamentary and Health Service Ombudsman's Open Meeting in Manchester on 30 November.

Part 1 features the welcome address by Ombudsman followed by key note speakers Scott Morrish and Bill Kirkup CBE.

“Please make trustworthiness your obsession.” Scott Morrish, November 2017

4

Higher Education Ombuds

The current position (1)

- Relatively new kids on the block
- Restricted mandates, rarely with oversight over professional judgement - PHSO has oversight of clinical judgements
- Often without legislative backing - unlike most public service ombudsmen and
- Narrowly scoped service users (students and occasionally staff, as opposed to public service users/citizens).



50 years of the Ombudsman service
1967-2017



Stan Orfsho, 'The general crusader'
The Sunday Times 19 May 2011.

5

Higher Education Ombuds

The current position (2)

- Independence occasionally violated, but morale high.
- Significant consensus about general role, operational principles, and major challenges.
- Disagreement about skills set, nature of training and development, and whether an HE Ombuds is a profession or part of one, or should move towards such status.



50 years of the Ombudsman service
1967-2017

ENOHE
European Network of Ombudsmen in Higher Education

Consensus on Principles

- > Independence
- > Neutrality and impartiality
- > Confidentiality
- > Informality in process 'the basis of my work' [the Netherlands]
- 'highly important to do the work properly and with integrity' [the Netherlands]
- 'the ethical principles that always apply to my work' [USA]
- 'imperative to effective operation' [England]
- 'the foundations of our practice' [Canada]

Disagreement on skills set

Adjudication and Mediation

'I would also argue from a theoretical point of view that an Ombuds should never serve as an adjudicator and have binding authority as that is contrary to the essential characteristics of the role...' [University Ombuds, North America]

'to resolve (through settlement and adjudication) complaints and provide remedies for students (where appropriate); to promote good practice in complaints and appeals handling through publication of good practice framework, case reviews and an annual report.' [Ombudsman England and Wales]

The debate that is needed (1)

Retaining independence

□ Method and terms of appointment

- ✦ 'I was working at the university before and was asked whether I would like to change jobs and fill the open position' (Germany).
- ✦ 'Asked' (The Netherlands)
- ✦ 'appointment by the Rector' (Poland)
- ✦ 'appointed by the rector' (Belgium)
- ✦ 'Volunteered - took on new role and it grew' (Scotland)

□ Potential role conflict

- ✦ Spanish ombudsmen combine their ombuds ('Defensor') role with an academic function, often professor, teaching and research. Also in Belgium where in one university the ombudsman also holds a full-time academic post and Poland, The Netherlands, Israel and Mexico.

□ Reporting line

- ✦ 'In practice, I work independently, but formally, I am not independent.'
- ✦ University line management reported as interfering with Ombuds work on sensitive issues. One spoke of 'issues on power and integrity' (involving a case about a manager versus staff member). A second wrote of the difficulty of 'operating independently in the organisation'. And the third wrote about the challenge of 'complaints of staff members about leadership of a superior'.
- ✦ During the research (in Europe) six ombudsmen suspended, sacked or did not have their contracts renewed



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□ Nature of mandate

Lord Justice Longmore: "I just do not see how it can be said that any fair-minded and informed observer could say that there was a real possibility that the OIA in general or its Independent Adjudicator or any individual case-handler was biased in favour of the HEI under scrutiny in any particular case or lacked independence in any way."

R. Jondhary v Office of the Independent Adjudicator for Higher Education (2011) EWCA Civ 1614.

□ Resources available

- ✦ 55% thought that extra resources would assist them in their work, and 45% thought they wouldn't. 83% had an office (7% did not), 83% had access to senior decision makers, 77% to training and development and 59% to an institutional data base. 70% had access to an independent budget, 30% do not.

□ Leadership issues

- ✦ 'I think it works satisfactorily as is... [The role]...Relies quite strongly on individual personalities in the roles to reach satisfactory solutions ie working in a conciliatory style with both students concerned and academics and helping them to see the issues.' (Australia)
- ✦ 'Our Visitor was the Archbishop of Canterbury. What denomination are you?' 'I am the blank page between the Old Testament and the New'.

7

The debate that is needed (2)

Should we seek to be a profession?

Are we only embryonic as a profession with too much emphasis on 'keeping the ship afloat' and too little emphasis on charting destinations?

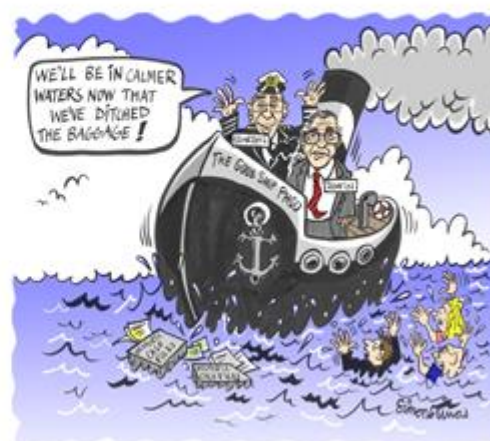
"I don't ...need any training: I have been professor for more than 30 years, experience with students, colleagues and some leadership experience. Adding a little bit of common sense was sufficient up to now."

- University Ombudsman, Austria



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8

The debate that is needed (3)

Becoming a profession means...



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1967-2017

- Identifying common entry criteria
- Moving towards having core competencies for higher education Ombuds as a subset of the wider 'profession'.
- Setting out and making available induction, career progression and continuing professional development
- Establishing mechanisms for 'regulation' so that Ombuds can be disciplined where there is evidence that they fall seriously short of defined ethical standards.
- Becoming a profession no longer means creating monopolies and the demarcation of work with the acquiescence of the state and the deference of citizens. It is not to create bureaucratic oversight institutions but to find a way to champion 'public interest' rather than vested interest. In modern regulation the regulatory function is separated from the representative function (e.g. Bar Council and Bar Standards Board).

9

Networking, conversation and leadership



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Nora Farrell
Ombudsperson
Ryerson University, Canada



Josef Leidenfrost
Austrian Student Ombudsman



Jenna Brown
Ombuds
University of Denver

10

Networking, conversation and leadership



**“Being treated badly
is not a reason for
behaving badly.”**

Advocate Thuli Madonsela



50 years of the Ombudsman service
1967-2017

‘Please make trustworthiness your obsession.’

Scott Morrish, November 2017

Curricula Vitae of Speakers (in alphabetical order)

Rosemary Agnew

Scottish Public Services Ombudsman, Edinburgh

has been the Scottish Public Services Ombudsman since 1 May 2017. Her role includes final stage of complaints about (most of) the Scottish public sector, independent reviewer of applications to the Scottish Welfare Fund, Complaints Standards Authority (including developing model complaint handling procedures for the Scottish public sector). Up to 2017, Rosemary was the Scottish Information Commissioner. Previously involved in public service complaints with the Scottish Legal Complaints Commission and Local Government Ombudsman in the UK. Rosemary is committed to transparent, sustainable improvement in Scottish public services and sees complaints, and what is learned from them, as integral to the improvement landscape. Equally, she recognises the importance of being the final stage of the complaints process in Scotland for most public services, and in ensuring that where things go wrong for individuals, action is taken to put things right as far as possible.



Wolfram Aigner

Student Ombudsman at the Johannes Kepler University Linz, Austria

Graduate of English, History and Law of Vienna and Linz Universities; University Assistant at the University of Economics Vienna 1979-1985; Desk Officer at the Legal Department of the Federal Ministry of Science and Research 1991-1994; Director of Studies at the Faculty of Law at Johannes Kepler University Linz 1994-2016, responsible for the Faculty's teaching and study programs (law degree, doctoral degree in law, bachelor degree in business law, master degree in law and business for technicians); since 2017 the first ombudsman for students at the University of Linz, Upper Austria.



Clare Barnes

Senior Academic Policy Manager, University of Glasgow, Glasgow, Scotland

joined the University of Glasgow in 2013, has been managing complaints for four years. Member the Scottish Higher Education Complaints Forum and values the opportunity it brings for sharing experiences and good practice with fellow members. Clare has extensive knowledge of the UK Higher Education Sector having previously worked in roles encompassing planning, policy, strategy, student engagement, quality enhancement and quality assurance at the universities of Glasgow Leeds and Cardiff.



Rob Behrens

Parliamentary and Health Service Ombudsman in the United Kingdom, London

is the Parliamentary and Health Service Ombudsman in the UK. He is also Visiting Professor at UCL Institute of Education, Chair of ENOHE, and a member of the Board of the Local Government Ombudsman Service in England. He was Independent Adjudicator and Chief Executive of the OIA (the Office of the Independent Adjudicator for Higher Education in England and Wales) between 2008 and 2016, and a member of the Bar Standards Board between 2012 and 2017.



Carolyn Brendon

University Ombuds, McMaster University, Hamilton, Ontario, Canada

Prior to beginning this role in a jointly-held position in 2003, Carolyn was an Employee Ombudsperson and Harassment Advisor at Brock University in St Catharines, Ontario. She holds a law degree from Osgoode Hall Law School, an M.A. from McMaster University, and an Honors B.A. from York University. She has several certifications including the FCO-Osgoode Certificate in “Essentials for Ombuds”, as well as ones in Adjudication for Administrative Boards, Agencies and Tribunals; Advanced Investigations; and Human Rights: Theory and Practice. She is the Eastern Representative on the Executive for the Association of Canadian College and University Ombudspersons, and a member of the Board for the Forum of Canadian Ombudsman.



Jenna Brown

University Ombuds, University of Denver, Colorado, USA

is the University Ombuds at the University of Denver, serving all sectors of this private American university since starting the office in May 1999. A trained mediator, Jenna has designed, developed and directed innovative programs introducing and incorporating conflict management skills and dispute resolution services within organizations in the USA. Jenna has received training in negotiation, mediation, conflict resolution, and investigation in the USA and Europe. Jenna is a member of the International Ombudsman Association and a contributor to the California Caucus of College and University Ombuds. She has been an ENOHE conference attendee and contributor since 2003.



Anna Cybulko

Ombudsman, University of Warsaw, Warsaw, Poland

was appointed as Ombudsman of the University of Warsaw in 2011. As ombudsman she assists the academic community in dealing with organizational and interpersonal disputes and finding the solutions for delicate and complicated matters. She specializes in the field of conflict resolution, interpersonal communication and small group dynamics. She graduated from the Faculty of Law and Administration and from the Faculty of Psychology at the University of Warsaw. She mediates and facilitates agreements in civil, family, commercial, and labor disputes. Her expertise includes facilitating discussions and debates, also ones that for different reasons have a complicated communication background. As a trainer, she conducts trainings and workshops in the area of conflict management and resolution, interpersonal communication, mediations and negotiations. She collaborates on permanent basis with Center for Disputes and Conflicts Resolution at the Faculty of Law and Administration, at the University of Warsaw (Centrum Rozwiązywania Sporów i Konfliktów, WPiA, UW).



Tamta Demetradze

Foreign Affairs and Strategic Development Office at Akaki Tsereteli State University ATSU, Kutaisi, Georgia

is coordinating international projects and grants for the purpose of enhancing the quality of education and performance of different services at ATSU. She is the Deputy Coordinator of the Projects: Enhancement of Quality of Education at ATSU, funded by the Czech Republic Development Cooperation, implemented by Czech University of Life Sciences Prague and Akaki Tsereteli State University, and Erasmus+ Key Action 2 CBHE Project: Advocacy Establishment for Students through Ombudsman Position – AESOP. Ms. Demetradze is an itsLearning Educational Trainer, is trained in “Recognition and Transfer of Credit Allocation and Grading Systems”. She participated in TEMPUS Projects: TNE-QA -Promoting Quality and Recognition of Transnational Education in Armenia and Georgia and SSDS - Students Support and Development Services. At the same time she is a lecturer at the Faculty of Humanities, was a teacher of Preparatory courses for San Diego State University (SDSU)-Georgia English Language Academy (ELA) in collaboration with the Center for International Education (CIE), Kutaisi, Georgia. Member of the Council of John Dos Passos Association of Georgia



Hugues Dreysse

Ombudsman University of Strasbourg, Strasbourg, France

is the ombudsman of the University of Strasbourg since 2017. He has obtained a PhD in 1980 in Strasbourg in physics and a « Doctorat d'Etat » in 1984 in Mulhouse. From 1981 to 88 he has been « Maitre de Conférences » in Mulhouse, then he moved to the University of Nancy where he became Full Professor. Since 1993 he is Professor at the University of Strasbourg. His research interests are theoretical solid state physics and particularly the studies of electronic and magnetic properties of complex systems, low dimensional systems and nanostructures in the IPCMS (Institute de Physique et Chimie des Matériaux de Strasbourg). He has been chair or involved in various national and international networks. Since 1998 he is also the director of the Jardin des Sciences (<http://jardin-sciences.unistra.fr/>). This original structure combines science center activities, heritage (museums, collections) responsibility and dialog "between science and society". From 2010 to 2016 he has been chairman of the International Committee of ICOM UMAC (University Museums And Collections - <http://umac.icom.museum/>). He has been strongly involved in the evaluation of the research policy at the national level, for instance as Chairman of a physics section in the French agencies (CNU, 1998-2002) and then in the CNRS (2003-2007). He has also been from 2007 to 2016 Vice-President of the University Louis Pasteur and then the University of Strasbourg in charge of Human Resources.



Sindre R Dueland

Ombudsman for students at Western Norway University of Applied Sciences, Bergen, Norway

opened the ombuds office at HVL in March 2017. He has formerly worked in student politics as a student representative and has experience in student rights and university law in Norway. Sindre holds a master of laws from the University of Oslo and a master of Administration and Organization theory from the University of Bergen. He is currently working on his doctoral thesis on public university law in Norway.



Nora Farell

Ombudsperson of the Ryerson University, Toronto, Canada

is currently the Ombudsperson at Ryerson University located in Toronto (Canada); previously, the Ombudsman for the Canadian Franchise Association and International Franchise Association, and prior to that Manager of Complaint Resolution/Investigations for the Ombudsman for Ontario. As an active member of the Ombuds community Nora is the Past-President of the Board for the Forum of Canadian Ombudsman. Nora has earned a Ph.D. as well as a LL.M. from Osgoode Hall Law School at York University and a M.Ed. (Master of Education) from the University of British Columbia. Nora authored "The Evolution of the Idiosyncrasy of the Role of Ombudsman/person in Canada" in The Nature of Inquisitorial Processes in Administrative Regimes, Laverne Jacobs & Sasha Bagley, eds. (Surrey, England: 2013) at 325.



George Gvatzdze

Rector of Akaki Tsereteli State University ATSU, Kutaisi, Georgia

Professor. Dissertation on: The role of local budgets in implementing state regional policy. Field of Research - European Integration; Regional Policy, Local Budgets, Investment, Regional finances, post crisis financial reforms in different countries and regions of the world. He is a member of Editorial Board of Scientific-practical journals "Business and Legislation" and "Economics Profile" and the President of "Regional Initiatives Support Fund". Mr.Gvatzdze is a participant in seminars aimed at learning Tuning Educational Structures in Europe, Universities contribution to the Bologna Process (Groningen University, Netherlands), learning of High Education Management principles in the US within the framework of the project financed by the Department of State of USA (Universities of USA), and learning University management system (University of Wales College, New-Port, UK). He was an expert at Regional Development Office at State Representative-Governor's Apparatus in Imereti Region, Georgia. Participated in the establishment of new special offices at Kutaisi State University according to the needs and demands of Imereti Region, Georgia (with the focus on the faculty of Economics) based on advanced management course "Management of Technical and Vocational Education and Training (TVET) Institution" (training center of InWENT, Mannheim, Ministry of Economical Cooperation and Development, Germany)



David Gegetchkori

Head of Foreign Affairs and Strategic Development Office at Akaki Tsereteli State University ATSU, Kutaisi, Georgia

is Professor in International Relations. He conducts research in the field of international relations. Mr. Gegetchkori has experience in project management and team leadership. In 2006 he was a member of the Bologna Supporters Georgian National Team. He is a participant and coordinator of national and international higher education projects. At present is the Coordinator of Erasmus+ CBHE Project Advocacy Establishment for Students through Ombudsman Position – AESOP, is a local coordinator of Erasmus+ KA1 ICM and KA2 CBHE Projects including INTEGRITY - Academic Integrity for Quality Teaching and Learning in Higher Education Institutions in Georgia, and PAWER – Paving the way to Interregional Mobility and Ensuring Relevance, Quality and Equity of Access. He is an implementer of Tempus MAHATMA Project – Master in Higher Education Management: Developing Leaders for Managing Educational Transformation.



Jean Grier

University of Edinburgh, Edinburgh, Scotland

is Investigations Manager at the University of Edinburgh, and is delighted to be hosting this year's conference. Jean has worked in higher education (primarily at the University of Edinburgh) for over three decades. In her current role – which was created in 2012 – Jean is responsible for overseeing the management of complaints to the University. Beyond that role, Jean is the author of several books including three on the history of the University. Active in her professional association, AUA (Association of University Administrators), Jean was awarded AUA's Lifetime Achievement Award in 2018.



Michael Gruber

Federal Ministry of Science, Research and Economy, Vienna, Austria

employee of the Federal Ministry for Science, Research and Economy (Austria), Department IV/6 (judicial subjects, legal development and student union law), law expert in the public administration. Law degree from the University of Vienna. His remits include on the one hand the processing of general legal issues, particularly in the areas of the Universities Act, 2002 and the University Students and Student Union Act 2014, and on the other hand the creation of views on law and regulations proposed by the Federal and State law. A focus of his work is legal affairs of the department and includes the participation in the drafting of legislation and draft regulations, the formulation of explanations and the creation of effects-based assessments.



Paul Herfs

Ombudsman for Faculty & Staff at Utrecht University, Utrecht, The Netherlands

is the ombudsman for faculty and staff at Utrecht University in the Netherlands since 2005. This position was created in 1977. The ombudsman helps faculty and staff with problems that could not be solved by them. Some of the issues he discusses with faculty and staff are: performances difficulties, supervision problems of PhD-students, dismissal issues, consequences of long-term illness, etc. The ombudsman advises and mediates between colleagues. Paul Herfs has been trained as a mediator. Before becoming an ombudsman he worked as an educational researcher. He continued his career as a student counsellor (legal and aliens issues, financial issues, admission of students with foreign diploma's, etc.) and as vice director of the International Office at Utrecht University. His PhD-thesis dealt with International Medical Graduates in the Netherlands.



Wolf Hertlein

Complaint Manager, Technische Universität Darmstadt, Darmstadt, Germany

has participated at ENOHE Meetings ever since Madrid 2011. He has been developing the complaint management office at Technische Universität Darmstadt since 2009 and sees his role as a challenge and as a privilege. He helped establishing the German network of ombudsmen in higher education BeVeOm and received an advanced training as a mediator in 2010/2011. He worked most of his life at or in institutions of higher education, e.g. as a scientist at the Alfred Wegener Institute for Polar and Marine Research Bremerhaven and as a press officer at Technische Universität Darmstadt. Wolf studied mathematics, biology and other fields of his personal interdisciplinary interest from 1981 to 1989 at the universities of Konstanz, Ulm, and Oldenburg in Germany. He was born 1962 in Trier, he loves his wife and three daughters, likes people and being alone, dancing and pilgrimage, conflicts and harmony.



Marc Johnson

Undergraduate Ombudsman at the University of Alberta, Edmonton, Canada

is the Undergraduate Ombudsperson in the Office of the Student Ombuds at the University of Alberta. After completing his Bachelor of Commerce degree, Marc worked as an Academic Advisor at MacEwan University in the Bachelor of Commerce program. Thereafter, Marc achieved Chartered Mediator status and is currently pursuing an MEd in Educational Policy Studies at the University of Alberta. Marc helps students with academic and non-academic appeals; he also supports students in situations in which they feel they have been treated unfairly. He has garnered experience in mediating through the Alberta Civil Claims mediation program.



Patty Kamvounias

Senior Lecturer in Law at the University of Sydney, Sydney, Australia

has been admitted to practice as a solicitor of the Supreme Court of New South Wales and the High Court of Australia and is now a Senior Lecturer in Law at The University of Sydney Business School. Patty teaches a range of undergraduate and postgraduate subjects including competition and consumer law. She has a research interest in higher education and the law and her work has been published in leading academic and professional journals in Australia and overseas.



Doris Kiendl

FH JOANNEUM University of Applied Sciences, Graz, Austria

is the chair of the Institute of International Management at FH JOANNEUM University of Applied Sciences in Graz, Austria. In her capacity as chair she is responsible for student selection, student counselling, HR management and development as well as teaching and research. She is the chair of the committee of teaching and learning at FH JOANNEUM and a member of the academic board. Her research and teaching focuses on international and European law and on university management. In addition, she serves as evaluator of universities and study programs on behalf of university accreditation agencies and the German Academic Exchange Service DAAD in Germany.



Bo Gad Køhlert

Student Ambassador at University of Copenhagen, Copenhagen, Denmark

rejoined the University of Copenhagen (UCPH) April 1 2017. Before being appointed as Student Ambassador, he has since 2003 worked at the IT University of Copenhagen and at Roskilde University. Beginning his career as Student Administration Officer and moving on to three different management positions. Bo Gad Køhlert holds a master's degree in humanities from UCPH (musicology and rhetoric) and has since completed a number of public administration and leadership development courses. The student ambassador at UCPH is currently the only student ombud in Denmark and available to all 38,600 students at UCPH.



During 2017, the Student Ambassador received 424 inquiries and the [function's website](#) had almost 20,000 visitors. In accordance with national legislation students' applications, complaints etc. are processed by the university's study boards, student administration and student counseling service. The Student Ambassador is usually involved when a student experiences that something in the processing doesn't appear right. The Student Ambassador is appointed by a committee consisting of members of management, academic staff, administrative staff and students. The university's Rector appoints the committee. As stated in the university's [Rules of procedure for the University of Copenhagen's Student Ambassador](#) it must be taken into account in the appointment process that the Student Ambassador shall be able to function independently.

Dame Suzi Leather

Chair of the Board of Directors of the Office of the Independent Adjudicator for Higher Education (OIA), Reading, UK

was chair of the Charity Commission from 1 August 2006 to 31 July 2012. Previously she chaired the Human Fertilization and Embryology Authority. She was created a Dame Commander of the Order of the British Empire in January 2006. She was educated at St Mary's, Calne, Tavistock School, and Exeter University where she received a BA degree with honors in Politics in 1977, followed by a BPhil degree in social work. She then took an MA degree in European politics in 1978 from Leicester University. 1979–84 she was a senior research officer for Consumers in Europe. In 1984–86 she was a trainee probation officer. In 1988–97 she was a freelance consumer consultant. In 1997–2001, she was chair of Exeter and District NHS trust.



2000–02, she was first deputy chair of the Food Standards Agency. March 2002 – July 2006, she was chair of Human Fertilization and Embryology Authority. She joined the board of the United Kingdom Accreditation Service in 2006 to improve their quality standards regulation. May 2005 – July 2006 she was chair of the School Food Trust. Since October 2016 she is the Chair of the Board of Directors of the Office of the Independent Adjudicator for Higher Education (OIAHE).

Josef Leidenfrost

Austrian Student Ombudsman, President and Convenor of ENOHE, Vienna, Austria

joined the Austrian Ministry of Higher Education in 1988; he served as adviser to three ministers in the 1990s and early 2000s on such issues as academic internationalization, higher education, national and European scholarship programs, and students' rights and duties. Head of the Office of the Austrian Student Ombudsman since 2001, enshrined in law 2011.

Josef started his professional career as a television journalist in the early 1980s, including in-depth research on Austrian contemporary history and publications on post-war relations. He was awarded a doctorate by the University of Vienna in 1986. In 2012 he completed his MA in mediation. Beginning in 2001 he played a pivotal role in setting up a complaint and acceptance management system for Austrian higher education institutions and a central agency for students' complaints at the Ministry. He is a co-founder of the European Network of Ombudsmen in Higher Education (ENOHE). He is the editor of ENOHE's occasional papers and of the ENOHE News newsletter.



Keith Mackle

Assistant Director (International & Student Well-being), Student Services, University of Dundee, Dundee, Scotland

joined the University's Department of Continuing Education in 1994 first as Marketing Officer and later leading the department as Director. After 13 years he moved to the University Registry managing the offices responsible for student records and tuition fees. In 2012 Keith moved into Student Services managing pastoral support for research students and took up his current post as Assistant Director in 2014. He is a member of the Scottish Higher Education Complaints Forum.



Heather McGhee Peggs

Manager, Graduate Conflict Resolution Centre, University of Toronto, Toronto, Canada

After specializing in mediation/ADR at law school (University of British Columbia, 2001), Heather practiced commercial litigation with Stikeman Elliott LLP in Toronto. In 2005, Heather became the Assistant Ombudsperson at Ryerson University, and over the next 10 years she advised hundreds of students on strategies for complaints resolution and fair process. In the fall of 2015, Heather joined the University of Toronto (U of T) community to develop a conflict resolution service to help U of T's 18,000+ graduate students to navigate conflict at the institution earlier and more effectively. The Graduate Conflict Resolution Centre (www.gradcrc.utoronto.ca) is now recognized as a valuable resource for best practices in early conflict management for the entire graduate community. Heather works with a team of 14 trained graduate student peer advisors to provide conflict-coaching services and offer workshops for students, as well as faculty and staff. The Grad CRC's approach emphasizes the importance of effective communication and embracing conflict management as a graduate *community* issue, not simply a graduate *student* issue.



Ursula Meiser

Ombudsperson, University of Stuttgart, Stuttgart, Germany

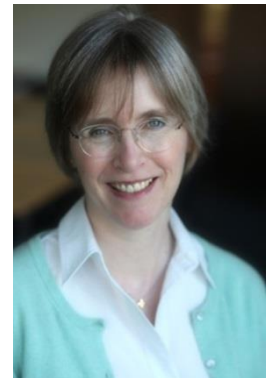
started in 2011 as the first Ombudsperson for studies and teaching at the University of Stuttgart. Before that she worked at the International Office of the University of Stuttgart, establishing partnerships on several continents and setting up double degree programs. In 2011 she was awarded a doctorate in Political Science. She is a trained mediator and a member of the speaker's team of BeVeOm, the German Ombuds Network in Higher Education. As a licensed Yoga Teacher she loves to travel the world with her yoga mat.



Felicity Mitchell

Office of the Independent Adjudicator for Higher Education, Reading, United Kingdom

was appointed as Independent Adjudicator on 1 April 2018. She has oversight of the OIA's good practice and case-handling work, and of legal claims against the OIA, including judicial review. She also chairs the Good Practice Framework Steering Group. She has led work on the OIA's Rules, and on the OIA's approval as the Alternative Dispute Resolution body for higher education complaints and as a member of the Ombudsman Association. Felicity joined the OIA in 2004, and became a Deputy Adjudicator in 2009. She had worked as a consultant for the OIA before its designation as the student complaints scheme in 2005. Felicity was called to the Bar in 1992 and, after some years in private practice, moved to the ombudsman sector, working at the Banking Ombudsman and the Financial Ombudsman Service.



Daniel More

Ombudsperson of Tel Aviv University, Tel Aviv, Israel

is the current ombudsperson of Tel Aviv University. He is also a member of ENOHE. He obtained his J.S.D from Yale Law School. He taught law in Tel Aviv University, in Peres Academic Center and in other universities in Israel and the U.S. He is the author of many articles in various legal fields and chapters in law books. He was for many years the president of the high disciplinary court of Tel Aviv University. Professor More is also the president of the high court of the Israeli chess federation and a chairperson of a national ethical committee of the Ministry of Health.



Jan Morse

Ombudsman and Director of the Student Conflict Resolution Centre, University of Minnesota, Minneapolis–Saint Paul, USA

is an ombudsman and the director of the Student Conflict Resolution Center (SCRC) at the University of Minnesota. She completed her university education at the U of M with an MPA at the Humphrey Institute of Public Affairs. She is the convener and chair of The Dignity Project Work Group, concerned with fostering academic excellence by promoting civil and respectful relationships in the learning environment. In addition, Jan is a dance educator and performed with a local dance company featuring international dance for many years. She has performed and taught dance in China, India, Egypt, France, Hungary, Bulgaria, Korea, Norway, and the Czech Republic. She is also a past board member and officer of the International Ombudsman Association (IOA).



Barrie O'Connor

Student Ombudsman, Griffith University, Gold Coast, Meadowbrook, Qld, Australia

was appointed the inaugural student ombudsman at Griffith in March 2016, following an extensive career in higher education teaching, research and administration at QUT, Deakin and Griffith, in areas of teacher education and disability studies; awarded a doctorate from The University of Queensland in 1994, investigating inter professional teamwork in disability services; provided state and national leadership in higher education initiatives for students with disabilities, including the development of a National Code of Practice for Tertiary Institutions in 1998. Barrie was a Marie Curie Research Fellow at the National Institute for Intellectual Disability, Trinity College Dublin in 2009 and is currently an Honorary Associate Professor at the University of Sydney Medical School – Centre for Disability Studies.



Paulino C. Pardo

University of León León, Spain

is a full time Professor at the Public Law Department of the University of Leon (Spain). He was awarded a doctorate by the University King Juan Carlos (Madrid) in 2003. He has been published two books and many articles in scientific journals His research interests include subjects as diverse as human rights, freedom of conscience, freedom of speech, historical and modern agreements between State, Catholic Church and other denominations, multiculturalism, food beliefs and cultural diversity, agrofood democracy and transgenic, gender, transsexualism or, last but not least, innovation in education and active learning. At the Faculty of Law he served as Board Member (April 2002 - hold), - Vice-head of Public Law Department (April 2008 to Mach 2009), Chairperson of the Public Law Department (March 2009 to January 2012), Coordinator of the Freedom of Conscience Programme (since 2004) and of the Legal and Social Implications of Biotechnology Programme (from 2010 to 2017). Since February 2017 he is serving as the Ombudsperson at his University.



Lies Poesiat

Ombudsman for students and staff, VU-University Amsterdam,
Chairman of the Dutch Association of Ombudsmen in Higher Education (VOHO), Amsterdam, The Netherlands

started in 2005 as ombudsman for students and also within a year for employees of the University of Amsterdam (UvA). In 2007 Poesiat transferred to the Amsterdam VU-University, which holds 25.000 students and 3400 employees. She handles complaints by giving advice on the complaint, uses mediation to informally solve problems and can formally decide whether a complaint is well-founded or not. The ombudsman combines these judgements with recommendations to the organization. At VU-University she is also a member of the expert team Disturbing Behavior. In 2014 she was one of the founders of VOHO and since than chair. In this role she pleads for the installation of Ombudsmen in every institution of higher education in the Netherlands. Besides these activities, Poesiat is also a member of several complaints committees within youth care. Occasional member of a complaints committee in the field of sexual harassment, discrimination and improper behavior.



Juval Pruitt

Student Ombudsman at Karlstad Student Union, Karlstad University, Karlstad, Sweden

joined the Student Union at Karlstad University in 2010 and was elected in to Karlstad Student Unions General Assembly in 2011. During his time at the student union he represented students on the teacher’s education board and the board of disciplinary actions at the university as well as at Sweden’s united student unions (SFS). In 2016 Juval was appointed as Student Ombudsman by the Student Union board. The Student Ombudsman is available to all students at Karlstad University free of charge and under secrecy. The Student Ombudsman works closely together with the university and regularly attends meetings with university staff on a broad range of topics regarding student’s rights like GDPR, application process and other. The Ombudsman also occasionally assists staff in student rights. Most Student Ombudsmen in Sweden work for the local student unions or student organizations at every university and the situation is very different at every university. The Student ombudsmen in Sweden meet annually to discuss, inspire and reflect on current situations and there are about 40 student ombudsmen.



Stephen E. Querido

Staff Ombudsman, The Hague University of Applied Sciences, The Hague, The Netherlands

is a trained social- and organizational psychologist and counselor. He started his career in education in 1989, teaching and training students in the field of applied psychology. Started his own practice for counseling and organization development in 1992, from which he served numerous companies and governmental bodies. As an occupational psychologist, his focus is on the perks of people (dis-) functioning and the role of HRM. In his current (part-time) position he combines first-hand experiences (in the past, Stephen has been a lecturer at THUAS for 11 years). This year, he joined the board of the Association for Right to Complain. Stephen is a passionate contributor to furthering the profession.



Mag. Anna-Katharina Theres Rothwangl

Austrian Student Ombudsman, Vienna, Austria

studied law at the University of Vienna; during her studies she participated in the EU mobility program ERASMUS and spent six months at the Université de Franche-Comté in Besançon, France. After her graduation she was involved in a so-called « court year » in the Higher Regional Court District Vienna. Upon graduating a trainee program in fashion management, she became head of department at Peek & Cloppenburg KG. Since April 2016, she has been working as a legal expert at the Office of the Austrian Student Ombudsman in the Federal Ministry of Education, Science and Research in Vienna.



Natalie Sharpe

Director of the Ombuds Office University of Alberta, Edmonton, Kanada

is the President of the Association of Canadian College and University Ombudspersons (ACCUO). Natalie has extensive training in negotiation, mediation, and arbitration; she completed the Osgoode / Forum of Canadian Ombudsman (FCO) “Essentials for Ombuds” Certificate and the Canadian Union of Public Employees (CUPE) national ombuds training program. She is the Director of the ombuds office at the University of Alberta in Edmonton, Canada and runs a unique intern ombuds training/mentoring program where students complete annual paid internships and receive university credits. Natalie’s office receives almost 1200 cases annually, and her staff



include specialized Undergraduate and Graduate Ombudsman. Natalie has actively contributed to Canadian FCO / ACCUO conferences; California Caucus of College and University Ombudsperson Conferences and the Cal Caucus Ombuds Journal, and many ENOHE conferences. She also teaches part-time in the Social Sciences (Labour Studies, Anthropology, and Sociology) and Alternative Dispute Resolution, and has researched precarious academic labor. Her past research on indigenous land claims and the anthropology discipline inform her holistic approach to ombudsing. Natalie has contributed to research on cyberbullying in higher education. Her article: “The Fairness Lens: A University Ombudsperson’s Perspective on Building a Kinder Online Culture on Campus”, will be published in Cyberbullying at University in International Contexts, ed. Wanda Cassidy, Margaret Jackson and Chantal Faucher (Simon Fraser University), Routledge and Kegan Paul Publishers, May 2018. Finally, Natalie has provided critical feedback on the development of the sexual violence policy at the University of Alberta, and has presented at two international conferences on this topic.

Stefanie Spöth

TH Köln - University of Applied Sciences, Köln, Germany

Stefanie Spöth is responsible for ‘Zentrales Feedbackmanagement’ at TH Köln (complaint management and ombudsperson for students) and member of the quality management team at TH Köln since 2011. At the moment she is mainly responsible as project manager for system accreditation. Education: Master in Adult Education (Dipl. Päd.) at University of Cologne, Mediator, Systemic Coach



Karen Stulka

Compliance Manager (Student), University of Dundee, Dundee, Scotland

her role involves dealing with all matters in relation to student compliance issues with University processes and procedures including complaints, appeals and discipline. Karen joined the University of Dundee in 1992. Since joining she has held a variety of roles within the governance team at the University and is a qualified Paralegal. Karen has over five years' experience in managing student complaints and liaising with the regulator, the Scottish Public Services Ombudsman, with extensive knowledge within the Higher Education Sector developing best practice procedures, processes and training for the University, staff and its students. Karen is active within the Scottish Higher Education Complaints Forum working alongside fellow complaints managers from other Scottish Universities and is keen to promote and share best practice.



Michel Villiard

Ombudsman of Polytechnique Montréal, Montréal, Canada

as a graduate in social work, Mr. Villiard has always been concerned with the well-being of others, no matter their background or status. That concern led him first to work in public organizations dedicated to child protection, followed by work in employee counselling while he completed mediation training. Later, he acted as Human Resources consultant for more than ten years before being appointed Ombudsman at Polytechnique Montréal in 2014.



Jim Wohl

University Ombudsman, University of Connecticut, Storrs, USA.

is the University Ombudsman at the University of Connecticut, USA and serves graduate students and staff. Prior to 2013, he served as University Ombudsman and Professor at Auburn University. Jim has a certificate of Workplace Conflict Management and ADR and was a mediator in the power industry in the USA. Jim was a professor of Veterinary Medicine for 18 years before joining the University of Connecticut. He has been involved with ENOHE since 2010.



Occasionally we meet someone truly remarkable. It happens rarely, but when it does we get the sense of what it means to live a really good and useful life. To be all that a human being can be.

I know this because I know Rob Behrens. Like so many of us here today I feel blessed to know Rob.

He has graced ENOHE since 2008 when he joined the OIA and the impact he has had on us individually and collectively as HE ombuds is remarkable. Equally remarkable was the impact he had as Independent Adjudicator and CE at the OIA in England and Wales.

Rob's tenure at the OIA was simply transformational; in the eight years he was there he changed the processes and perception of the OIA, he introduced good practice guidance and made the organisation transparent, efficient and effective. He introduced naming universities for non-compliance. The universities went from mistrust, to grudging acknowledgement to genuine and deep respect. Internally Rob was admired and liked hugely by staff. He was very greatly missed when he left. I don't think its too strong to say that when I joined the OIA six months after Rob had left I found an organisation still in mourning.

Now the extraordinary thing about Rob is that he's had this kind of impact not just on the HE ombuds world. But on every other world he's worked in. And his professional life has encompassed many worlds.

He started out in academia teaching Social Policy and Public Administration. He left academia to enter the Civil Service. He was the Director of the South Africa Development Unit which helped prepare the ANC for becoming the first democratic South African Government. He was the Director of the International Public Services group in the UK government which helped the development in the Accession States of the EU, thereby helping cement public management in the former Yugoslavia, Russian Federation and emerging democracies and countries in transition in Asia, Africa and the Caribbean. Then, as the Secretary to the Committee on Standards in Public Life, Rob dealt with some of the most difficult aspects of propriety, standards - and people - in UK public life. This was all before he became Complaints Commissioner to the Bar Standards Board of England and Wales, regulating half the legal profession. And all this before most people here even knew him!

The breadth of his experience and his accomplishments in these hugely demanding roles is quite outstanding. There are not many who have had personal letters of thanks from Nelson Mandela!

What's his secret? I would say he started out well because, like me, he studied Politics. And, like me, he studied Politics at Exeter University! He was an MA student while I was a BA student. I remember him being very studious, very straight looking and highly good fun. Of course I didn't know then of his almost pathological commitment to Manchester City.

But in the end, I'm not sure that what you study, or even where, really makes that much difference. I think its down to character. And there are some things I'd like to say about Rob's character.

Firstly, Rob is brave. He is never afraid to say what he thinks. 'He spoke truth unto power' should be on his gravestone. He is careful and courageous.

Secondly he cleverly combines principled vision with a pragmatic sense of how to achieve it. This is a winning combination! And particularly important for a leader.

Thirdly, he is completely authentic. There is no one else on the planet quite like Rob. He says things differently, he does things differently. All from complete integrity. And there is never any sense of showmanship with Rob. Rather the opposite, a quiet self-effacing brilliance.

He's helped of course by being very, very clever, extremely widely read and hugely diligent. He has a huge breadth and depth of knowledge. And he wears it lightly, managing to bring an apposite quotation to almost every situation.

Despite having this great intellect he's refreshingly non-hierarchical and very modest. I've known lots of pretty stupid people think much better of themselves than Rob does of himself. Though I'm glad to say he spots fools a mile off. And he has no time for the pretentious or bumptious. On the other hand he is terrifically supportive of friends and colleagues and one of the most encouraging, generous people I have ever met.

That encouragement and generosity has touched us all. Rob's fundamental commitment to valuing and learning about the international context has hugely strengthened ENOHE and the task of being an ombuds in HE wherever we work.

Lastly, Rob says things in ways we can all understand. He was questioned by the House of Commons Select Committee responsible for vetting public appointments. Rob was up for the role he now holds: Parliamentary and Health Services Ombudsman. He was asked what did he think the job would be like? Quoting a Hungarian expression, he replied: 'it will be like playing a grand piano whilst carrying it up the stairs'!

Rob has been playing a grand piano whilst carrying it up the stairs all his professional life. We are some of the many who have watched in awe at how he does it. And we have loved listening to his music.

Colleagues, we want to thank him. It is my privilege to invite you please to raise your glasses. Let us salute Rob.



Dame Suzi Leather

“LAUDATIO” by Josef Leidenfrost for Robert Behrens, ENOHE dinner, Edinburgh 7/6/2018

Ladies and Gentlemen,

According to the conference programme we have gathered together this evening for an event that has become something of a tradition at our ENOHE annual conferences, the Gala Dinner. The room here, the Playfair Library Hall, is truly impressive. And because our hosts apparently don't completely trust us, guests who are enjoying alcohol, you'll see that they have locked the books up in this room: a rather elitist approach for us ombudsmen and -women who are used to having access to all information wherever and whenever we want it. When preparing myself for this speech in honour of Robert Behrens from an ENOHE perspective, I asked myself how I could structure my words of thanks so that he and you, as the listeners, will be able to take home one or more key aspects. In the end, I settled on four mottos, or principles, that I would like to consider in connection with Rob Behrens and ENOHE, starting from the biblical number of four: four for the four points of the compass, the four seasons, the four phases of the moon.

The first motto: The Earth is flat

This one comes from the deepest, darkest Middle Ages. For a long time, it was something humanity believed, or more accurately, was made to believe by those in authority until it was possible to prove the contrary. Rob has never believed in authorities, and certainly not in his capacity as adjudicator! There is also another aspect behind this motto: If you look for Robert Behrens in the Internet, the relevant WIKIPEDIA article will tell you: “Behrens is an avid supporter of Manchester City Football Club”. Somewhere online I even came across the information that he has been an avid supporter of MCFC since 1952, i.e. from the year he was born. So much enthusiasm for the substitute religion of football is admirable - and makes Rob Behrens stand out as an absolutely loyal Mancunian. I can say with absolute certainty: He has never wasted a single second on anything like a disc. In Rob's world, the Earth is a ball, a football! Sorry folks, this principle has virtually nothing to do with ENOHE, but it is a very important element of Rob's personality structure, his anti-authoritarian way of thinking.

The second: All people are equal

Another false doctrine! This one goes back to the French Enlightenment and to the French Revolution that followed, so it has a slightly more contemporary ring to it than the one from the dark Middle Ages, coming as it does from a rather more enlightened period. I mention it because of his track record and the places his career has taken him. In this context, one has to mention quite specifically his activities in post-apartheid South Africa, where he became the director of the Southern African Development Unit which was involved in the preparation of a Post-Apartheid Public Service. There were plenty of inequalities to be dealt with there. And: It was good preparation for other jobs to come, including the position of Independent Adjudicator for England and Wales, a position he held from 2008 until 2016, during which period time he had plenty of exposure also to ENOHE matters. According to THE GUARDIAN, one of the things he said upon taking office was: “The existence of a rigorous, independent and impartial complaints body for higher education is a student right, meets the needs of universities and is in the public interest.” Anti-authority is at the same anti-hierarchy, another important element of Rob's approach to his various jobs.

The third: Universita semper reformanda est

This is a piece of plagiarism, as the original quote is “ecclesia semper reformanda est”, and is actually derived from a saying of Saint Augustine. The ecclesiastical reformers of the Roman Catholic Church during our days who were caught up in the spirit of Vatican II in the 1960s made reforms happen, at least in some cases.

« Universitas semper reformanda ». Comme en témoigne cette expression, de tout temps les universités furent réformées¹ (Verger, 1994, p. 17-33). Cette frénésie réglementaire peut s'expliquer par différents motifs. D'une part, et il s'agit ici d'un discours légitimant l'action politique, en raison des multiples abus et dysfonctionnement dont souffrent les institutions universitaires ; de l'autre l'adaptation aux évolutions d'une institution multiséculaire impose nécessairement un réaménagement régulier des structures ainsi que des programmes.

For Rob Behrens a double incentive: on the one hand, en raison des multiples abus et dysfonctionnement dont souffrent les institutions universitaires; on the other hand, l'adaptation aux évolutions d'une institution multiséculaire impose nécessairement un réaménagement régulier des structures ainsi que des programmes. Being able to initiate and drive reform at the second-oldest institution after the Church was a real gift for Rob. With the "Pathway Report" he made a vital contribution to further developing the system for complaints at English and Welsh universities. We all, in Europe and overseas, can learn and benefit from it. Rob the Reformer!

The fourth: Ombudsmen are the Cinderellas of higher education

This actually is a quote, and it's a true Behrens-ism! Based on the carefully conducted survey of ENOHE network members in 2015 on "Being an Ombudsman" Robert wrote in this study: "In some ways, ombudsmen are the Cinderellas of higher education – they rarely go to the ball, are seldom loved or appreciated, but do perform an important, house-keeping, function. Their commitment to impartiality requires a critical distance from contesting parties to a dispute or complaint. Dressed in the rhetoric of what one early practitioner called 'a priggish mantle, like a hair shirt you wear around campus for the common good ... you speak in lofty phrases such as 'fairness' and 'academic freedom' and 'due process' and 'professional ethics' ". As a result, "Almost inevitably you become respected, but not liked."

ENOHE family members have already begun to refer to Rob's study as Rob's bible, yes, you did here me correctly, "Rob's Bible", not "Rob and the Bible". have no idea if and how much Rob believes in the best-selling book that has been translated into more languages than any other.

But we as ENOHE are working to ensure that "Being an Ombudsman" will become even more widely-read than the real Bible. At any rate, negotiations have already begun with Rob for the film rights.

Rob, as a sign of our deep appreciation for what you have done for us so far and hopefully will continue to do for us, I, inspired by the Disney movie "Cinderella", would now like to present you with Cinderella's famous glass shoe, in the hope it will always remind you of us. Thank you very much!



Josef Leidenfrost presenting Cinderella's glass shoe to Rob Behrens

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events and
accommodation

Menu

***Scottish Smoked Salmon
& Trout Salad, Avocado Jelly
& Gazpacho Dressing***

~oOo~

***Maize Fed Chicken Breast,
Asparagus, Baby Carrots,
Runner Beans, Dauphinoise
Potatoes,
White Wine & Garden Pea Sauce***

~oOo~

***Glazed Lemon Curd Mousse,
Grilled Pineapple &
Amaretti Crumb***

~oOo~

***Fairtrade Tea & Filter Coffee
with Shortbread***

~oOo~

***Wines:
Chardonnay IGP D'oc Montsable
Languedoc France
Carmenere Maipo Armador Odfjell
Chille***



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26th to 28th June 2019
15th ENOHE Annual Conference
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