

# ENOHE 2017

## Higher Education Ombudsmen as Beacons: Towards a Fair and Transparent European Higher Education Area

Edited by: Rob Behrens & Josef Leidenfrost

Report on the 13th ENOHE Annual Conference in Strasbourg, France 28 - 30 June 2017



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## Imprint

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Dear colleagues,

After the 2017 ENOHE conference in Strasbourg, it gives us great pleasure to present to you the texts of the conference speeches and presentations. This conference was special in several respects. It was ENOHE's first conference in France, a big step in our network's history. We were able to welcome the Rector of Strasbourg University, **Madame Sophie Béjean**, as well as the outgoing Défenseur of the same institution, Monsieur **Richard Kleinschmager**, and the new Défenseur, Monsieur **Hugues Dreyssé**. Bienvenue a vous!

It was also the first time we had the privilege of meeting at the European Parliament, an institution with 751 elected representatives from 28 countries, from Austria to the United Kingdom. The buildings were impressive, too, along with the security measures. This was most certainly the best guarded event in ENOHE's history. Special thanks go to Othmar Karas, MEP and former Vice-President of the European Parliament, to European Ombudsman Emily O'Reilly and to Josef Siegele, the Secretary General of the European Ombudsman Institute, who all found time to speak to us in the midst of a busy parliamentary schedule.

The general theme of this year's conference was "**Higher Education Ombudsmen as Beacons: Towards a Fair and Transparent European Higher Education Area**" was the subjects dealt with which included the current challenges for higher education ombudsmen illustrated with examples from a number of specific countries. Conference strands covered ombudsmen and diversity on campus, students as customers, consumers or co-learners, ombudsmanship as a profession and innovative approaches to it. The conference examined all these issues and the consequences for institutional relationships between students and "their" universities using case studies to draw out the learning. Within the four strands the participants were able to listen to leading speakers and discuss their presentations with them. This enabled delegates to develop new ways of thinking and explore innovative approaches to comparative experience, professional standards and environments.

As **Emily O'Reilly**, the European Ombudsman, pointed out, "ombudsmanland" is a very special area of public responsibility, in which there is a strong public interest in how potential maladministration and mismanagement is dealt with. To serve this public interest effectively, close (but not too close) cooperation between ombudsmen and the media is essential. As O'Reilly said, finding the balance between individual cases and systemic issues is a constant challenge since they are inter-connected.

As the Ministers for Higher Education in the 48 Bologna countries will convene in Paris in May 2018 to review the implementation of the Yerevan Bologna work programme 2015-2018 and define new priorities to be dealt with, delegates to the ENOHE Strasbourg conference also discussed and adopted a joint declaration as an input document for the Paris summit. The joint declaration and the conference proceedings are well worth careful study. Enjoy this publication!

**Rob Behrens**

Parliamentary and Health Services Ombudsman, UK  
Chair of the ENOHE Executive Committee

**Josef Leidenfrost**

Student Ombudsman, Austria  
Convenor and President of ENOHE

## Programme

### Wednesday 28 June: Workshops

11:30 – 12:30 Arrival, security check, registration  
Welcome Coffee, Galerie Nord

12:30 – 14:00 Pre-conference Workshops I

**Room N 1.4**  
**Concurrent Workshop 1**

**Jenna Brown, Wolf Hertlein**  
“How should I ...? And why do you ...?”  
Professional Development through Case  
Consultation

**Room N 1.2**  
**Concurrent Workshop 2**

**Josef Leidenfrost, Natalie Sharpe**  
Diverse Clientele, Diverse Methods,  
Diverse Solutions: How to Deal with  
Vulnerable Students' Complaints

14:00 – 14:30 Coffee Break, Galerie Nord

14:30 – 16:00 Pre-conference Workshops II

**Room N 1.4**  
**Concurrent Workshop 3**

**Jean Grier, Michel Villiard**  
Students and Supervisors: Supporting  
Professional Relationships in Challenging  
Circumstances

**Room N 1.2**  
**Concurrent Workshop 4**

**Judy Clements, Josef Leidenfrost, Marta  
Elena Alonso de la Varga,  
Martine Conway**  
Managing Unacceptable Complainants' /  
Visitors' Behaviors in Higher Education  
Ombudsman Schemes: Examples from  
England/Wales, Austria, Spain and Ca-  
nada. How to Adopt them for your Own  
Work Environment

16:00 – 17:00 Networking activities

Social activities on individual basis

## Thursday 29 June: Challenges I

08:30 Arrival, security check, registration

09:00 Welcome Coffee, Galerie Nord

09:30 – 10:00 Plenary I and Opening Ceremony, Chair: Robert Behrens

### Welcome Addresses

- **Othmar Karas**, Member of the European Parliament (via video)
- **Daniela Senk**, European Parliament
- **Josef Siegele**, Secretary General of the European Ombudsman Institute
- **Madame Sophie Béjean**, Rectrice de l'Académie de Strasbourg
- **Josef Leidenfrost**, ENOHE convenor

10:00 – 11:00 Keynote I  
**Emily O'Reilly**, European Ombudsman, Strasbourg

The European Ombudsman:  
For an Ethical and Transparent EU Administration

### Questions and Answers

11:00 – 11:15 Coffee Break, Galerie Nord

11:15 – 12:15 Plenary II, Chair: Josef Leidenfrost  
Current Challenges for Ombudsmen in Higher Education:  
A Round Table

### **Anna Cybulko**

Are Students Nowadays Too Demanding? Main Academic Problems Resulting from the Lack of Shared Definition of Students' Roles. An Example from the University of Warsaw

### **Patty Kamvounias**

Challenges for Higher Education: Is there a Communication Gap between Ombudsmen and Students? Comments from Australia

### **Judy Clements**

Current Challenges for Higher Education Ombudsmen: A Perspective from England and Wales

12:15 – 12:45 Lunch Break, Galerie Nord

## Thursday 29 June: Challenges II

12:45 – 14:00      Concurrent Sessions I  
Ombudsmen and Diversity on Campus

### Concurrent Session 1

Chair: **Jean Grier**

**Martine Conway**

Dealing with Sexualized Violence: Problems, Solutions and New Challenges

**Nirupa Shantiprekash,  
Eugène van der Heijden**

Diversity, Equal Opportunity and Inclusiveness – a Shared Approach at Leiden University

### Concurrent Session 2

Chair: **Josef Leidenfrost**

**Elisabeth Rieder**

The Austrian University Act and the UN Convention on the Rights of Persons with Disabilities: Experiences from the Department for Disability Affairs of the University of Innsbruck

**Daniel More**

The Role of the University Ombudsperson in the Protection of the Rights of Students with Learning Disabilities with an Emphasis on Students with ADHD- the Israeli Experience

14:00 – 15:00      Guided tour through the European Parliament

15:00 – 16:15      Concurrent Sessions II  
Students as Customers, Consumers or Co-Learners?

### Concurrent Session 3

Chair: **Anna Cybulko**

**Nathalie Podda**

National and Local Ombudsman Offices in Austria: Similarities and Differences in their Activities and Responsibilities

**Aleksandra Zhivkovikj**

Student Ombudsman as Mechanism for Protecting Student Rights in Macedonia

**Nora Farrell**

How the Consumer Protection Act has been Applied in a Canadian Higher Education Institution

### Concurrent Session 4

Chair: **Jean Grier**

**Michael Gruber**

Students' Rights and Duties - Who Defends them Better: Student Unions or Student Ombudsmen?

**Paula Cristina Martins**

The Student Ombudsman: What We Do and How We Do It in Portugal

16:15 – 17:00      ENOHE Business Meeting (open to all conference attendees)

20:30                ENOHE Conference Dinner

## Friday 30 June: Responses I

08:30 Arrival, security check  
Registration

09:00 Morning Coffee, Galerie Nord

09:15– 10:45 Plenary III, Chair: **Dame Suzie Leather**

Keynote II

**Sjur Bergan**, Head of the Education Department, Secretariat, Higher Education and Research in the Council of Europe, Strasbourg

The European Higher Education Area toward 2020. Achievements and Prospects: Structural reform, Values, and Governance

Keynote III

**Hugues Dreyssé**, designated Ombudsman of the Université de Strasbourg  
Safeguarding Access and Quality in Higher Education:  
A French Perspective

10:45 – 11:15 Coffee Break, Galerie Nord

11:15– 13:00 Concurrent Sessions III  
Ombudsmen: What Needs Analysis Suggests

### Concurrent Session 5

Chair: **Judy Clements**

**Rob Behrens**

Ombudsmen in Higher Education: An International Survey

**Jean Grier and Wolf Hertlein**

'A Tale of Two Cities': Comparing and Contrasting Approaches from Edinburgh and Darmstadt

### Concurrent Session 6

Chair: **Marta Elena Alonso de la Varga**

**Paul Herfs**

Experiences of a Dutch Ombudsman at Canadian Universities

**Natalie Sharpe**

Internships Programs: Mentoring and Training Young Ombuds Professionals in Higher Education in Canada

13:00 – 13:45 Lunch Break, Galerie Nord



## Friday 30 June: Responses II

13:45 – 15:15

Concurrent Sessions IV

Ombudsmen as a Profession: Innovative Approaches

### Concurrent Session 7

Chair: **Nora Farrell**

**Pangiots Kavouras , Josef Leidenfrost,**  
Crowd Intelligence among Academic  
Complaint/Issue Handlers: Austria,  
Europe

**Paula Crstina Marques Martins**

**Anna Cybulko**

AESOP: The Importance of the Advocacy  
Establishment for Students at Universities  
in Azerbaijan, Georgia and Ukraine

### Concurrent Session 8

Chair: **Robert Behrens**

**Marta Elena Alonso, José Manuel  
Palazón**

Working Professionally Without Being a  
Professional Ombudsperson:  
The Spanish Model

**Wolf Hertlein**

The Professional Ombudsman in Higher  
Education: An Attitude and Action

15:15 – 15:30 Coffee Break, Galerie Nord

15:30 - 16:00

Plenary IV, Chair: **Jenna Brown**  
Keynote IV

**Mary Tupan-Wenno**, Executive Director  
ECHO, Centre for Diversity Policy, The Hague

Diversity and Ombudspersons: The Way Ahead

16.00 – 17:00

Plenary IV and Closing Ceremony  
Ombudsmen and Agenda Setting

Higher Education Ombudsmen: a (hopefully) perpetuum mobile. From  
the 2017 Strasbourg ENOHE to the 2018 Paris EHEA Conference and  
Beyond

19:00

Boat Tour

**Madame Sophie Béjean**  
**Distinguished members of the European**  
**Network of Ombudsmen in Higher Education**  
**Mister Secretary General of the European Institute of Ombudsmen**

It is with great interest and pleasure that I accepted your invitation. I should like to thank the European parliament for its warm welcome, demonstrating its desire to place the challenges represented by this Congress on a European scale. This commitment constitutes a strong signal for universities across Europe, to cooperate, to exchange ideas and to work and think collectively.

The ambition to build a knowledge-based society is the founding force of our universities. It was the objective of the Bologna Process. Our aim is to raise the level of qualifications of the population. This is the key for Europe to compete in a globalised world. It is also the objective that France has adopted with its national strategy for higher education, contained in the report which I had the honour of co-signing, 'Fostering a learning society'. In that respect, our success in France, but also in Europe, depends on our capability to train the greatest possible number of people.

What exactly do we mean by this? It means opening our doors to different types of students, those whose origins have long kept them away from university courses. A new audience, with its own frame of reference, ill at ease with the routines and codes of our teaching and research institutions. A new demanding audience, whose status gives them both rights and responsibilities.

As a consequence, far from being a smooth process, the learning programme and the application of this new status is, at times, a rough path and a source of friction. The student rebels! And sometimes rightly so! Yes, I can assure you! As a former university president, I have to admit it.

But what about the real victim? Discrimination, harassment, sexual violence, the abuse of authority are, alas, all present in our universities. Mediation and the appropriate response is often required when faced with these shady areas. Furthermore, due to the international mobility of our students and our researchers, a European standardisation of these responses is required.

This mediation operates within a context with which you are well acquainted: the distribution of arbitration in different socio-economic spheres, an aspiration to a grass-roots democracy which encourages participation and responsibility, as well as an increasing social demand for acknowledgment and restoring of damage rather than sanctions. This context led to the establishment of the institution of Ombudsman of the French Ministries of Education and Higher Education and then to its official recognition in 1998.

So, for almost twenty years, mediation has been arbitrating claims concerning the functioning of the higher education services and its relations with both students and members of staff. Approximately 2500 (two thousand five hundred) students per year, but also a hundred or so members of the personnel have lodged cases with the Ombudsman over the last few years. These have concerned exam validation, refusal of a grant, promotion or harassment ... Each year, the national Ombudsman signs a report which is keenly observed and commented upon and is particularly useful to the heads of universities and lecturers.

These developments will undoubtedly lead to new sources of friction and disputes, therefore requiring mediation. The current landscape of mediation is changing. Because of these changes, the future status of mediation needs to be strengthened. In Europe, debates and courses to exchange ideas concerning rules and practices are initiated, such as in this Congress.

Mediation is an excellent tool which can help all types of students and staff. A tool which is not only efficient and versatile but which is eagerly awaited and will be part of an inclusive university protecting the rights of everyone.

Your work over the next few days will be a fine illustration of this, I am sure, thanks to your different perspectives. I wish you all the very best for a fruitful and successful Congress.

Thank you very much.

**Emily O'Reilly**  
**“The European Ombudsman**  
**For an Ethical and Transparent EU Administration”**

Good morning everyone, welcome to Strasbourg and thank you for the invitation to address you here today. In looking at your programme I recognise many of the issues that are of common concern to Ombudsmen, but I also recognise the specific issues of concern to Higher Education Ombudsmen. As this kind of Ombudsman is a relatively new phenomenon in many countries and doesn't exist in any form in others, I can appreciate the challenges that this network has in terms of mapping out not just how this Ombudsman should develop but also in terms of finding commonalities between you. In preparation for today I read through Rob Behrens study of the Higher Education Ombudsman and I found it fascinating and most informative on many levels.

Some phrases and statements stood out. The Higher Education Ombudsman was described, for example, as 'a resilient but threatened, evolving, non-legal form of dispute resolution.' Someone else commented that 'an internal Ombudsman is a contradiction in terms' while I think Rob himself noted how University academic staff enjoy 'extensive protection from a questioning of their professional judgement.' I also noted the high percentage of Ombudsmen whose mandates come from a University statute as opposed to from national legislation and how the issue of independence is probably, not surprisingly, the issue of greatest concern to practitioners.

Rob rightly describes Ombudsman independence as the 'golden thread' that defines what a correctly functioning and effective Ombudsman should be and all of the issues that you will discuss here today will be to a greater or lesser degree linked to that precious, critical value. There is a story told in my country, Ireland, and probably others, of the stranger who is lost and asks somebody for directions to a certain place. The reply he receives is "Well I wouldn't start from here." And when I look at the wide divergence among you in relation to mandates, origins, powers, independence, resources, etc, I was reminded of that story. Problems very often arise for Ombudsmen not because they're not competent and highly motivated, but because their founding statute has failed to put in place the tools they require to do that job well, assuming of course that even the job description is agreed and understood. I note the diverging views among you of what the role is. I think that latter point is a particularly problematic one and it's problematic not just for you but for all Ombudsmen.

I sometimes say that the Ombudsman has been a victim of its own success. It started in Sweden over 200 years ago, slowly spread for the next while and then gathered speed again in the middle and end of the last century. Such was its perceived popularity with the public that many public and private institutions started introducing Ombudsmen into their worlds, but at times without proper regard to making sure that this new creature was what was by then popularly understood to be a real Ombudsman.

And by a real Ombudsman I mean an independent Ombudsman – independent of the institution but also, critically, independent of the complainant. Otherwise the person charged with this role is a complaint handler, or a counsellor, or some kind of facilitator whose brief falls short of independent investigation and adjudication – the making of non-binding recommendations. In Ireland, following the enactment of legislation some years ago that I and my predecessors had lobbied for, the title Ombudsman is now protected and in my view, that is most definitely in the public interest.

But before I go on to talk about my own role and the wider EU context of transparency and accountability, I want to say how important I think your current role is, and your potential future roles could be. I don't need to tell this audience about the expansion of third level education. We have gone in a generation or two from a world in which access to third level education was limited, to one in where the expectation in most developed countries is that young people will go there. I can see myself within the EU institutions the intense competition for jobs and the high academic standards expected for even entry level positions.

The pressures on greater number of young people to succeed at this level are now intense but, as the survey also points out, there are issues particular to this sector that can be challenging for those who want to or who have to, question what they consider to be unfair procedures. I note that some institutions are reluctant to even see an issue in terms of a 'complaint'. And when you consider that those procedures may well determine a large part of the career of a young person, you can see how particularly vital it is that the issues that this network is discussing here today are properly analysed and properly resolved.

As my own children have made, and are making, their way through third level education, I have seen the institutional barriers to real engagement with students when issues arise. I have seen the self-interest of the University take precedence over the interests of the student. I have heard the philosophical debates even over the core functions of a University at a time when everything, including education, is being commodified. And of course, as in every institution, there are the usual non-academic issues that arise. And given all of that, I can appreciate the very particular challenges that you face.

I'll now turn to my own work. The European Ombudsman was created by the Maastricht Treaty in 1993. Under the Charter of Fundamental Rights, the right to good administration is further enshrined. The Ombudsman is elected by the European Parliament and is not a nominee of a Member State Government, unlike EU Commissioners, auditors, and judges. I report to the parliament annually and frequently go before parliament committees to give evidence on my work. I have the same powers as that of a classic Ombudsman. I have wide powers of investigation and make non-binding recommendations if I find maladministration. Up to 90% of my recommendations are accepted. I can make a report to Parliament if a recommendation that I judge to be important is not accepted but this has happened on just a few occasions in the history of the office.

I also have the power of own initiative investigation and this is something that I use quite a lot particularly in the area of transparency. As the complaints I receive from citizens have to be against an EU institution and not a national one, many of the issues I deal with concern the accountability mechanism of the EU and not necessarily the more usual complaints of citizens around social protection, housing, health and other matters of daily concern to the public.

Some of my work however does have relevance for this network. My work contributes to opening up decision-making and policy-making that directly or indirectly affects education. I have for example, worked on the independence and interest balance of the expert groups that advise the European Commission on its work. The European University Association for example are members of expert groups that discuss issues such as the modernisation of higher education. I don't know whether the EU members of this network have examined this in the context of raising the profile and relevance of Higher Education Ombudsmen but it might be worth considering.

I have also worked to make the making of laws by the EU more transparent and more open to all interests particularly in my work on the so-called Trilogue process, that is

the informal deal making between the Commission, the Parliament and the Council.

TTIP (and other trade agreements such as TiSA - the Trade in Services Agreement- currently being negotiated by 23 WTO members incl. the EU) are of interest for their potential to affect the Higher Education Sector. This because, although these agreements are meant to exclude services of public interest; Higher Education facilities worry, as I understand it, that as they are often funded with both public and private money, they will be caught up in such agreements. The same applies of course to health services. I have also worked to make the Council – that is the Ministers from the Member States who agree new laws generally as co-legislators with the parliament – more transparent. It is often not clear to citizens exactly what positions their own Ministers are taking and I believe that a more transparent Council would make it easier for citizens to understand who decides what in the EU and whether it is always entirely fair to blame Brussels for everything!

More recently I have been working on Brexit and particularly on the transparency of the negotiations and on citizen rights. Obviously the final deal will be very relevant both for students looking to study in UK and for UK students seeking to study in Europe, and perhaps particularly during an ERASMUS type year.

### **Individual cases that are relevant to your work include:**

A case in 2015 concerned the rejection of an application for a fellowship position under an EU research programme. After being initially offered the position by a university, the complainant was informed that his past internship in a private company rendered his application „ethically unacceptable“ because, amongst other reasons given, there was a legal conflict between members of the team and that company. He complained to the Research Executive Agency but the Agency said hiring researchers was a matter for the beneficiaries of grants, in this case the university. The researcher turned to the Ombudsman saying that the procedure was not transparent. The Ombudsman recommended to the Agency that it increase its oversight on recruitment practices by institutions awarding research fellowships. The Agency accepted the recommendation.

In another case a Belgian national applied for a post in an EU delegation, with one of the required qualifications being a post-secondary school diploma. He got on the reserve list and then applied for a job at the Commission and was picked.

But the Commission refused to employ him saying his diploma was not post-secondary. The complainant said it was recognised under Belgian law as being post-secondary. He turned to the Ombudsman, who obtained confirmation from the Belgian permanent representative to the EU that the diploma was indeed post-secondary.

The EO in 2015 asked the EC to compensate the complainant by either offering him an equivalent post or adequately compensate him for loss of income and professional experience. And earlier this year, I recommended that the European External Action Service (EEAS) pay all of its trainees an appropriate allowance to allow greater access for young people of all backgrounds. The EEAS has almost 800 trainees in its delegations around the world whose full time services are not remunerated. We are awaiting the final response. Finally, this year I initiated the first ever European Ombudsman Good Administration Award – in which there were two education-related runners-up in categories on collaboration and citizen-focused delivery: One was a project on changing mind-sets about vocational training among parents and young people. Another was a portal providing a user-friendly one-stop shop for thousands of researchers, SMEs and other beneficiaries of EU research and innovation funding.

**Josef Leidenfrost and Natalie Sharpe**  
**Diverse Clientele, Diverse Methods, Diverse Solutions:**  
**How to Deal with Vulnerable Students' Complaints**



## BACKGROUND

- Increasing diversity of staff and students, difficult study conditions and new technological developments have changed the landscape of higher education
- Vulnerability of students is also growing because of financial (less public funding), psychological (mental health issues) cultural diversity (more international students and ethnically diverse domestic population), etc.
- Fundamental communication changes have created challenges in university 's role in appropriate messaging in cyberspace. Social media is everywhere, 24/7
- The rigid structures and cumbersome processes of complaint management systems create impediments for healthy resolutions
- Need to move from individual punitive sanctions to restorative resolutions
- Need for flexible, efficient complaint management systems to address these cultural/technological/diversity challenges
- A case study explores a vulnerable student with a social media complaint, and shows an ombuds' approach for a flexible, restorative resolution



## SOCIAL MEDIA CONCERNS

- Students use social media constantly
- Universities are often unclear on how to manage cyberspace university and university-related activities
- Facebook, blogs, texting new mode of gossip, rumours, etc.
- Messaging is intrusive:24/7; sometimes anonymous
- Language is often insensitive: demanding, abusive (cyberbullying), escalates rapidly, non-empathetic in tone, ambiguous messaging causes mis-interpretation of intent
- Easy to scapegoat, bully, denigrate, stereotype others

## HANDLING SOCIAL MEDIA COMPLAINTS

- Lots of work done online, contacts made and arrangements for group exercises and social events
- No protocol established for use of social media; ignored as though it has no tie to the University course or events
- Harm through social media can spread rapidly
- Faculty often ill-equipped to handle this kind of problem and individual sanction method creates difficulties for investigation and sanctioning
- Many people involved either collectively or as compliant bystanders, so the information escalates rapidly, often beyond campus
- Need to find an educational approach to handle these abuses of social media in an appropriate educational manner to change the culture of the use of this medium, and advocate cyber citizenship



## FABIEN'S STORY

- Fabien had difficulties in high school after doing stellar work in grade school. Referred to counselling, he finally proudly embraced his gender identity, and graduated. In his first year at University Fabien was always viewed as different but doing okay.
- In his second year, Fabien became withdrawn, dishevelled, and missed classes. Ben and Mercedes speculate on his situation. Mercedes is sure his recent breakup with his boyfriend, has pushed him into depression; Ben suspects his is becoming a drug addict. They post their views on Facebook, and solicit input from classmates on Fabien's condition/whereabouts. Many outside Fabien's circle offer speculation and negative characterizations of him.
- As rumours escalate, classmate Jona sees Fabien leaving the hospital, and says: What's going on Man? Have you seen our Group Facebook? Fabien feels ostracized by his classmates and is scared to return to class. He contacts an advisor to stop the social media gossip. He is reluctant to tell his instructors and classmates why he was missing class.
- Fabien guarded his family privacy and did not tell his faculty and instructors that his mother is dying; he has been constantly at her hospital beside. He feels his future and his integrity as a student professional has been destroyed, and wants to withdraw from his program.

## THE FACULTY'S RESPONSE

- Initially, the Faculty calls each individual in for a private investigation of their violation of the Behaviour Code and feel it is a professional violation as well (many students disagree).
- Exams are coming up and students under investigation feel they won't be able to concentrate on exams nor be graded fairly.
- Staff / student morale is low; everyone is on edge. Fabien decides to withdraw for one year.
- Realizing this is not an easy fix, the Faculty contacts the ombuds office to see if there can be a systemic response and a healthier resolution rather than a punitive one, as Fabien does not want his classmates punished. He just wants them to say they are sorry.
- The ombuds asks if they have a protocol on use of social media in a professional program and they have none.
- The ombuds asks if this can be turned into an educational opportunity and they say yes. The ombuds prepares an educational workshop with the recommendation that the faculty and students collaboratively develop a protocol on professional and personal use of social media to be shared with other professional faculties. They agree.

## CURRENT RESOLUTION PROCESS

Addressed behind closed doors means "swept under the rug" to many and no transparency or accountability



<http://clipartall.com/clipart/8141-clipart-meeting.html>

- Private meetings with each individual – slow, private process
- Meet with security or faculty to review complaint - intimidating
- Individual sanction applied; appealable (takes time)
- If repeated, another charge and a higher sanction
- No attempt to educate or change culture in the sanctions
- Lack of collective, systemic approach to address and repair harm

## WHAT'S MISSING?



<http://www.clipartkid.com/i-don-t-know-cliparts/>

**A PARADIGM SHIFT IN THE INSTITUTIONAL CULTURE**  
*HOW? Informal Facilitated Educational Method*



## WHAT ARE MY PROFESSIONAL ACTIVITIES?

- In the classroom?
- In my practicum?
- In my class-related activities?
- Do any enter my private life?
- Does (un)professionalism affect every aspect of my life?



## PROFESSIONALISM MYTH-CONCEPTIONS

1. My opinion about everything is fine, even at work.
2. Professionalism has nothing to do with my personal life.
3. I can talk to whomever I want about my work so long as they are relatives and close friends.
4. My use of social media about my personal life has no impact on my job.
5. My social media personality is easy to hide from my professional life.
6. People who complain about me as a professional because of my social media practices are unprofessional themselves.
7. At the end of a difficult practicum, I should be able to say what I want.

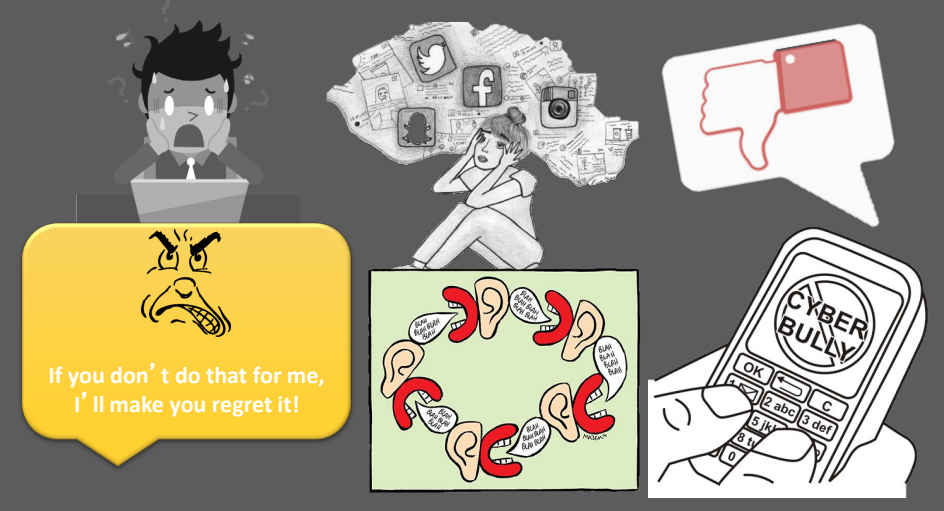


## RESPECTFUL USE OF SOCIAL MEDIA



- What kinds of social media do I use?
- How do I use my social media?
- Professionally?
- Privately?
- Are there any **red herrings** I have encountered?
- Are there any I perceive in my **professional future**?

## POOR USES OF SOCIAL MEDIA



If you don't do that for me,  
I'll make you regret it!



USE OMBUDS LENS OF FAIRNESS TOOLS

- Relational Fairness: Am I treating the person with respect
- Equitable Fairness: Am I considering this person's social situation and focusing on equal outcomes
- Procedural/Administrative Fairness: Am I allowing this person to know the case before them, and am I allowing the person to give their side of the story
- Substantive Fairness: Am I providing clear and full reasons for my decisions

The graphic features a camera lens icon in the top right corner. The title "USE OMBUDS LENS OF FAIRNESS TOOLS" is centered. Below the title is a list of four fairness tools, each with a bullet point and a question format.

## PROFESSIONAL USE OF SOCIAL MEDIA



- ✓ Share examples of healthy , cyber-kind practices using social media
- ✓ Events in your practicum professionally, and maintain confidentiality while respecting everyone's backgrounds
- ✓ Self-care practices
- ✓ Compile a few points of your shared practices
- ✓ Summarize core principles of digital citizenship



## CREATING HEALTHY PRACTICES WITH SOCIAL MEDIA

- ✓ Collegial ways of interacting
- ✓ Confidentiality of professional setting
- ✓ Guidelines around talking about Professional Responsibilities
- ✓ Guidelines around talking about supervisors and work team
- ✓ Guidelines around discussion of other's work habits
- ✓ Guidelines around self-care that do not involve social media blabbering



## CREATE COMMON SOCIAL RULES AROUND USE OF SOCIAL MEDIA

- ✓ Dialogue of civility and respect
- ✓ Confidentiality rules and who they pertain to
- ✓ Take accountability of your actions
- ✓ Do not blame or be blamed
- ✓ Focus on the reason to why this is being done – is it to improve the profession or the opposite
- ✓ Do not use a pejorative label on a client, customer, colleague, clinical coordinator



## RESTORATIVE CONFLICT MANAGEMENT

- This incident occurred near exam time, escalating rapidly and involving every student in the professional cohort. Over 100 students were involved as active participants or compliant bystanders, and there were outsiders as well.
- The affected student wanted a resolution where classmates would acknowledge the harm and apologize. He did not feel comfortable returning to a poisoned learning environment where he had been targeted unfairly. Already a marginalized minority, it would be difficult for him to trust his peers again.



## SUMMARY



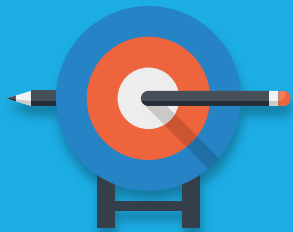
- He hoped to return to a place where he and other marginalized students could thrive in a healthy, inclusive environment.
- This educational opportunity engaged each student, and required them to work collaboratively with the faculty and ombudsperson to build a creative and healthy response.
- They are proactively changing the culture from competitive and poisonous to a healthy, collaborative, socially supportive one. By reframing an act of unkindness, they will develop a model of digital citizenship and cyber-kindness in their faculty.

## QUESTIONS

- What approach would you take in resolving this case?
- Would you use a formal or informal approach to resolution and why?
- What are the barriers/challenges in making this kind of paradigm shift?
- What are the social/cultural/economic benefits of a flexible complaint management system?
- Do power imbalances (dominant and marginalized) shift more readily in restorative complaint management systems?

**Jean Grier, Michel Villiard**  
**Students and Supervisors**

## **Supporting Professional Relationships in Challenging Circumstances**



### **Objective of the session**

Present a framework for intervention aimed at facilitating the analysis of the problem with the goal of identifying and implementing actions that will contribute to restoring the balance of power between the student and his/her Director of Research.

**Jean Grier**  
*The University of  
Edinburgh*

- Investigations Manager
- Past Chair of the Scottish Higher Education Complaints Forum
- External work with Employment Tribunals, Law Society, General Teaching Council for Scotland, Sheriff Courts
- ...and more on Edinburgh later!

**Michel Villiard**  
*Polytechnique Montréal*

- University education in social work
- EAP counselling
- Family mediation
- HR consultant: mediation, team building, work reorganization...

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*Polytechnique Montréal*  
**Characteristics  
of students**

**8,000 students,  
including 2,000 graduate students**

Countries of origin of graduate students	
Canada	34%
France	17%
Iran	11%
North Africa (Algeria, Tunisia, Morocco)	10%
China	4%

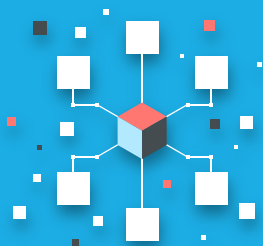
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Polytechnique Montréal  
**Characteristics  
of students**

Countries of origin of doctoral students: **30%**

Canada	19%
Iran	18%
North Africa (Algeria, Tunisia, Morocco)	13%
France	10%
China	9%

6



## Research infrastructure

- 234 researchers
- \$305,000/researcher in 2015
- 46 research chairs in 2016
- More than \$1/4 billion since 2000
- 1st in Canada for funding raised by researcher/professor

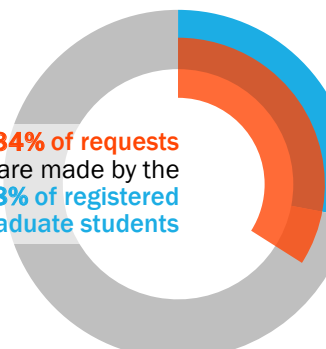


### Industry partnerships

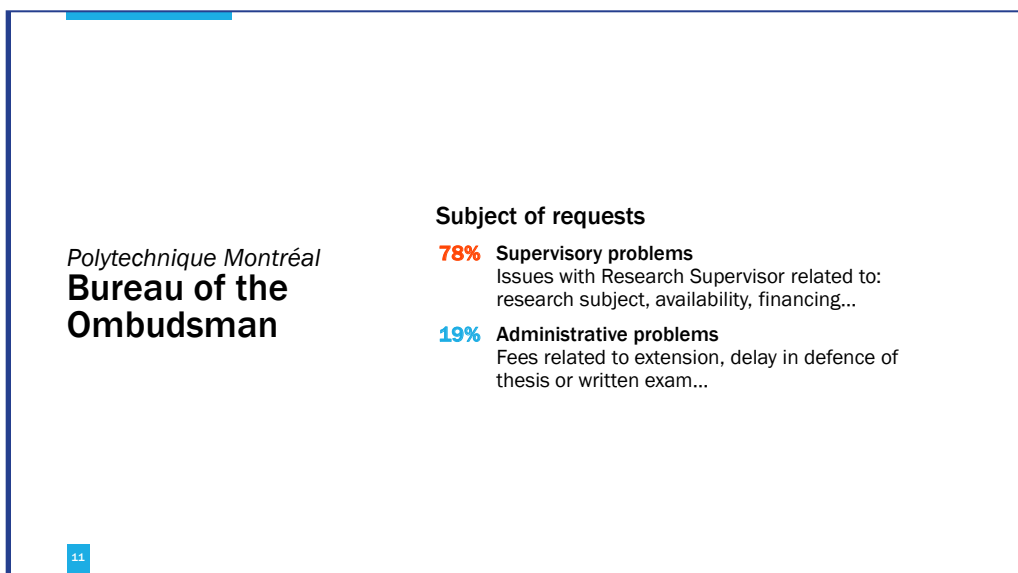
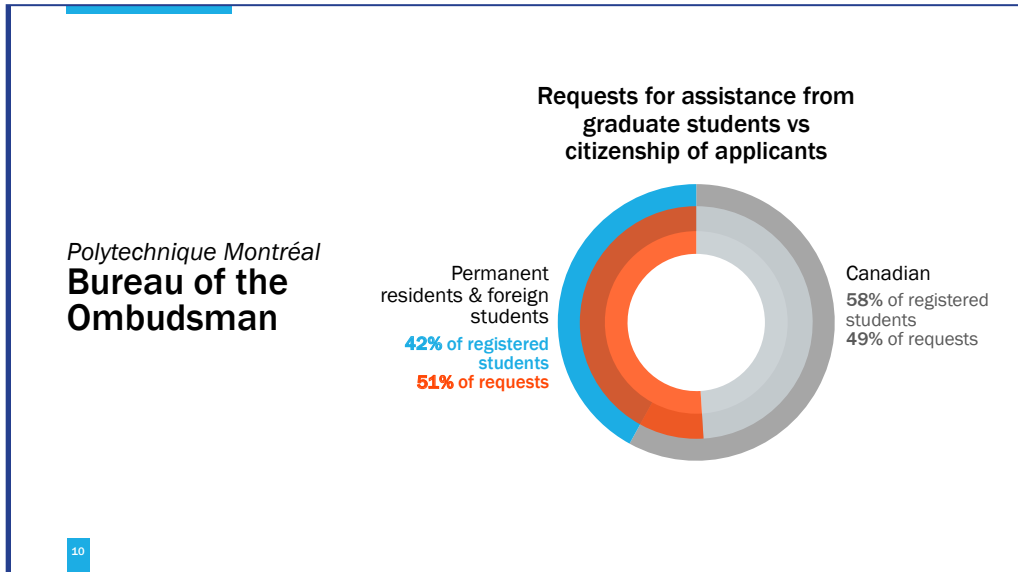
- More than 300 research contracts per year
- Hundreds of partners, including Bombardier, Safran, Astrium/Airbus, Hydro-Québec, Ericsson, Ville de Montréal, Medtronic, Pratt & Whitney, etc.

*Polytechnique Montréal*  
**Bureau of the Ombudsman**

### Requests for assistance from graduate students



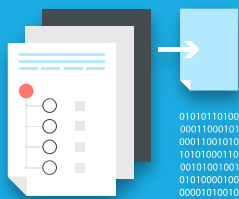
**34% of requests** are made by the **28% of registered graduate students**




## Request for intervention assistance



## Do I have all the information needed to identify the problem?



- What has contributed to worsening the situation: an isolated factor or a series of actions?
- What point has the graduate student reached in his/her research project?
- What mechanisms have been used so far by the graduate student or other parties to deal with the situation?

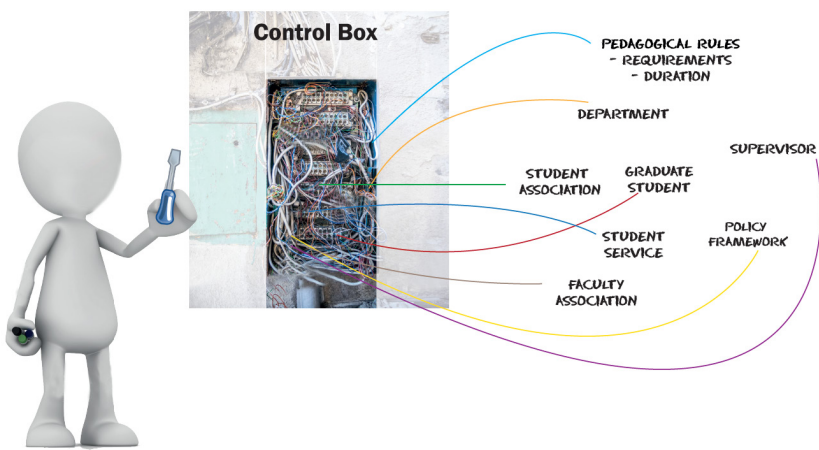


**Make a diagnostic: Pass from a binary to a systemic analysis**

Objective: Identify all the stakeholders, their respective responsibilities and roles, the rules and practices to which they are subject, with the aim of identifying leverage actions to break the impasse.

### Relational dynamic

Research Director - doctoral student in an academic environment



**Control Box**

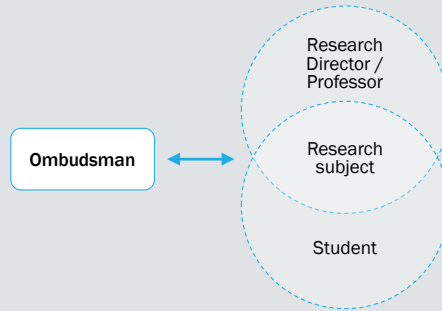
- PEDAGOGICAL RULES - REQUIREMENTS - DURATION
- DEPARTMENT
- STUDENT ASSOCIATION
- GRADUATE STUDENT
- STUDENT SERVICE
- FACULTY ASSOCIATION
- POLICY FRAMEWORK
- SUPERVISOR

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### Relational dynamic

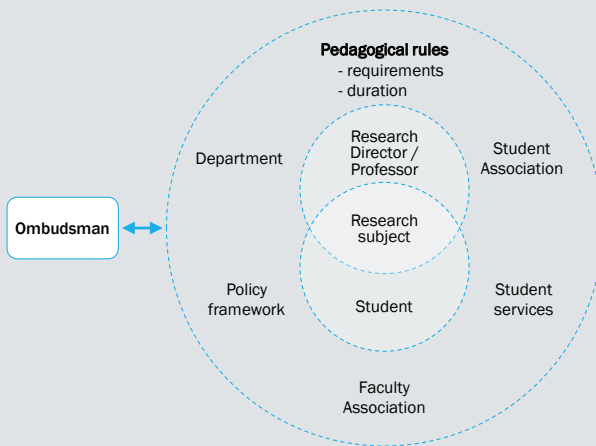
*Research Director - doctoral student  
in an academic environment*



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### Relational dynamic

*Research Director - doctoral student  
in an academic environment*



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## Ombudsman

- Guardian of fairness via rules, processes and practices
- Clientele: students & employees
- No authority over the administration
- Power to make recommendations

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## Role of director/ Professor

- Teach
- Develop research projects related to his/her interests
- Request funds to support research
- Coach students doing research for their doctoral project

*Issue*

- Dual role between professor/researcher

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## Student expectations and characteristics

- Teach, obtain a patent for an invention, start a company...
- Meet family expectations (e.g. financial support)
- Characteristics of foreign students (e.g. knowledge of language)

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## Research subject

*Main objective of relationship between student and Research Director*

- Notion of common interests
- Choice of research subject
- Evolution of research subject during doctoral studies
- Was there a contract?

*Deficiency*

- Lack of any formal, permanent mechanism to resolve differences

*Impact*

- Doctoral student in a subordinate position if faced with corrective action = accentuates his/her vulnerability

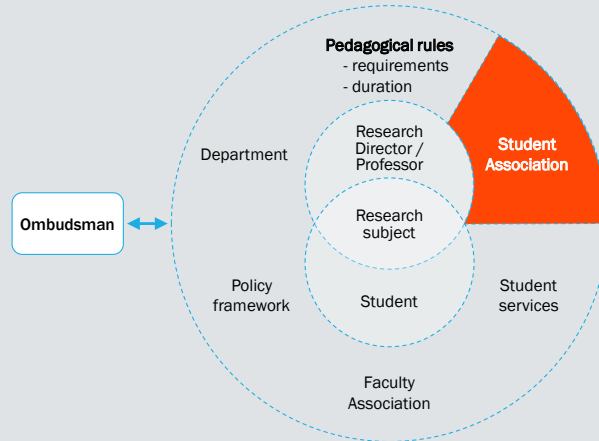
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## Student Association

*Mandate: Inform & represent*

- Inform students of their rights
- Offer support and coaching at hearings before tribunals (e.g. Fraud & Plagiarism Committee)
- Represent students in some situations (e.g. ADD)

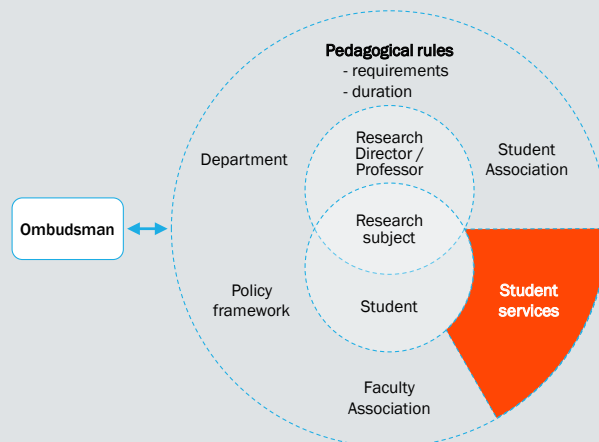
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## Student support services

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

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## Faculty Association

*Mandate*

- Defend interests of professors
- Represent professors on various occasions

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## Policy framework

*Objective*

- List responsibilities - student, Research Director, institution

*Issues*

- Difficult decision-making process
- Absence of formal constraints

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## Coaching model<sup>1</sup>

**Activities**

- Agree in advance
- Draft research notebook
- Continue keeping notes
- Evaluate periodically
- Prepare to defend thesis

<sup>1</sup> From L'encadrement des travaux de mémoire et de thèse, R. Prigent, Presses Poly, 2002).

The diagram illustrates the Coaching Model. It features a large dashed circle containing several elements. At the top, 'Pedagogical rules' are listed with sub-points: '- requirements' and '- duration'. Below this, there are three overlapping circles: 'Research Director / Professor' (top), 'Research subject' (middle), and 'Student' (bottom). To the right of these circles are 'Student Association' and 'Student services'. At the bottom of the large circle is 'Faculty Association'. On the left side, 'Department' is labeled. A red wedge-shaped area labeled 'Policy framework' is positioned between the 'Department' and 'Faculty Association' labels. A box labeled 'Ombudsman' is connected to the 'Policy framework' by a double-headed arrow.

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## Coaching model<sup>1</sup>

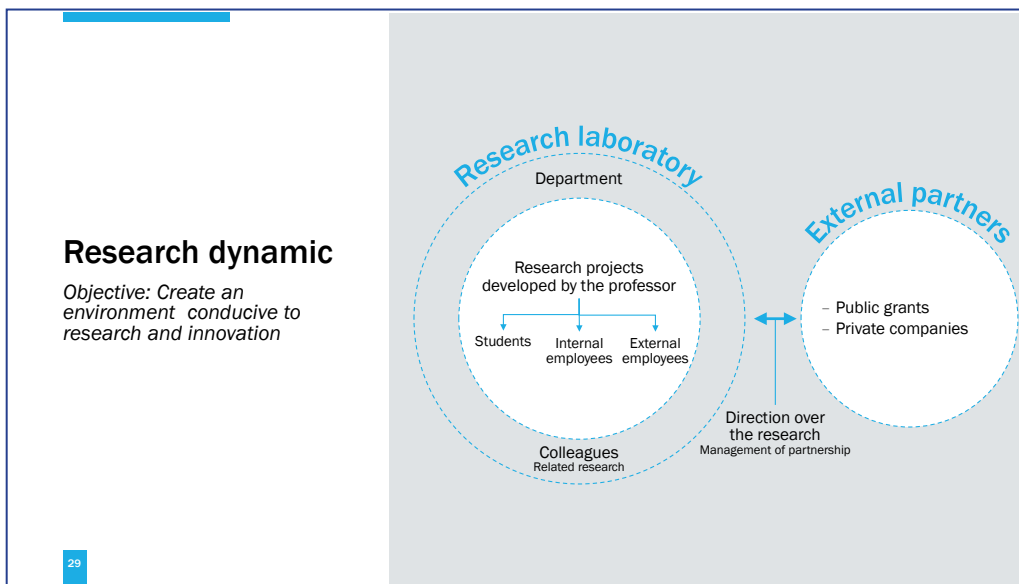
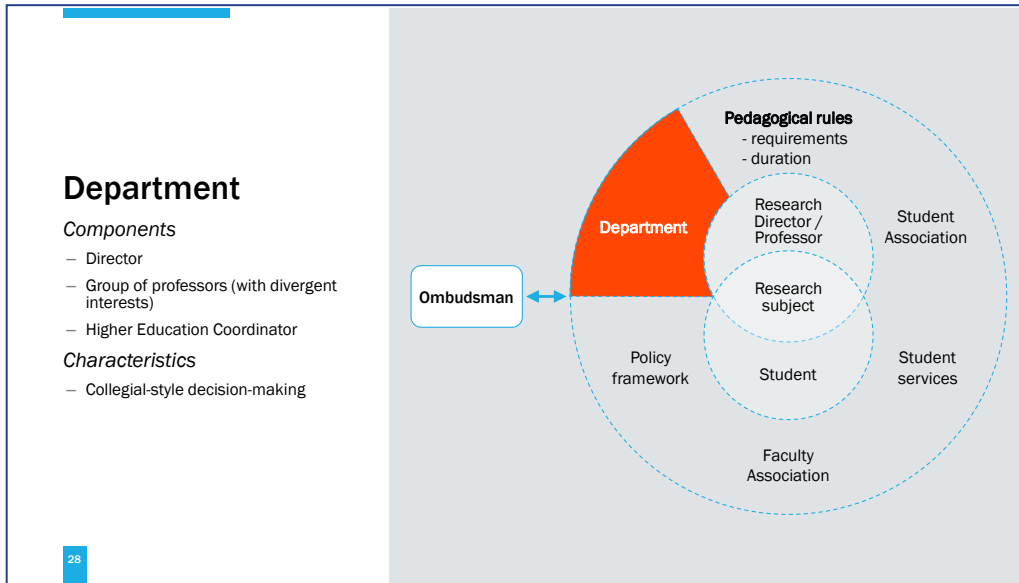
**Principles**

- Work methodically
- Recognize student's responsibilities
- Ensure work time is optimized for follow-up meetings
- Communicate clearly (e.g. respective expectations)
- Create a sense of belonging (group research activities, attending conferences...)

<sup>1</sup> From L'encadrement des travaux de mémoire et de thèse, R. Prigent, Presses Poly, 2002).

The diagram illustrates the Coaching Model. It features a large dashed circle containing several elements. At the top, 'Pedagogical rules' are listed with sub-points: '- requirements' and '- duration'. Below this, there are three overlapping circles: 'Research Director / Professor' (top), 'Research subject' (middle), and 'Student' (bottom). To the right of these circles are 'Student Association' and 'Student services'. At the bottom of the large circle is 'Faculty Association'. On the left side, 'Department' is labeled. A red wedge-shaped area labeled 'Policy framework' is positioned between the 'Department' and 'Faculty Association' labels. A box labeled 'Ombudsman' is connected to the 'Policy framework' by a double-headed arrow.

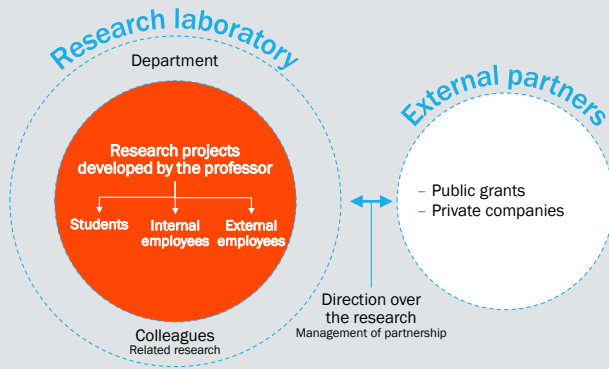
27



### Dual role of Research Director

- Coach students on their research projects
- Manage personnel in order to produce deliverables for partners

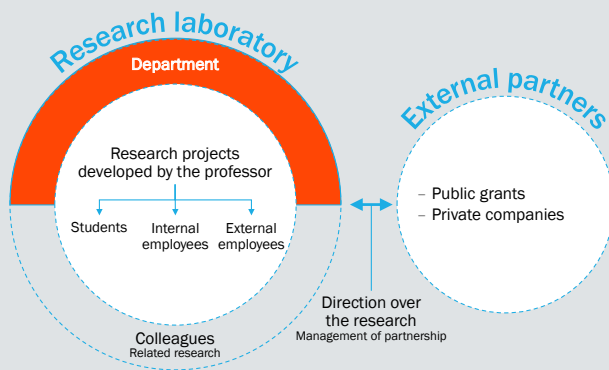
30



### Department

- Stakeholder in recruitment of students by professor
- Offers academic coaching

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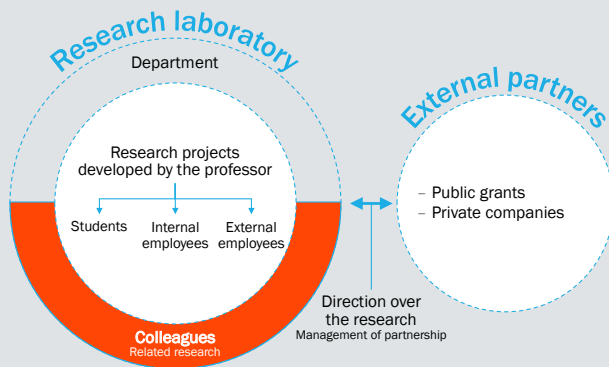




## Colleagues

### Related research

- Sharing and/or competing for expertise of doctoral students & professors
- "When collaboration meets competition (e.g. recruitment of students and search for funding)"

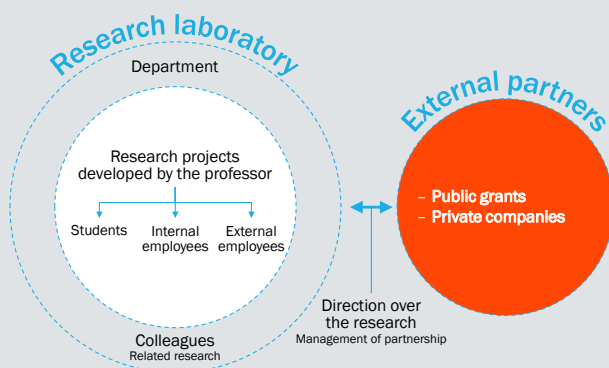


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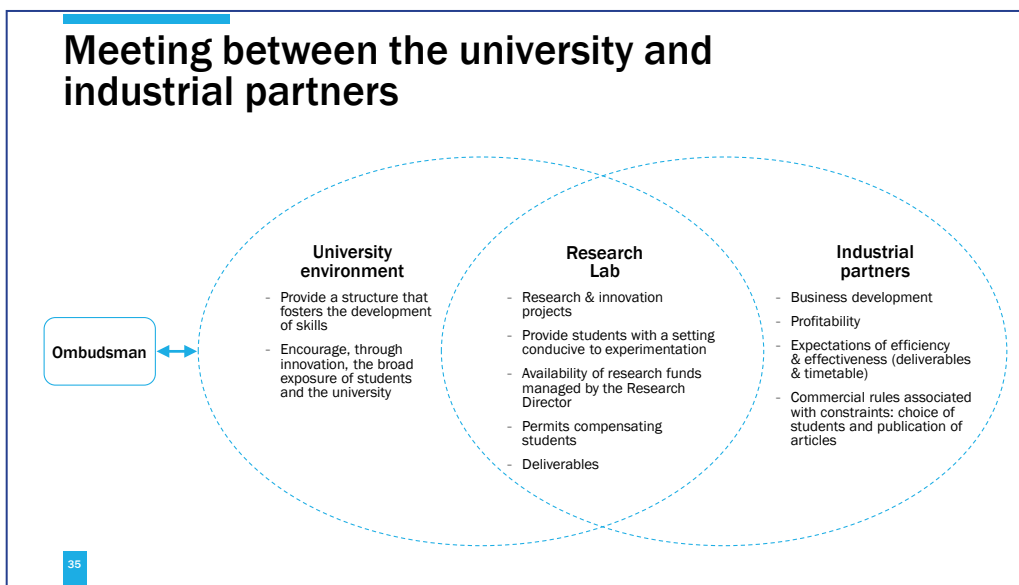
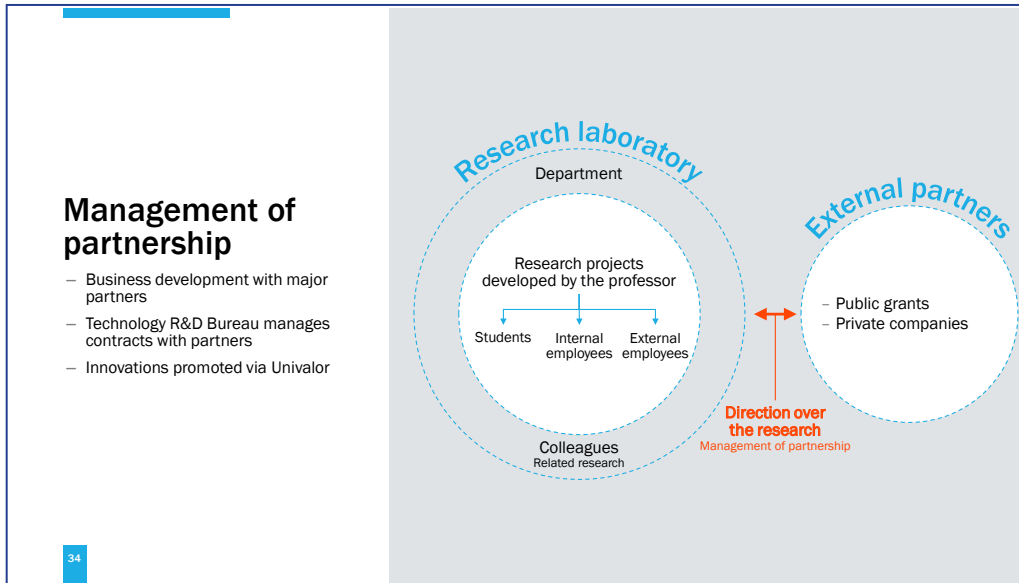
## External partners

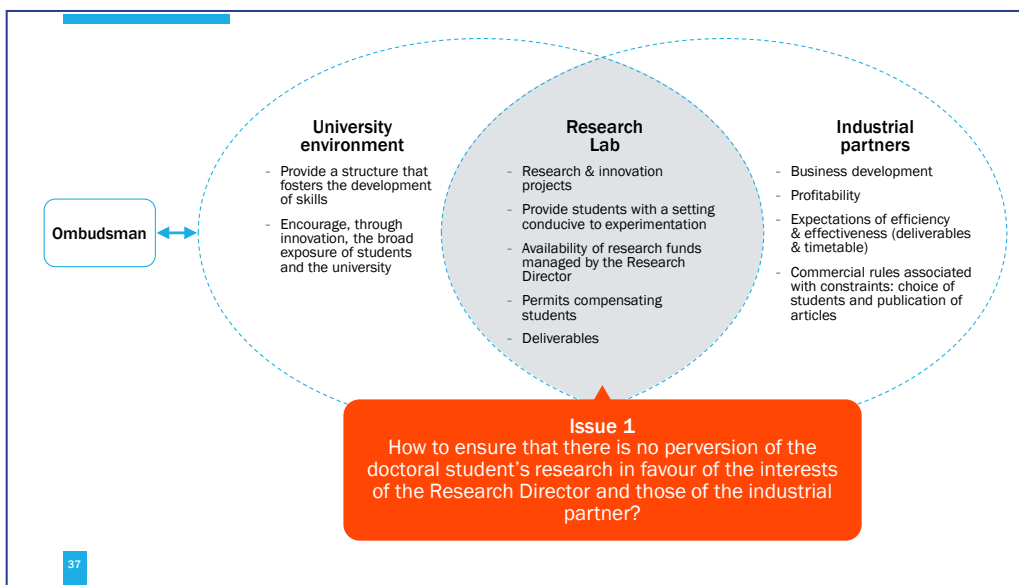
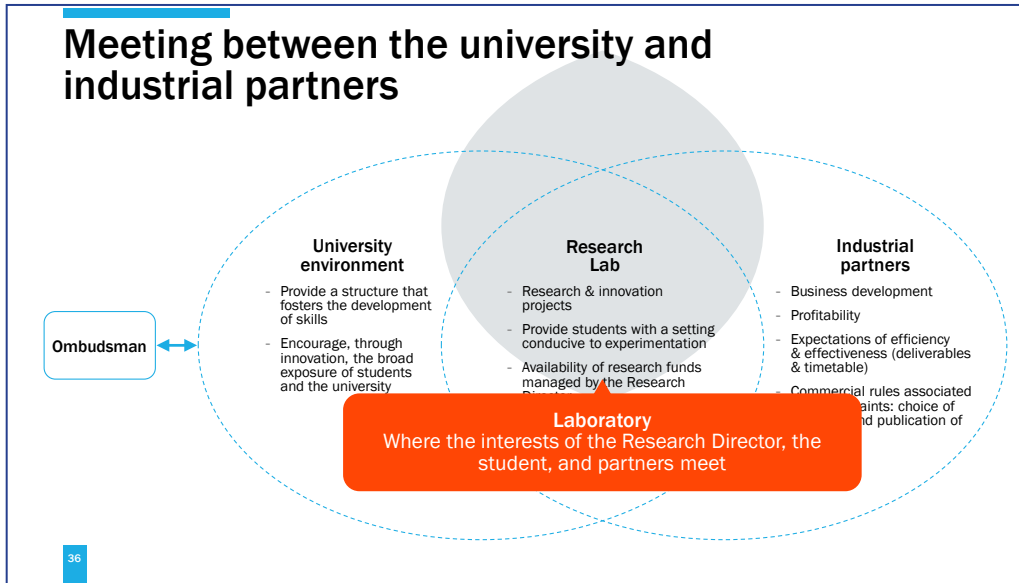
### Issues

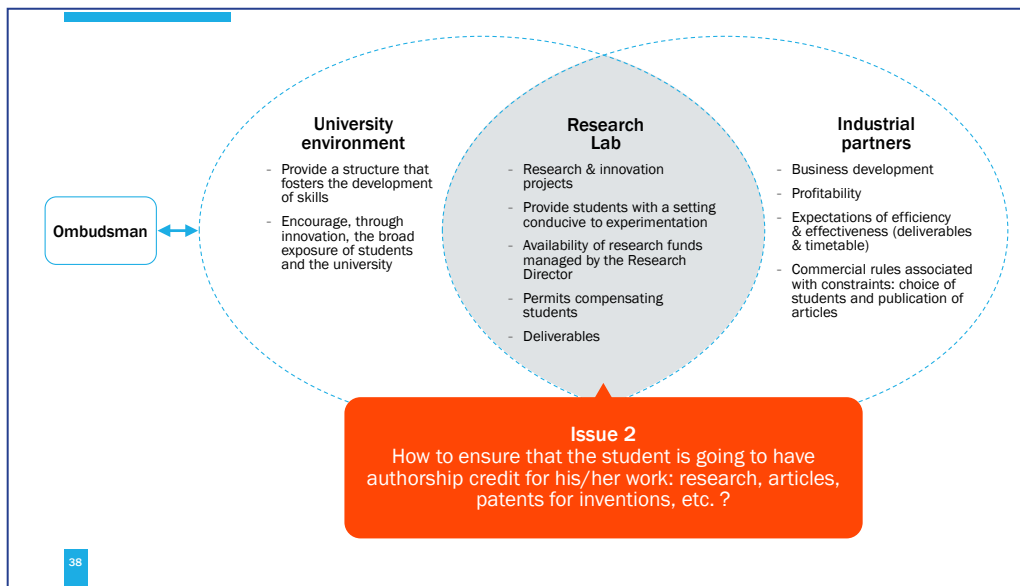
- Requirements / deliverables
- Constraints / choice of students



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## And the solution is

Present your analysis of the situation to the student and the potential courses of action. Based on his/her expectations: change thesis director, complete doctorate as quickly as possible, get ownership of articles and patents for inventions...

Have the student understand the potential impacts of the different solutions: divulgation of information, financial risks, delay in completing doctorate...

Have the student understand the potential impact of the choice you will have to make between your role as ombudsman and that of facilitator

**Issue:** Explain the difference between what one perceives and observes and the needs of the situation (e.g. conflicting departmental dynamics, problematic behaviour of the Research Director)

## Get involved in a facilitation process

# 1

### Prior meetings: establish interests

- What has each one to lose by ending their relationship?
  - graduate student: lengthen the time for completing doctorate
  - supervisor: loss of expertise in laboratory

# 2

### Agree on facilitation objective

- Redefine research subject
- Establish ownership of patents for inventions, articles
- Agree on a timetable for defending thesis

# 3

### Define the role of each party in the process

#### Pitfall to avoid

Desire to shift the balance of power between the student and the Research Director

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### Conditions for success

- Make a diagnostic to help you understand the roles and responsibilities of each stakeholder to determine intervention leveraging options
- Obtain commitment from all the parties to act in good faith in the search for solutions
- Question yourself continually to encourage maintaining an open dialogue
- Ensure that your interventions meet the interests of the student and adjust your approach accordingly
- Choose your role: facilitator, mediator, or ombudsman

Judy Clements, Josef Leidenfrost, Marta Elena Alonso de la Varga,  
Martine Conway

**Managing Unacceptable Complainants' / Visitors' Behaviors in Higher Education  
Ombudsman Schemes**

**Examples from England/Wales, Austria, Spain and  
Canada. How to Adopt them for your Own Work Environment**

## Principles



- We are committed to providing a fair, consistent and accessible service
- We believe that everyone who approaches us has the right to be heard, understood and respected
- We believe that OIA staff have the same rights, and we must provide a safe working environment for our staff
- We must also ensure the efficient and effective operation of the OIA Scheme

19/07/2017

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2

## What is unacceptable behaviour?



- Aggressive, offensive or abusive actions or behaviour
- Unreasonable demands or persistence

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3

## Aggressive, offensive or abusive actions or behaviour



Actions or behaviour that could cause staff to feel intimidated, threatened or offended:

- includes, but not limited to: threats, physical violence, personal verbal abuse, derogatory remarks, and rudeness
- inflammatory statements and unsubstantiated allegations can amount to abusive actions or behaviour

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## Unreasonable demands



Unreasonable demands may include:

- requesting responses within an unreasonable timescale
- insisting on speaking to or corresponding with a particular member of staff
- continual phone calls, emails, or letters
- repeatedly changing the substance of the complaint or raising unrelated concerns
- attending our offices without an agreed appointment

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## Unreasonable persistence

### Unreasonable persistence may include:

- persistent refusal to accept a decision made in relation to a complaint
- insisting that we answer questions when we have done so or explained why we will not
- persistent refusal to accept explanations relating to what the OIA can or cannot do
- sending emails to multiple members of staff
- continuing to pursue a case once our processes have come to an end

## Why does it matter?

- Detrimental to staff wellbeing and morale
- Makes it difficult to deal with the complaint effectively:
  - Disproportionate time spent logging correspondence and calls, in telephone discussions and responding to emails
  - Risk that important points get lost in the volume of correspondence
- Negative effect on our ability to deal with other cases



## Our approach

- Prevention: staff are trained to diffuse situations and avoid escalation where possible
- Unacceptable Behaviour Policy introduced to provide a tool for staff in managing behaviour
- Aim is to take the minimum action necessary to protect staff and ensure they can work effectively, and wherever possible to allow a complaint to progress through our process

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## Guidance for staff

- Guidance note for staff to support the Policy
- Quick reference cue card to help staff remember what steps to take (eg during a telephone call)

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## Using the Unacceptable Behaviour Policy



- Firstly, we tell the person why we are finding their actions or behaviour unacceptable and give them the opportunity to modify it
- If the actions or behaviour continue, we take steps to prevent or minimise the negative effects

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## Telephone calls



- Unacceptable behaviour is most common during telephone calls when we are unable to provide the response/outcome the person would like
- All OIA staff who experience such behaviour have the right to either place callers on hold or to end calls
- Staff are required to log all instances of when calls have been terminated, noting the reason(s) for ending the call

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## Restrictions to contact

- If the actions or behaviour persists, we may apply further restrictions to the person's contact with us
- Decision to apply restrictions may be taken by any OIA manager
- We record any incidents which lead us to take action under the Policy, and what action we have taken to address the issue.

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## Examples of restrictions we may apply

- Limit the person to making telephone calls on a specified day/time
- Require that contact is with a specified member of staff
- Decline to accept any further telephone calls from the person, while still maintaining at least one form of contact
- Require the person to communicate with the OIA through a representative

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## Further restrictions

- If these steps are not successful in changing behaviour, we may take further action:
  - Read and file future correspondence but not respond to it
  - Suspend or terminate consideration of a complaint in accordance with the Rules of the Scheme
  - Where appropriate, report the matter to the Police, appropriate governing body or take legal action

## Additional considerations

- Certain mental illnesses or disabilities may make it difficult for people to express themselves
- We can make adjustments for that, but may still need to apply the Policy

## Examples of use of the Policy

- Abusive language used in a telephone call following a Not Justified decision – call terminated
- Contact from a persistent caller restricted to one member of staff and only on a given day and time
- Email expressing hope that the case-handler would suffer the same misfortune that the student suffered – referred to Policy and asked not to make such remarks
- Communication with an aggressive student limited to corresponding in writing

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## Challenging a decision to apply restrictions

- Under Scheme Rules, a person may appeal a decision to suspend or terminate a complaint
- A person who is unhappy with any decision made under the Policy may submit a complaint which will be considered under our service complaints procedure

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## Benefits of the Policy

- Helps staff to identify unacceptable behaviour and actions and know how to respond
- Staff are empowered by the existence of the Policy and find it reassuring that they can apply it when necessary
- Protects staff wellbeing and shows the OIA cares about it
- Reduces the potential impact of unacceptable behaviour on our efficiency

## Lessons learned (1)

- Perceptions of what is 'unacceptable' vary – the Policy promotes a consistent approach
- Following the steps required by the Policy, particularly during challenging telephone calls, can be difficult
- Accurate record keeping and good internal communication is critical should matters escalate and also to alert colleagues

## Lessons learned (2)

- Use of the word 'unacceptable' to describe behaviour can inflame the situation
- Invoking the policy can change the relationship between the case-handler and the complainant
- Case-handlers can be reluctant to refer to the Policy
- Referral to or use of the Policy is often raised in complaints about our service

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## Recent developments

Recent review of the Policy aims to retain the benefits of the current approach and address its weaknesses:

- New guidance for complainants on how they can help us to review their complaint – to encourage constructive interaction
- Wherever possible complainants directed to this guidance before the formal Policy is invoked – easier for case-handlers to refer to positive guidance and less inflammatory
- Re-framing the Unacceptable Behaviour Policy as the Behaviour Policy and in more positive terms – avoids labelling behaviour as unacceptable or making value judgements

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21

Anna Cybulko

Are students nowadays too demanding?

Review of main academic problems resulting from the lack of shared definition of student's role

## 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.



UNIWERSYTET

## Problems, problems...

- (My friend just tried to be active, and so she shared her doubts during the web discussion) Why is he mad at her?
- (I was absent at three last classes and I want to know what to do) Why is he not answering my e-mails?
- (We don't want that teacher, he is boring) Why aren't the Dean reacting to our petition!?
- (They are not opening the specialisation they promised, our professional plans collapsed, this problem needs to be solved) Why don't they want to talk with us...?!)



Prepared by Anna Cybulko, Ombudsman of University of Warsaw



## Problems, problems...

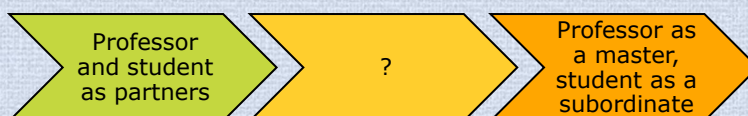


Prepared by Anna Cybulko, Ombudsman of University of Warsaw

- *She spoils my lecture criticising everything. Speaking when she is not asked to speak. Not acting according to the rules. During the lecture it's time for reception not the discussion.*
- *They write to me on my private address. They write to my during my vacation. They write as they were my colleagues. And of course they expect me to answer right away.*
- *Students want to influence everything. If I let them they would re-organize my office and fire my secretary. I am the one who is responsible for the organization of the studies and I am not going to let them criticise well known professor with years of experience.*
- *We planned to open this specialisation, but there are not enough students to make it financially efficient. We have informed the students about it, but there is no point in discussing it with them. They just have to accept it.*

## Roles of students in teaching process

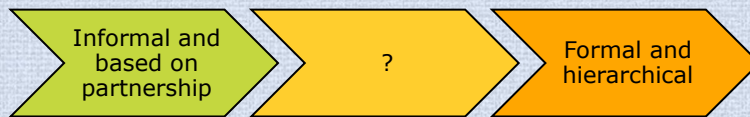
- *(My friend just tried to be active, and so she shared her doubts during the web discussion) Why is he mad at her?*
- *She spoils my lecture criticising everything. Speaking when she is not asked to speak. Not acting according to the rules. During the lecture it's time for reception not the discussion.*



Prepared by Anna Cybulko, Ombudsman of University of Warsaw

## Appropriate style of communication

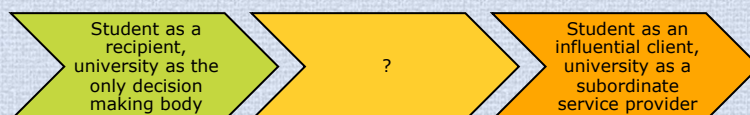
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Prepared by Anna Cybulko, Ombudsman of University of Warsaw

## Roles of students in decision making process

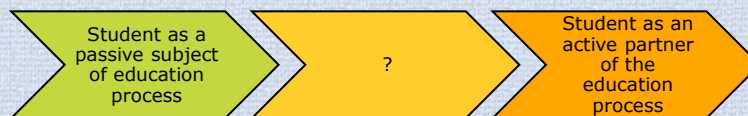
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Prepared by Anna Cybulko, Ombudsman of University of Warsaw

## Students position at the University

- (They are not opening the specialisation they promised, our professional plans collapsed, this problem needs to be solved) Why don't they want to talk with us...?!)
- *We planned to open this specialisation, but there are not enough students to make it financially efficient. We have informed the students about it, but there is no point in discussing it with them. They just have to accept it.*



Prepared by Anna Cybulko, Ombudsman of University of Warsaw

## University Paradigm

University as:

- a service provider working for the students (student as a client)
- a unique fellowship of scientists and students based on specific academic values
- A financially efficient enterprise of scholars (student as a necessary evil)

Prepared by Anna Cybulko, Ombudsman of University of Warsaw

## Main aim of University?

- Professional education of students (didactics)
- Making science (scientific work)
- Financial self-efficacy (organization & administration)
- All above...

Prepared by Anna Cybulko, Ombudsman of University of Warsaw

## Who are (over) demanding students?

- Students crossing the line.
- Where is the line?
- Roles of the students:
  - Active (co-creating University)
  - Passive (studying and accepting reality)

Prepared by Anna Cybulko, Ombudsman of University of Warsaw

## Ombudsman's contribution

to the process of defining the philosophy of the academy and roles of the particular groups of its members

- Individual level
- General level
- Strategic level

Prepared by Anna Cybulko, Ombudsman of University of Warsaw

## Contact

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Tel. **+ 48 (22) 55 27 813**

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

Prepared by Anna Cybulko, Ombudsman of University of Warsaw

**Patty Kamvounias**

## **Challenges for higher education**

### **Is there a communication gap between ombudsmen and students?**

#### **Overview**

- About me
- About higher education in Australia
- Dealing with student grievances and appeals
- Case study:  
unsolicited requests for assistance with student complaints (2011-2016)
- Responses reflections and recommendations
- Limitations and conclusion

The University of Sydney

Page 2

#### **About me:**

##### **Patty Kamvounias**

Senior Lecturer in Business Law

Discipline of Business Law Postgraduate Coordinator  
Program Director (Graduate Commerce)

Member of the Academic Board  
Member of the Student Appeals Panel



## About higher education in Australia:

40 Universities  
(37 public institutions + 3 private)

Other higher education providers

Department of Education - Higher Education Statistics  
2016 student data:

**total number of students = 1, 249,544**

**92% enrolled at public universities**

**76% domestic students**



## About higher education in Australia:

### Costly

(mix of full fee courses and government supported student places)

**Large number of international students**  
(mostly from non-English speaking backgrounds)

**Competitive entry** (especially for professional courses like law & medicine)



## Dealing with student grievances and appeals: within universities

- **policies and procedures** to deal with student disputes and misconduct required by:  
*Higher Education Support Act 2003* (Cth)  
*Education Services for Overseas Students Act 2000* (Cth) (ESOS)  
examples include rules/by-laws dealing with discipline and committees dealing with academic appeals, research misconduct etc
- 12 universities have an **ombudsman on campus**  
First university ombudsman established in 1977 at UNE (University of New England)  
By 2000 there are 5: + UTS, LA Trobe, QUT, CQU  
By 2015 there are 12: + CSU, Macquarie, Monash, RMIT, Southern Cross, Uni SA, Sunshine Coast
- 5 universities have a **Dean of Students**  
Australian National University, Canberra, Charles Sturt, Newcastle, Wollongong

## Dealing with student grievances and appeals: outside universities

- **Courts and tribunals** (State, Territory, Commonwealth level)
  - **NO** single national ombudsman to deal with student complaints in Australia:  
**contrast**
- BUT
- 

Ombudsstelle  
für Studierende
- 

oia office of the  
independent  
adjudicator  
"for students in higher education"
- **Parliamentary ombudsman** (State, Territory, Commonwealth level):  
can investigate complaints about **public universities**  
(from students, staff and others)
  - **Overseas Student Ombudsman** (Commonwealth level):  
can investigate complaints about **private institutions** (from overseas students)



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



## Ombudsmen on campus + public sector ombudsmen

- Website
- Telephone
- Freecall number
- Facsimile
- Email
- Languages other than English
- Interpreter ?
- Office Location
- Postal address



- Information  
(what you can complain about; making a complaint; handling the complaint, possible outcome/s etc)
- Targeted Information  
(information/fact sheets; brochures etc)
- Complaint forms  
(printable + online)
- Annual Reports  
(required ? contents?)



## Monash University – student complaints

We hope you have a positive relationship with the University and our staff, but we realise that sometimes things go wrong. When that happens, you may need to make a complaint.

### Step 1: Talk to the staff member concerned

Complaints can often be sorted out quickly if you raise them directly with the staff member concerned.

### Step 2: Talk to their manager

If you can't resolve the problem directly, or you feel the staff member is biased, you can take your complaint to the next level (their manager, the unit leader or the chief examiner, for example).

### Step 3: Make a formal complaint

If you haven't been able to resolve your complaint by talking to the relevant people, you can lodge a formal complaint to the relevant grievance officer, using the [Grievance Lodgement Form](#) (pdf, 0.09 mb).

Before you do this, you should check you have:

1. considered ways to resolve the complaint informally
2. talked to a [student rights officer](#) or [faculty grievance officer](#) to get some advice.



MONASH University

Public research university

Based in Melbourne,  
Victoria

Total enrolments  
approx 70,000 (2015)

## Monash University – student complaints

### Step 4. Appeal to the University Student Ombudsman

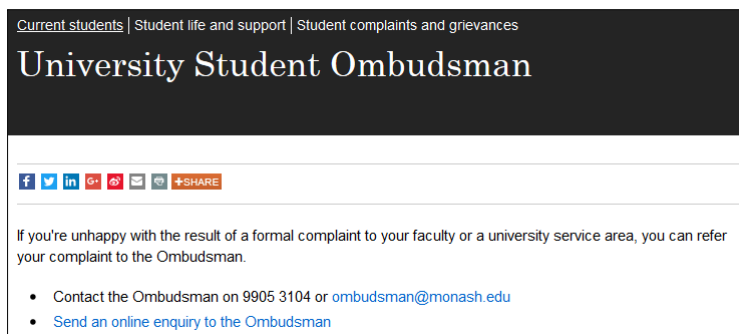
If you're not happy with the result of your formal complaint, you can appeal to the [University Student Ombudsman](#).

The Ombudsman will **not** get involved until you've taken all reasonable steps to resolve the complaint with the faculty or administrative department concerned.

### Step 5. Appeal to the Victorian Ombudsman

If you're still unhappy about the situation, you can appeal the University Student Ombudsman's decision to the [Victorian Ombudsman](#).

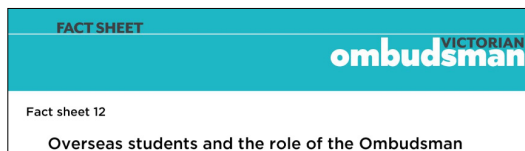
### Monash University – student complaints



The screenshot shows the top part of a webpage. At the top, there is a navigation bar with links: "Current students", "Student life and support", and "Student complaints and grievances". Below this is a large black header with the text "University Student Ombudsman" in white. Underneath the header is a row of social media sharing icons for Facebook, Twitter, LinkedIn, Google+, and Email, followed by a "+SHARE" button. The main content area has a white background and contains the text: "If you're unhappy with the result of a formal complaint to your faculty or a university service area, you can refer your complaint to the Ombudsman." Below this text is a bulleted list with two items: "Contact the Ombudsman on 9905 3104 or [ombudsman@monash.edu](mailto:ombudsman@monash.edu)" and "Send an online enquiry to the Ombudsman".

### Ombudsman – Victoria

- <https://www.ombudsman.vic.gov.au/getattachment/7d430849-3f34-437a-a979-4c0f505ee604//fact-sheets/for-complainants/fact-sheet-12-overseas-students-and-the-role-of-th.aspx>
- <https://www.ombudsman.vic.gov.au/Reports-Publications/Parliamentary-Reports/Investigation-into-how-universities-deal-with-inte>



## Case study

- Unsolicited requests for assistance with a complaint about a university
- Received over the period 2011 to 2016
- Form of contact?
  - Email (but one direct telephone call)
- Who makes contact?
  - Students (but also spouse, parent, employer and lawyer)

## Case study

- Why contact me?
  - Refer generally to my research/academic publications;  
or to specific conference papers/journal articles
    - 'Student complaints about public universities to parliamentary ombudsmen in Australia: recent trends and future directions'  
*Tertiary Education Management Conference, Gold Coast Australia, 17 August 2011* \*\*
    - 'Legal Challenges to University Decisions Affecting Students in Australian Courts and Tribunals' (2010) 34(1) *Melbourne University Law Review* 140 \*\*\*\*
    - 'Getting what they paid for: consumer rights of students in higher education' (2006) 15(2) *Griffith Law Review* 306 \*\*

## Requests for assistance – student profile incomplete

University	School	Degree	Gender	Nationality
Western Sydney	Business	PhD	M	Malaysia
Newcastle*	Pharmacy	PhD	F	Iran
Newcastle*	?	PhD	F	
UNSW	?	PhD	M	USA
NSW (?)	?	PhD	F	
USyd	Nursing	PG	F	
Queensland (?)	Law	PG	F	
Deakin	Medicine		M	
ANU*	Medicine		M	

The University of Sydney

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## Requests for assistance

### – Concerns about mental health

- *“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... ... She has spent another wasted year struggling to survive and suffering constant physical and mental distress and panic attacks – one so bad on December 26<sup>th</sup> that she was admitted to the Emergency Department of St George Hospital.”* (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 University of Sydney

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## Requests for assistance

### – Nature of complaints about universities

- Termination of PhD candidature
- Excluded from program for unsatisfactory academic progress
- Transfer to another university (permission withheld)
- University appeals process (university had not followed its procedure)
- Change of supervisor
- Refund of fees
  
- Request for re-mark and answer guides to failed exam
- Recognition of prior learning based on work experience
- Teaching materials that contain mistakes/typographical errors



## Requests for assistance

### – Responses: how can I help?

- Cannot give legal advice
  - Cannot refer students to law firms that represent students
  
  - Reply promptly (same day whenever possible)
  - Outline options
  - Where appropriate, suggest students seek assistance from relevant:
    - university policies and procedures
    - student associations
    - ombudsman
- (and include web links when available)

## Requests for assistance

### – Reflections: why do students approach me?

- Want to tell someone outside their university?
- Trust issues within their university? Perceived bias or conflict of interest?
- Lack of knowledge of help that is available?
- Unmet demand for advice about rights and options?
- Disconnect between communication efforts of university/ombudsmen and students?



## Requests for assistance

### – Suggestions:

- How do students know about the student ombudsman office?
  - Monitor referrals of complaints to better understand visibility and accessibility for students who use the ombudsman
  - Use information to better target information resources towards the student community
- A website is not enough – reach out to student associations; counsellors; medical centre on campus; community legal centres near campus; academic staff; student centre; school offices etc
- But what if students use/search Google instead of website?  
Make sure information is strategically placed so search picks it up
- Identify law firms that can assist if all else fails

**Judy Clements**

## **Current Challenges for Higher Education Ombudsmen A Perspective from England and Wales**

It is indeed a pleasure for me to be here amongst such global esteemed colleagues, with what I believe is a shared vision, where we are all as Higher Education Ombudsmen Beacons striving in our quest to ensure fairness and transparency in our handling of student complaints in Higher Education.

The Office of the Independent Adjudicator for Higher Education (OIA) was designated as the operator of the student complaints scheme in England and Wales under (Sec. 13) of the Higher Education Act 2004 (with effect from January 2005). We are an ombudsman scheme of last resort, and our decisions can be challenged through Judicial Review. We are a national scheme but with two jurisdictions. Wales which is a small administration has devolved powers for Education, consequently it is incumbent upon us to listen and consult with colleagues in the Welsh government in respect of their legislation.

The OIA was established as a company limited by guarantee. The company members are key Higher Education bodies including National Union of Students (NUS) and Universities UK. Their presence on our non-executive Board is balanced by nine Independent Directors, including the Chair. Since 2011 we have also been a registered charity, meaning that our funds can only be spent on our charitable purpose, the advancement of education.

In the short time we have I propose to discuss three key challenges that face the OIA as a national scheme. These are:

- Legislative,
- Operating as a key player in the regulatory framework but not being a regulator, that will take me nicely into the third challenge of,
- Maintaining our independence.

In concluding I will make reference to the UK's departure from the EU and say the potential impact of Brexit on the UK Higher Education sector.

Legislative challenges:

Two recent legislative changes have impacted significantly on the OIA since its inception twelve years ago. The first is the 2015 Consumer Rights Act. The effect of this piece of legislation extended the range of Higher Education providers required to participate in the scheme. This meant for the first time our colleges of Further Education delivering Higher Education courses had to join the OIA scheme. The significant challenge for us (OIA) was the sudden and rapid growth in membership from 150 in 2015 to now well over 700.

This challenge not only included the administration of formal entry into our scheme, explaining how the scheme works to providers including subscription levels, this is important for smaller providers where money can be an issue, and we had to develop an understanding of how they work, (SCITT's); ensuring they have adequate procedures in place to properly deal with student complaints. We designed a series of webinars because it was impossible to reach everyone at the same time and smaller providers have limited staff resources to take time away from their place of work. These interactive sessions were short snapshots on introducing the OIA, our remit, our processes and particular topics such as remedies. This also gave us an opportunity to learn more about providers, so for us it was also information gathering too.



The second more recent legislation to create huge impact in our Higher Education system is the Higher Education and Research Act that came into force on 27 April exactly two months ago and governs Higher Education providers in England, although some provisions also apply in Wales. This legislation also impacts on the OIA. Again not unlike the 2015 Consumer Rights Legislation, the Higher Education and Research Act 2017 will further extend our membership. There are currently well over 700 higher education providers in the Scheme. On the 20th of this month the Welsh Government published its own White Paper (Public Good and a Prosperous Wales). This document sets out proposals for reforming post-compulsory education and training in Wales. It is the intention of the Welsh Government to set up a new regulatory body called the Tertiary Education and Research Commission for Wales. We need to ensure that we respond effectively to these new developments in Wales.

The most significant feature of this new HERA legislation is the introduction of a new regulator for Higher Education in England - This will be known as The Office for Students and will come into operation in April next year (2018) . The OFS will be responsible for approving new entry for providers to the sector by creating a register for all providers, all members on the register will be required to join the OIA scheme. A Government consultation will take place in the Autumn on the Office for Students and the regulatory framework.

Undoubtedly a degree of fluidity will occur in the sector as providers enter, merge, leave, or change their type of provision, and an ongoing challenge for us will be to keep up to date with which providers should be members of our Scheme and which of their students can complain to us. In some providers it is only the students who are taking higher education courses that can come to us so our focus will also be on what falls within the definition of HE.

There is also an expectation that providers will need to follow the OIA's Good Practice Framework when handling complaints and academic appeals, if they wish to access public funding (including student support funding), or sponsor international students. We will be working with the sector to make sure that the Good Practice Framework is used in an appropriate way.

The OFS will be the principle Regulator in the HE sector and will have responsibility for quality and standards and fair access. Our relationship with it is a critical one and how we approach this is crucial to our developing role in the landscape.

This takes me nicely into the second area I want to cover: That of the OIA as a key player in the HE regulatory landscape, but we are most definitely NOT a regulator. How do we reconcile this?

The key is in remaining true to our Purpose, vision, values, and aims. We aim to deliver an effective, efficient, trusted, timely, proportionate review of complaints service, all geared towards improving the student experience. As part of our purpose in promoting good practice across the sector we have to work closely with the regulators and other bodies and exchange intelligence but at the same time ensuring that our independence is not compromised.

For example having clearly defined boundaries for information exchange, (e.g. re concerns about certain providers) and data sharing, having clarity about our (the OIA's) remit as distinct from the regulator to ensure as far as possible that students have a sound understanding of the respective roles of the OIA and in this case the OFS the Competition and Marketing Authority and Professional, Statutory and Regulatory Bodies.

The OIA is the student ombudsman: we are the only organisation that considers individual complaints by students about English and Welsh providers, and recommends individual remedies where appropriate.

I now come to my next point of challenge - Independence! How do we maintain our independence as Ombudsmen in a volatile world faced with sustained political and economic uncertainty? At the OIA we guard our independence fiercely!

Historically long before I joined the organisation, the Browne review of 2010 proposed merging the OIA with the bodies responsible for funding, fair access and quality assurance. This proposal, made without prior consultation with us, soon fell by the wayside. But since then we have cultivated a more active engagement with government and other sector bodies. Since the start of the legislative journey of the 2017 Higher Education and Research Act the OIA has as a result of its own credibility received strong support from the sector, including both providers and student representative bodies, and government. The English government repeatedly stressed the importance of an independent ombudsman for students: in making their business case for students, this is what our government Department for Education said this time last year:- „In the case of the OIA, good practice dictates that the ombudsman role should ideally be kept separate from that of the regulator to maintain independence. Current legislation deliberately places a requirement on government to designate a separate body to handle complaints in order to maintain its independence and prevent any potential conflicts of interest if the function was brought within the direct remit of the regulator“.

This reflects years of sustained work with policy makers to preserve independence and position the OIA as a discrete body, and to establish us fully as part of the regulatory framework.

## **Other challenges**

A few years ago we faced a significant challenge with a high volume of complaints. This has since levelled off and enabled us to focus more on promoting good practice. Our outreach programme of visits, workshops and webinars enables us to share our learning from complaints with providers across England and Wales. Their staff and student representatives share their own experiences at these events with us and with each other. This is to the benefit of the HE sector as a whole.

In addition, our Good Practice Framework distils this learning into practical principles, to promote standards of complaints handling in providers.

Another challenge for ombudsmen can be compliance with their decisions. HE providers have a very strong record of complying with OIA recommendations. I name in my Annual Report providers who do not comply with our recommendations and we have done this twice, in 2010 and in 2012.

Finally a brief word on Brexit. The implications of the UK's divorce from the EU for the HE sector remains unclear. Our engagement with the sector to date has made us aware that there has been a significant decline in the volume of students who have applied to study at British universities, we will monitor any emerging trends for example in student numbers that may affect the OIA. At some of our British HE institutions international students currently make up a significant proportion of the student population.

The uncertainty created by Brexit appears to have had an effect already on student numbers and this has a potential knock on effect on our funding model. Our challenge here is to continue to fulfil our role through the changes to come and to ensure fairness and appropriate remedy for students.

So colleagues as you can see the next few months for us will be hectic as we prepare to enter an intense period of consultation as the new UK HE landscape unfolds.

**Martine Conway**

**Dealing with Sexualized Violence: Problems, Solutions and New Challenges**

Dealing with Sexualized Violence  
Problems, Solutions and New Challenges

Martine Conway, Ombudsperson  
University of Victoria

ENOHE Conference, Strasbourg June 28-30, 2017

ombuddy@uvic.ca

**OVERVIEW**

Contents:

- What happened
- Main issues
- Opportunities and challenges

Goals:

- Brief highlights to identify on-going challenges
- Focus on students

ombuddy@uvic.ca

## WHAT HAPPENED

Not a new issue, yet 'suddenly' all over the media

Even after several high profile media reports, a range of cases continue to occur:

- Frosh week chant glorifies non consensual sex
- Police detains two students after report of sexual assault
- Professor dismissed after sexual harassment investigation

[ombuddy@uvic.ca](mailto:ombuddy@uvic.ca)

## Dalhousie dentistry (2015)

Layers of complexity

- Dentistry students disciplined for misogynistic comments on Facebook
- Long history of misogyny in the Dentistry faculty
- University makes many errors during investigation

[ombuddy@uvic.ca](mailto:ombuddy@uvic.ca)

## Advocacy leading to legislation

Strong advocacy from survivors and support groups

Several provincial governments enact legislation requiring universities to develop policies on sexualized violence (e.g. Ontario, BC, Manitoba)

Responsibilities:

- Educate and prevent
- Respond, investigate and adjudicate

[ombuddy@uvic.ca](mailto:ombuddy@uvic.ca)

## ISSUES

Feedback from consultation on barriers:

- Victims/survivors didn't feel supported
- Cases went undisclosed and unreported
- Individuals were (afraid of) not (being) believed, experienced re-victimization, felt ashamed about what had happened
- There was no transparency in the process (who, what, when , how)
- Inadequate support services for victims/survivors
- Dis-information (e.g. 'nothing will be done')
- Alleged perpetrators continued on campus

[ombuddy@uvic.ca](mailto:ombuddy@uvic.ca)

## OPPORTUNITIES AND CHALLENGES

What's improving:

- Stand-alone policies to educate/prevent, respond/support, investigate/adjudicate
- Trained staff and leaders to strengthen proactive education and prevention programs (before arrival, on arrival, on-going)
- Support systems for survivors: in-house (case managers, by-stander training,...) and links to community resources (survivor-centered, trauma-informed approaches)
- More transparent and robust investigation and adjudication mechanisms, including interim measures to separate survivors and alleged perpetrators
- Systems for collecting and publicly reporting information annually

[ombuddy@uvic.ca](mailto:ombuddy@uvic.ca)

## Huge opportunity for a change of culture

- promotion of safe and respectful relationships and behaviours
- Proactive and clear pathways for: prevention, supporting survivors, repairing harm, accountability

[ombuddy@uvic.ca](mailto:ombuddy@uvic.ca)

## Challenges in the (campus) culture

- rape culture
- hook-up culture
- unsafe use of alcohol and drugs

ombuddy@uvic.ca

## Challenges in investigation and adjudication

(Student) respondents:

- also face trauma and barriers (life history, cultural norms and expectations, ...)
- are also impacted (self concept, fear of investigation, academic and administrative repercussions, reputation and career prospects,...)
- often do not understand the standard of proof (balance of probabilities); may become locked in an ineffective defensive position
- may be given legal advice not to participate in a university process
- may face very significant penalties (e.g. expulsion)

ombuddy@uvic.ca

## Challenges for student respondents (cont.)

Because of this, they

- may experience the process as unfair and not participate effectively
- may not have the opportunity to develop empathy for the person affected or to participate in restorative accountability processes/learn
- may not have a full opportunity to be heard

ombuddy@uvic.ca

## Importance of ...

Respondents' access to trauma-informed and supportive services to

- understand and navigate the process,
- understand options,
- problem-solve academic and administrative issues
- Etc.

Appropriate community accountability mechanisms (e.g. restorative justice)

ombuddy@uvic.ca



## On-going challenges for universities:

- Tension in achieving a fair process and outcomes for all involved and affected
- Tension in requirements for communication (transparency) and the protection of privacy

ombuddy@uvic.ca

## Thank you for your interest

Information on UVic's process:

<https://www.uvic.ca/info/sexualizedviolencepolicy>

**Nirupa Shantiprekash and Eugène van der Heijden**  
**Diversity, Equal Opportunity and Inclusiveness**  
**– a Shared Approach at Leiden University**

**Diversity, Equal Opportunity and Inclusiveness**  
***“a shared approach at Leiden University”***

Nirupa Shantiprekash & Eugène van der Heijden Date : June 29, 2017



Universiteit  
Leiden  
The Netherlands

**In Leiden  
and The Hague**

**Leiden**

**The Hague**

The Netherlands

Amsterdam



Universiteit  
Leiden  
The Netherlands



## Core value



### **Inclusiveness and diversity**

an open community in which everyone feels at home and has equal opportunities

### **Set up plan 2015-2020**

offer an open space and environment in which all community members can develop their talent

Discover the world at Leiden University



## Diversity Office Leiden University



- Support of faculties
- Training courses
- Diversity advice
- Annual symposium
- Let's Talk sessions
- Programs
- Methods

## Key Objectives

- Gender conscious appointment policy
- Study success for all students
- Gender balance in research
- Diversity expertise in the community
- Ethnic diversity in staff
- Core value discussions
- Small scale pilots in faculties

## Working together...



## Ombuds Officer Leiden University

Confidential, neutral, independent

Complaints of (only!) students

Improper treatment

Disabilities and disorders

International complaints (40%)

Category: "diversity complaints"



## Ombuds contribution to Diversity key objectives



- Study succes +
- Employee gender balance --
- Diversity knowledge +-
- Pilots within faculties -+
- Expertise on diversity +



## Examples “Diversity Cases”

Insufficient consideration for physical disabilities or mental disorders

Lack of consideration for socio-cultural background(s)

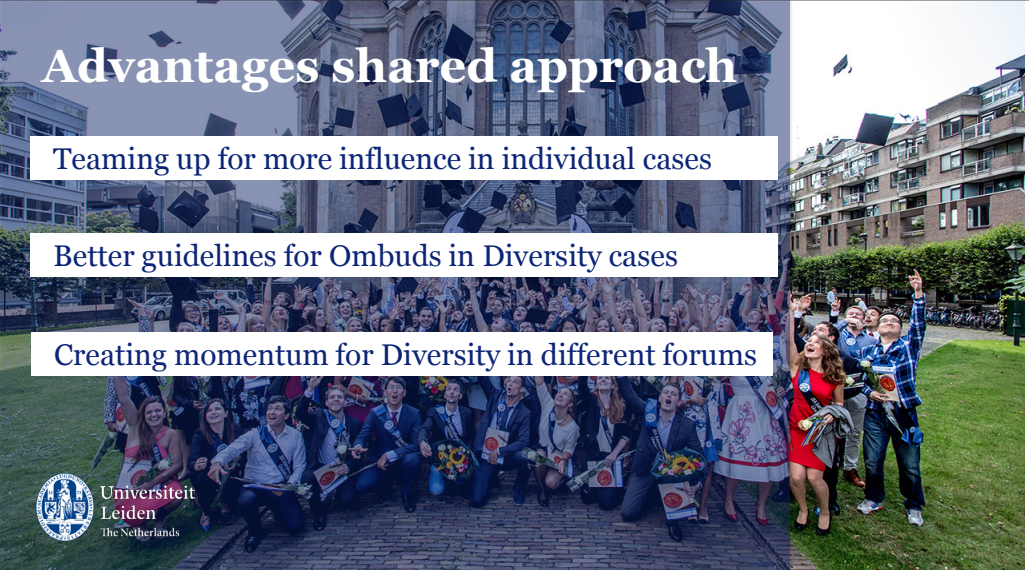
Disrespect for sexual orientation or gender identity

Inadequate facilities for student mothers

Exclusion of non-EU students from work within Faculty




Universiteit  
Leiden  
The Netherlands



## Advantages shared approach

- Teaming up for more influence in individual cases
- Better guidelines for Ombuds in Diversity cases
- Creating momentum for Diversity in different forums

 Universiteit  
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The Netherlands

[www.universiteitleiden.nl](http://www.universiteitleiden.nl)

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Universiteit  
Leiden  
The Netherlands



**Elisabeth Rieder**

**The Austrian University Act and the UN Convention on the Rights  
of Persons with Disabilities  
Experiences from the Department for Disability Affairs  
of the University of Innsbruck**

 universität  
innsbruck



The University of Innsbruck was founded in 1669 and is one of Austria's oldest universities. Today, with over 28.000 students and 4.500 staff, it is western Austria's largest institution of higher education and research. For further information visit: [www.uibk.ac.at](http://www.uibk.ac.at).

The Implementation of the Austrian University Act and the UN Convention on the Rights of Persons with Disabilities by the Department for Disability Affairs of the University of Innsbruck as seen in a pilot practice project involving the first blind student in Central Europe to earn a regular university degree in chemistry, namely at the University of Innsbruck in 2016.

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 universität  
innsbruck

This is an especially well-suited subject for this illustrious conference for several reasons:

- it involves ombudspersons as well as diversity and disability on campus
- the pilot project is practice-oriented
- and this pilot project includes innovative approaches

Our motto for this innovative pilot project was always

“trial and error – have the courage to fail, but never say never”!

## The pilot project was the product of the following laws and standards

- the **Austrian University Act**, where Section 59 governs the modified examination modalities
- the **Austrian Constitution**, where Section 21 prohibits discrimination
- the **Austrian Act on Equal Treatment of Persons with Disabilities**
- the **Austrian Privacy Law**
- the **UN Convention on the Rights of Persons with Disabilities**, an international treaty that was transferred to Austrian law using the **National Action Plan**
- the Austrian Standards, and especially the standards for barrier-free planning and construction.

## The following instruments and services were available at the University's Department for Disability Affairs:

- intense, close-knit counseling talks to discuss the student's needs – on the basis of these talks individual decisions were made
- the Department for Disability Affairs as the interface and coordination center for matters inside and outside the University
- a „*studium irregulare*“ was worked out with the university management
- permission to modify examination modalities
- tutors
- a workplace for blind and visually impaired students that must be available to all such students at the University of Innsbruck, and
- the Digitalization Department, where scientific literature is processed to make it as barrier-free as possible

## Where did this innovative pilot project meet the limits of feasibility?

- budget
- great degree of support
- Coordinating matters inside and outside the University
- Untiring awareness raising
- The model student, prestige student, exemplary student
- Digitalization
- Laboratory Work

## Conclusions and future perspective

- The project was so successful because all of us, inside and outside the University, had an enormous amount of perseverance.
- “We have to have the courage to fail.”
- But each time we got back up, dusted ourselves off and tackled the problem again from a different angle. Like trial and error.
- enormous motivated student
- only when everyone pulls in the same direction, can such an innovative pilot project work

It is my heartfelt wish that this innovative pilot project does not remain one of a kind, but that it serves to motivate many more persons to take an innovative and unconventional approach to adopt the courage to fail, but certainly to never, ever say never !



**Daniel More**

**The Role of the University Ombudsperson in the Protection of the Rights of Students with Learning Disabilities with an Emphasis on Students with ADHD- the Israeli Experience**

**The Role of the University Ombudsperson in the Protection of the Rights of Students with Hidden Disabilities with an emphasis on Students with ADHD - The Israeli experience**

**Professor Daniel More**



July 2017

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## The Ombudsperson in Tel Aviv University



### The Ombudsperson - Background

Section 22 of the Student Rights Law 2007 provides that in any post-secondary school institution in Israel there should be an ombudsperson.

#### Students Rights

Every student and candidate to be student is entitled to submit a complaint to the ombudsperson, if he or she (hereinafter-"she") believes that her rights under this Law were infringed, including rights in disciplinary proceedings.

#### Extent of Complaints

The students can also complain of any improper treatment on behalf of the academic or administrative staff of the institution.

#### Procedure

The ombudsperson will examine each complaint and notify the student or candidate of the conclusions of such examination.

#### Recommendations

The ombudsperson can send his recommendations regarding the complaint to any person in the institution which is authorized in this matter and he should report to the head of the institution, every year of his treatment of complaints during the year.

## The Law does not address certain key issues regarding the Ombudsperson:

- 1 **Eligibility**
  - The law does not stipulate the terms required in order to be eligible to serve as an ombudsperson.
- 2 **Hiring**
  - The body authorized to appoint the ombudsperson and to terminate its services.
- 3 **Payment**
  - The identity of the body that pays the ombudsperson salary.
- 4 **Documents Review**
  - The ombudsperson's rights to review all documents of the institution relevant to the complaint.
- 5 **Examination**
  - The right of the ombudsperson to conduct a hearing and cross examine members of the academic and administrative staff of the institution.

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## I follow seven basic assumptions and modus operandi:

- 1 **Objective**
  - the ombudsperson is a statutory body. As such, he is an independent, neutral and objective entity.
- 2 **Decision Making**
  - He should operate both firmly and humbly - he should be careful not to threaten the authority of the heads of the institute.
- 3 **Determination**
  - He should not express his views in a harsh or inappropriate manner; nevertheless, he should not be deterred by fear of strong reaction to his decision on the part of either the institution or the student.
- 4 **Efficiency**
  - He must act promptly and efficiently. He should conduct inquiry with all relevant parties - the complainant, the relevant personnel and if necessary - the dean of the faculty or the head of the school
- 5 **Interpretation**
  - Interpret the authority given to the ombudsperson under the Law, in a broad way.
- 6 **Effect Changes**
  - Use the examination of the complaints and my recommendations as a vehicle to effect changes in the existing practices, procedures and university regulations.
- 7 **Machinery**
  - No machinery to follow up on the decisions.

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# The Protection of Rights of Students with Hidden Disabilities in General and Students with ADHD in Particular



## Equal Rights for Students with Hidden Disabilities

### Equality in Education

- The right to equality is a basic right in most constitutions. With regard to education we speak of equal opportunities. It is a commendable ideal but in many respects, it is unattainable.

### Difference between Students

- The starting points of students greatly vary. Some are smarter than others; some are from a higher social economic background than others; some are students with disabilities, others are not, etc.

### Hidden Disabilities Students

- Students with hidden disabilities such as learning disabilities, ADHD and psychiatric disabilities face a number of obstacles once they are admitted to post-secondary school.

### Academic Difficulties

- The term learning disability consists of many disabilities which negatively affect students' academic achievement, including substantial difficulties in hearing, reading, writing, mathematical abilities etc., due to some central neurological dysfunction

### ADHD

- ADHD (Attention Deficit and Hyperactivity Disorder) Inability to focus attention for more than few moments. It's essentially a chemical problem in the management system of the brain. There is no cure for it, but it is treated by Ritalin or other stimulants.

## ADHD Students

Approximately 25% of college students receiving disabilities services are diagnosed with ADHD and this percentage is on the rise.

- Academic Achievements**

ADHD students experience less academic success and greater psychological and emotional difficulties than other students.
- ADHD Symptoms**

The impairment of hyperactivity includes also impulsiveness - they are more likely to need to read material repeatedly to understand it, to experience difficulty finishing timed tests and to work harder to receive good grade.
- ADHC vs. Regular Students**

They are concerned in regard to their concentration and memory, as well as their time management skills and tendency to procrastinate. Even in comparison to students with other learning disabilities, they have more problems using study aids, completing assignments and avoiding distractions.
- ADHD Social Differences**

Students with ADHD reported lower level of social adjustment, social skills and self-esteem than other students
- Study Skills**

The traditional grouping of the two for academic intervention may not be as effective as developing specific strategies for the ADHD group alone

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## ADHD Students

- Over Reporting**

Students may deliberately over-report ADHD symptoms to procure academic accommodations or feign.
- Diagnosis**

The symptoms of ADHD are easily fabricated. On the other hand, it is reasonable to assume that many students of low socio-economic status are under-diagnosed because the cost of the diagnosis is inaccessible to them.
- Empiric Study**

According to one study, approximately two thirds of students with disabilities are not receiving accommodations:

  - Many of them are not informed about their rights and are unaware of the procedures, for requesting accommodations
  - Some opt not to utilize the services available to them. Others opt not to disclose their disabilities desiring for a new start without the label of disability

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## ADHD Students

The increased presence of students with hidden disabilities creates new demands to provide reasonable academic and program adjustments (accommodations) and also adding on-campus student services such as consultation, tutoring, coaching, permission to record lectures, testing in a separate room etc.

Such accommodations include:

- **extended time for examinations and assignments**
- **access to word processor or calculator in exams**

The accommodations are not intended to promote or provide an unfair advantage to the students with disabilities

Accommodations adjust the manner in which students with disabilities learn or are evaluated so that they can access and demonstrate knowledge equal to their peers

Accommodations must not lower academic standards or threaten the validity of exam scores

The idea of accessibility of students with hidden disabilities to higher education is not free of difficulties. Universities require students to cope with the academic requirements.

Universities goal is to seek excellence

Students should be evaluated on the basis of objective rules which focus on the academic requirements and not on other considerations

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## ADHD Students

Accommodations such as time extension are only a partial answer to the challenging realities experienced by students with disabilities

It is necessary to radically change the teaching system:

- **In most classes there is too much noise which interfere with the ability of the ADHD student to focus her attention and concentration**
- **There should be adaptations such as reserving them a place in class either close to the teacher or close to the door and allowing them short recess to reduce anxiety**

Without evidence of impairment there is no need for accommodations. A diagnosis alone is insufficient to determine whether a student merits accommodations, as he or she must also display functional deficits in academic skills that limit participation in courses work

Accommodation must be tailored to each student's area of disability and the demands of their coursework

However, accommodations should not modify course requirements nor alter the academic standards of the college that administer them

Unspecified and unlimited additional time may threaten (rather than enhance) the validity of students' test scores

Students may receive additional time on all exams, even exams that require skills for which students demonstrate average or above average functioning

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## Selected Cases



### Case Studies

#### First Case

- The complainant, a student with ADHD waited for an exam to start. Due to few administrative failures, there was a delay of about one hour
- The complainant lost his concentration and failed the exam
- The complainant retook the exam in the following date, and administrative failures occurred again: his name wasn't included in the list of the room designated for students entitled to time extension
- The mistake was discovered during the exam and he was kindly requested to go to the other room
- The complainant refused to do so stipulating a provision in the regulations according to which an examinee must stay in the room designated for him in the list of examinees, for the entire duration of the exam
- Due to his ADHD he was reluctant to move to the other room and requested to complete the exam in the same room. He genuinely believed that leaving the room would be a clear breach of the regulations and shall severally affect his performance
- The administrator that was in charge failed to understand the complainant is not a normative student and he raised his voice, commanding the complainant to leave at once
- The Complainant refused and lost his temper, lost his concentration and left the exam
- Later he was brought before a disciplinary committee for insubordination and improper behavior and was found guilty and was reprimanded.

**In his complaint he asked me to compel the university to return his tuition for the course**

## Case Studies

### Second Case

- The complainant was a student for a combined degree consisting of Biology and Psychology on two separate Faculties
- After completing almost four years of study, the Academic Committees of both faculties decided to stop his studies for academic reasons
- The complainant required at least one additional year in order to finish the degree which was designated for three years under the program
- Few months prior to the final decisions of the aforementioned Committees, the complainant applied for accommodations the first time during his studies due to ADHD
- In addition to the accommodations the complainant requested both faculties to allow him to retake most of the exams with time extension in order to improve his academic records

When I examined the complainant academic records, I found out the he demonstrated two patterns of behavior which affected his academic records:

- **Procrastination** - postponing assignments until the very last available moment and even beyond that. In this regard, the complainant avoided participating in exams in certain courses without getting permission
- **Undertaking excessive amount of other academic assignments** - retaking exams in order to improve his academic records. The complainant who's dream was to study medicine - took all the exams necessary to be accepted to the school of medicine several times and the psychometric exams 10 times

**In his complaint he asked me to compel the university to return his tuition for the course**

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**Nathalie Podda**

**National and Local Ombudsman Offices in Austria  
Similarities and Differences in their Activities and Responsibilities**

**SIMILARITIES AND DIFFERENCES IN  
THE ACTIVITIES AND  
RESPONSIBILITIES OF NATIONAL  
AND LOCAL  
OMBUDSMAN OFFICES IN  
AUSTRIA**



**Nathalie Podda**

Today's discussion

**Local ombudsman offices**

- tasks and responsibilities

**National ombudsman office**

- tasks and responsibilities

**Cooperation in higher education**

## Local ombudsman offices in Austria

- 22 public universities – 6 local ombudsmen
  - TU Graz, Universität Klagenfurt, Universität Wien (only for international students), WU Wien, Universität Innsbruck (only for students of the faculty for education sciences) Universität Linz
- 13 private universities – one local ombudsman:
  - Aton-Bruckner-Privatuniversität in Linz
- 10 universities of applied sciences – two local ombudsmen :
  - FH Technikum Wien, FH Wien der WK Wien

## Main tasks of local ombudsman offices

- **Consultation** with students and institution employees (some offices don't offer this service)
- **Conflict management**
  - to resolve problems before escalation
  - prevent court claims
  - avoid unnecessary media attention
- **Recommendations**
  - amendment of university rules/statutes to improve students rights
  - quality management

## Reporting

Local ombudsman office report can vary from office to office.

- regular written reports (each semester or annual)  
- internal only
- meetings on a regular basis (monthly)  
discuss current issues
- reporting: (vice) principal, executive board, quality management office, office for equality

## National ombudsman office

- in Austria located at the Federal Ministry of Science, Research and Economy in Vienna
- regulated by §31 Higher Education Quality Assurance Act
- responsible for all higher education institutions in Austria





## National ombudsman office main tasks

- **Consultation** with students and institution employees:
  - verbal: free hotline, seminars, conferences
  - written: brochures, homepage
- **Conflict management** to resolve problems
  - when no local Ombudsman office are available
  - together with Ombudsman or student union
  - issues that are already public (newspaper)
    - when already escalated
    - mediation
    - provide information court claim
    - high confidence because located at at Federal Ministry (supervision)

## Report of the national ombudsman office

- annual report to the Minister of Science, Research and Economy and to Parliament
  - public on homepage of ombudsman and parliament
  - statistics of current issues
  - recommendations

## Similarities and differences

- Consultation
  - local ombudsman: only specific consultation
  - national ombudsman: extensive knowledge and general consultation
- Conflict management
  - local ombudsman: knowledge of institution rules and university employees, solution might be faster available
  - national ombudsman: mostly escalated cases, media involved, court claims
- Reporting:
  - local ombudsman: change internal rules
  - national ombudsman: issues can be published naming the responsible University
  - recommendations to Minister and Parliament

## Cooperation

- All local ombudsman offices on higher education offices : Network 2016
- Student Unions
- Ombudsman for the Disabled (Behindertenanwaltschaft)
- Office for equality (Gleichbehandlungsanwaltschaft)
- Student grants office (Studienbeihilfestelle)
- Counselling service for students (Psychologische Beratungsstellen für Studierende)
- Austrian Agency for Scientific Integrity (Österreichische Agentur für wissenschaftliche Integrität)

## Ombudsoffice Network 2016

- Meetings 2017
  - Seminar about “mediation and non violent communication“
- Ombudsmen network conference about current topics

## Cooperation

- students often go for the same issue to more than one office
- Know-how exchange
- Different perspective
- Benefit from experts experience



**Aleksandra Zhivkovikj**

**Student Ombudsman as Mechanism for  
Protecting Student Rights in Macedonia**

## Student ombudsmen as mechanism for protecting of student rights in Macedonia

Aleksandra Zivkovik  
Youth Educational Forum

### General overview of the higher education area

- ▶ 6 public and 15 private universities
- ▶ Approximately 50 000 students
- ▶ No public data on financing the HE, but estimated 0,4% of the state budget is spent on this area
- ▶ First Law on Higher Education in 2008. So far the legal act has been changed 24 times
- ▶ Around 30 % of higher educated individuals have left the country already World Bank
- ▶ Part of the Bologna area

## National regulation

- ▶ Establishing Student Ombudsman as a defender of the rights of students
- ▶ Other provisions are not provided in the Law on Higher Education
- ▶ Ombudsman in higher education is responsible **only in disputes when students' rights are violated**, and not other members of the academic community
- ▶ Law does not define the nature of the Ombudsman in terms of who can perform this function, nor whether it is an initial mechanism or last instance
- ▶ Each university has freedom to regulate this function further on

## Methodology

- ▶ An online survey was conducted among students at three universities (University "Ss. Cyril and Methodius", University "St. Clement of Ohrid" and the University "Goce Delchev" )
- ▶ The opinion of students about Student Ombudsmen at the University, as well as the Student Ombudsmen at each of the Faculties were separately investigated
- ▶ Most numerous are UKIM students with 77%, students at UGD with 17.7% and students from UKLO-5.3% of the total number of responses to the questionnaire
- ▶ 30 requests for free access to public information were sent
- ▶ 5 public Universities and 5 Student Ombudsmen
  - \* 4 out of 5 Universities responded
  - \* No Student Ombudsman provided an information regarding the requests
- ▶ Analysis of Universities' legal acts
- ▶ Challenges: No public reports presented by the Universities and ombudsmen, Lack of interest by the HEI on the matter, Transfer of the responsibility on the Student Parliaments

## General findings

### ▶ Nature of the ombudsman

4 Universities promote **students** as holders of this position; 1 allows **other members of the academic community** to obtain this position

### ▶ Hierarchy of mechanisms

None of the universities has rules on what's the first instance

Two universities have **Deputy Ombudsmen at each faculty**, but there is no obligation that they should be contacted first

### ▶ Selection process

4 Universities recognize the Student Parliaments as exclusive entities which open a call and do the selection of the candidates

1 university makes the selection by both the Student parliament and the Rector's Office

At 4 Ombudsmen is voted by the Senate; at 1 the SP itself votes on SO

### ▶ Regulating matters related to the Ombudsmen

All of the universities include the topic in the highest legal acts (too broad in most of the cases)

1 University has special Rulebook on the matter

4 Universities leave to the Student Parliaments to specify the processes of selection and dismissal (however, none of them have so far brought the required Rulebooks)

2 Student parliaments don't have any regulations in SO in their legal acts

### ▶ Monitoring and evaluation of the work

All Universities require submitting an Annual reports

None of the Universities, ombudsmen and Student Parliaments provided information on the reports in this survey

### ▶ Financing

3 Universities and Student Parliaments don't regulate this matter in any of their legal acts

2 Universities refer to the Council for development and financing the HE

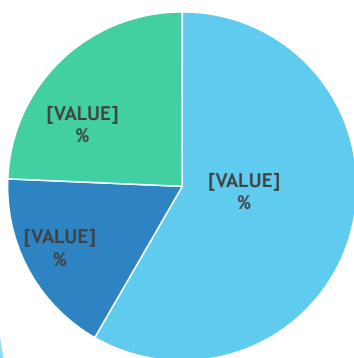
## Status quo

- ▶ Only one University had Student Ombudsman in 2016
- ▶ 1 university presents information on how can the ombudsman be approached
- ▶ 1 Student Ombudsman has it's own web page and presents information on their work
- ▶ However, no ombudsman, university or Student parliament has published any reports on the work and cases
- ▶ Problem arises when the Student Parliaments work inadequately (the Universities don't promote alternative measurements when this is the case)
- ▶ At one university, the ombudsman shares it's office and budget with the Student parliament

## Survey results

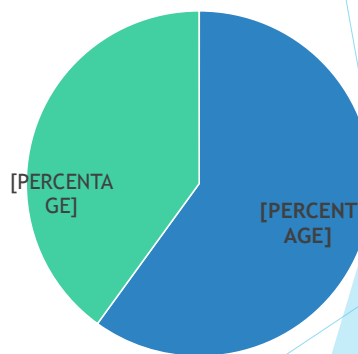
### ▶ Violation of student rights

Skopje's University

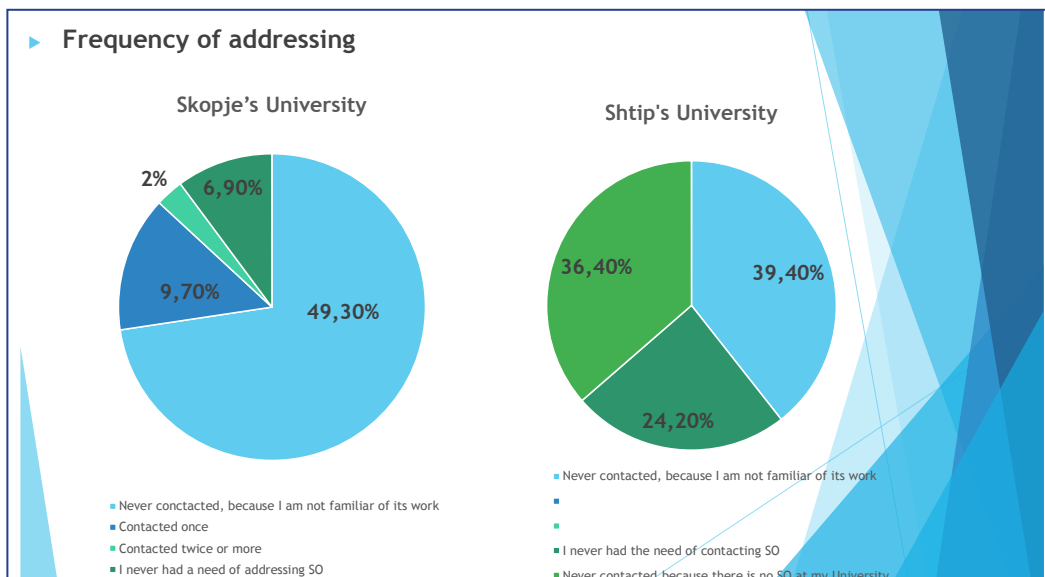
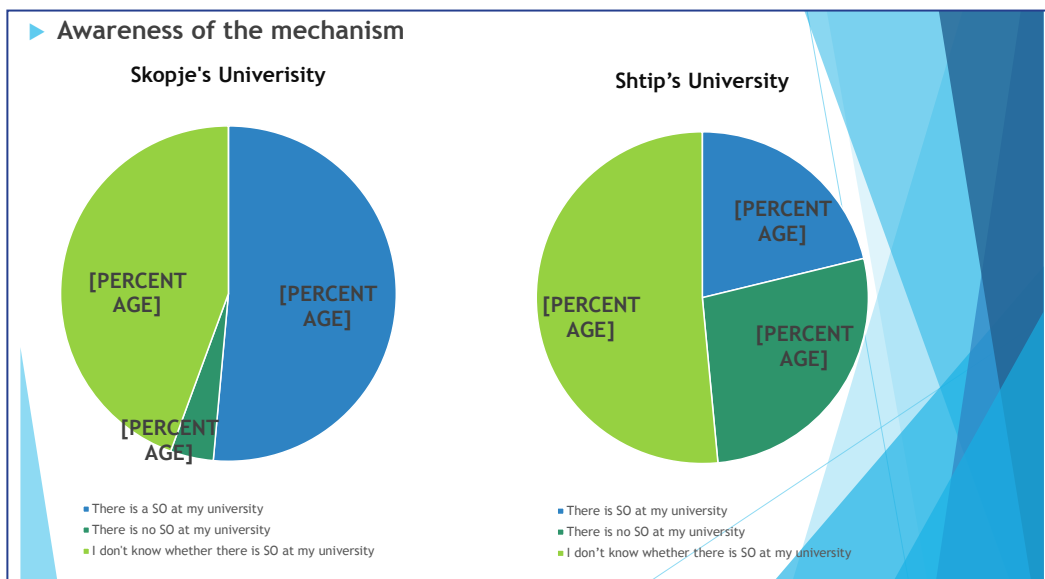


■ Have been violated ■ Never been violated ■ Don't know

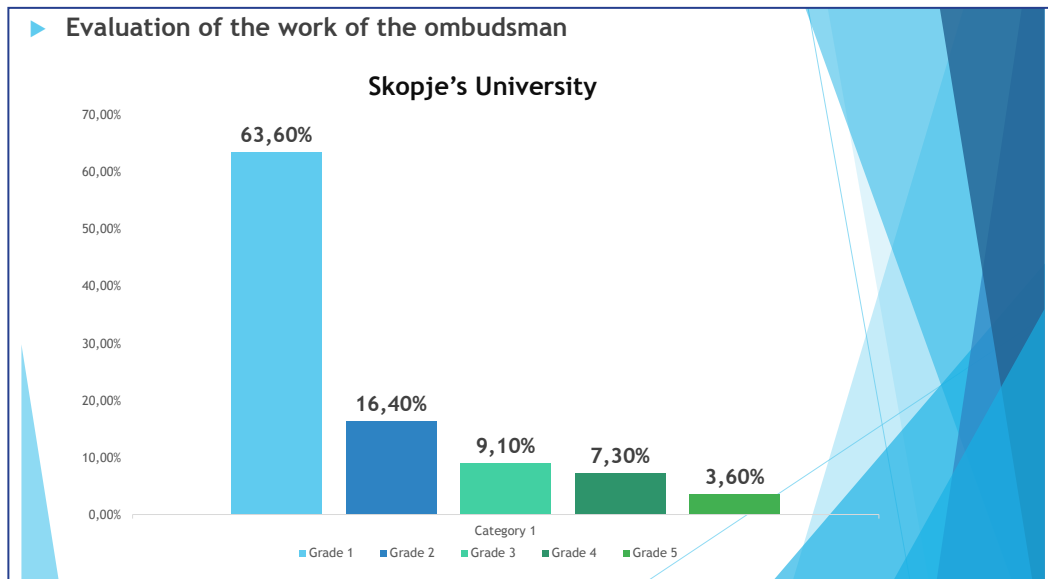
Bitola's University



■ Never been violated ■ Don't know







## Other mechanisms

► **Commission for student complaints**

- 4 universities have formally included these bodies in the legal acts
- Skopje's University: total of **9 complaints** between 2013 and 2016 (most of which have been rejected or denied)

► **State Education Inspectorate**

- Can prevent the execution of illegal measures, actions
- Executive conclusions
- Works in coordination with the Student Ombusman
- Small number of cases, but effective mechanism

► **Ombudsman of Republic of Macedonia**

- highest number of appeals: 48 in 2015
- organizes educative workshops and public discussions at the faculties

## Recommendations

- ▶ Election of SO at all the public Universities
- ▶ Re-evaluating the work of the Student Parliaments and establishing legal student representative bodies
- ▶ Enabling alternative mechanisms for election of SO's when Student Parliaments aren't functioning
- ▶ Creating sustainable models for financing SO's at each institution
- ▶ Improving the communication between the institutions and ombudsmen

Thank you

[Aleksandra.zivkovik@gmail.com](mailto:Aleksandra.zivkovik@gmail.com)

Nora Farrell

**How the Consumer Protection Act has been Applied  
in a Canadian Higher Education Institution**



## Summary:

- ◆ George Brown College (GBC) in Toronto offered a new program called 'international business management';
- ◆ Successful completion would result in a GBC certificate and 3 industrial designations/certifications in: International trade (CITP), Customs services (CCS), International freight forwarding (CIFFA);
- ◆ Many students came from around the world to enroll in this program.



## Then,

- ◆ Students found out GBC had no affiliation or arrangements with the industry associations which offered the designations.
- ◆ Therefore, students had to take the courses, pay for them and write the exams like anyone else to earn the designations.
- ◆ Therefore, the large costs incurred for travel, local accommodation and tuition fees were not warranted.



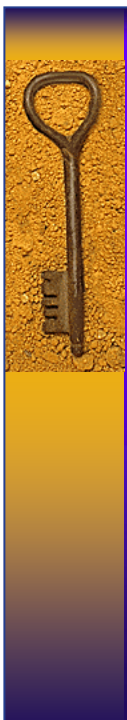
Students met with the Program Advisor to present complaints, then...

- ◆ Online calendar amended immediately to clarify that 3 designations could **NOT** be earned through the completion of the International Business Management program.
- ◆ Hard copy calendar was not amended for two more years so the second cohort and some of the third cohort were still relying on the original description.
- ◆ Formal complaint from students was rejected by GBC as it believed the course description was not incorrect or misleading.
- ◆ Students applied for and were granted class action status and sued GBC.




**Trial court decision:**

- ◆ Judge determined students are consumers and education is a consumer product;
- ◆ GBC had negligently misrepresented the program in its course calendar and the students' claim for damages was warranted;
- ◆ All first and second cohort students were eligible for aggregate damages but NOT the third cohort as it had been verbally advised before the drop deadline of the fact they could not earn the 3 designations via completing this course.



Students appealed the exclusion of 3<sup>rd</sup> cohort and GBC cross appealed aggregate damages

- ◆ Appeal court upheld students' appeal that third cohort should be eligible for damages as all of the students had entered into an agreement with GBC by enrolling and made some payment toward the fees while the course calendar still contained the misrepresentation.
- ◆ The Court clarified that claims under the *Consumer Protection Act* based on an agreement entered into following an unfair practice do not require any reliance *or even knowledge* of the unfair practice.
- ◆ Therefore, as all of the students were subject to the unfair practice they were entitled to a remedy even though the third cohort was provided with a verbal correction.



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## **GBC insurer files leave to appeal with the Supreme Court of Canada**

- ◆ Then parties agreed to settle and a settlement fund of \$2,725,000 (Cdn) funded by the insurer set up for payment to students + students' legal fees:
- ◆ Domestic Class Member who graduated: all of their direct costs, 40% of their foregone earnings during the 8 month period of study to maximum of \$16,427(Cdn)



- ◆ International students who graduated: all of their direct costs, 40% of their foregone earnings for 8 months; to a maximum of \$22,484 (Cdn)



To access payment students complete 1 page application; no documentation required

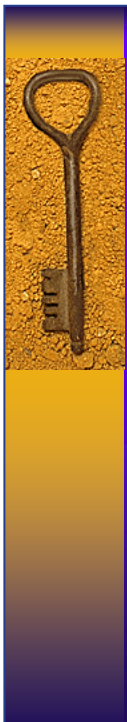
Plus \$10,000 (Cdn) for each of the 3 representative plaintiffs

Plus approximately \$800,000 (Cdn) for students' legal fees



### Commentary:

- ◆ GBC President, Anne Sado:
- ◆ "There was, of course, never any intention to mislead and our commitment to our students has never been in question; But a situation like this provides a valuable opportunity to reflect on what we're doing and look for ways we can continue to improve."
- ◆ Hmmm...



Laura Fraser, [CBC News](#) Posted: Jun 18, 2016 2:11 PM ET Last Updated: Jun 19, 2016 6:21 AM ET

- ◆ More than 100 international students who spent eight years fighting for compensation after being wrongfully promised three prestigious industry designations have finalized a \$2.73-million settlement with George Brown College in Toronto, the school's president confirmed Saturday.



CBC News (continued)

Ontario Superior Court Justice Edward Belobaba settled the class-action suit earlier this month, approving a payout for 108 students who attended the school's international business management program between September 2007 and April 2009

Source:  
<http://www.cbc.ca/news/canada/toronto/george-brown-settlement-1.3642035>





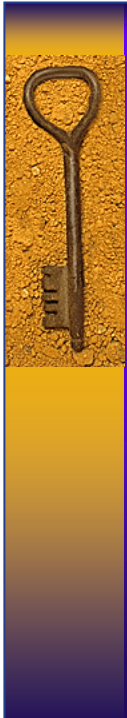
## Costs

- ◆ Reputation: locally, provincially, nationally, internationally
- ◆ Court of Appeal precedent for application of the *Consumer Protection Act* generally and specifically to higher education
- ◆ Payout (2.73 million Cdn \$ = 1,85 million Euros)
- ◆ GBC/Insurer Legal fees (Trial level, Appeal level, Supreme Court application) ~900,000 Cdn\$ = 610,000 Euros)
- ◆ Insurer's control, time, energy, angst
- *Ramdath v. George Brown College of Applied Arts and Technology*, (2012) (2013) Settlement (2016)

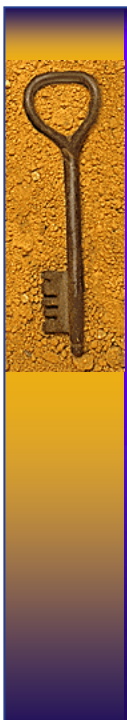


## Cautionary Tale

- ◆ Why was mistake not acknowledged and corrected immediately?
- ◆ How does this scenario apply to others:  
inefficient administration  
poor quality instruction



- ◆ Why would students have to use the adversarial, expensive judicial system to hold educational institution to account for its advertising and its actions?
- ◆ Why couldn't the College think of the students as partners/collaborators?
- ◆ Why didn't the College enter into a settlement earlier?

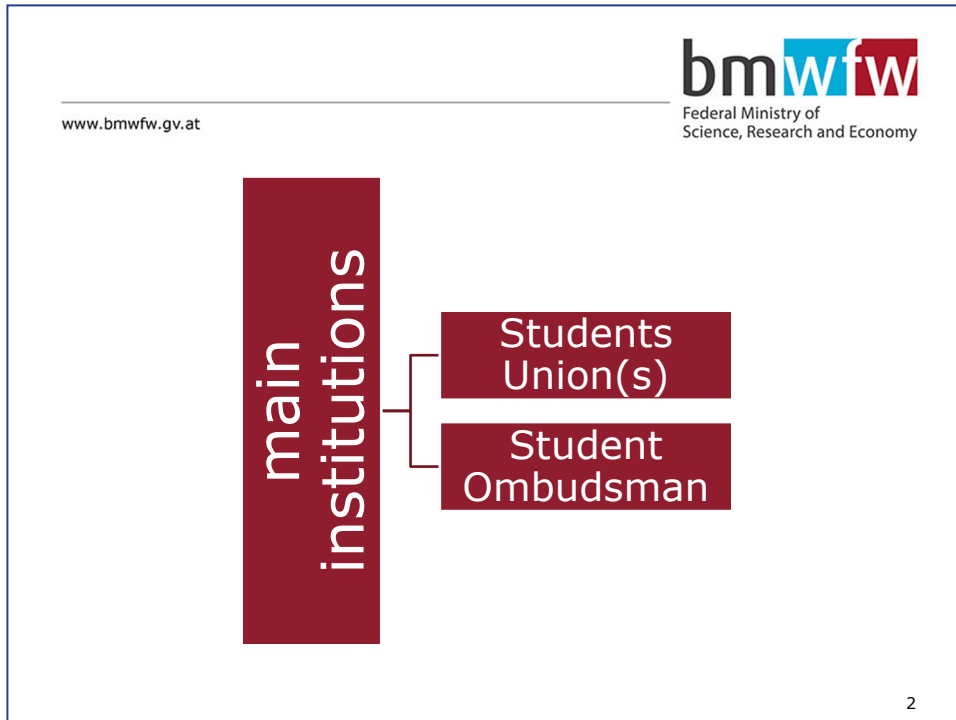


**Prescriptions:**

- ◆ Establish the position of Ombuds/man/person
- ◆ Lose the 'we/them' dynamic
- ◆ Hold all members of the academy accountable for their actions (staff, faculty, students)
- ◆ Recognize if the institution does not demonstrate accountability a law like the *Consumer's Protection Act* can be applied

Michael Gruber

**Students' Rights and Duties - Who Defends them Better:  
Student Unions or Student Ombudsmen?**



- 
- The list is preceded by the question "How can students make themselves heard in Austria?". The list items are:
- represent themselves
  - attorney of law to represent them
  - own complaint systems of the HEI
  - Science Ministry who may use its legal oversight
  - The Volksanwaltschaft - Austrian Ombudsmen Board
  - The Students Ombudsman
  - The Students Union(s)
- www.bmwf.wg.at
- bmwfw**  
Federal Ministry of  
Science, Research and Economy
- 3

[www.bmwf.at](http://www.bmwf.at)



## Three specialized institutions that students can turn to:

- the Volksanwaltschaft - Austrian Ombudsmen Board
- the Students Ombudsman
- the Students Union(s)

4

[www.bmwf.at](http://www.bmwf.at)



## The Volksanwaltschaft - Austrian Ombudsmen Board:

- established through Austrian Federal Constitution
- installed as an oversight institution to act as an corrective
- no legal power to overrule decisions by the authorities
- can investigate into procedures and determine whether they have been conducted lawfully or not
- findings may be reported to the authorities themselves or to the National Council

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[www.bmwf.at](http://www.bmwf.at)



## Students Ombudsman:

- enshrined by law in 2012
- mainly focus its tasks on information and providing services for people in the higher education sector
- also has the power to act on its own accord without the involvement of any particular student should they feel the necessity to do so
- all HEI are required to give any information the Student Ombudsman might require to fulfill its task

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[www.bmwf.at](http://www.bmwf.at)



## The Students Union:

- is a legal entity with compulsory membership; meaning all students at an Austrian HEI automatically become members and have to pay the membership fee of about 40 EUR a year
- duty is to represent, inform and advise the students
- can participate in the discussion with policy makers on any and all policy topics that affect students in any way

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## Commonalities between the students ombudsman and the student union(s):

- both are established by law
- both are independent and autonomous from the government or any other institutions in order to be able to represent the students in the best way possible

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## The Students Ombudsman:

- is not elected, but is established by the science minister
- is staffed by paid officials
- is situated at the seat of the science ministry as an independent institution
- is perceived more as a middle man that tries to balance the students interests with the viewpoint of the HEI

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## The Students Union(s):

- are located at the HEI → which keeps them on tab with current developments
- elected students, but (mostly) keeps qualified personnel on staff to inform and advise the students (like housing, stipends, help for foreign students, antidiscrimination)
- has been established more than 40 years ago

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## Conclusions:

- while Both the Students Ombudsman and the Students Union(s) have their weaknesses, they complement each other quite well and tend to work together very successfully
- both are well established and guarantee a very high level of student support in Austria.
- as they have different objectives they tend to work on different levels with different instruments
- they are still united in a common goal:  
**improving the lifes of students**

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**Paula Cristina Martins**

## The Student Ombudsman: What We Do and How We Do It in Portugal

The Ombudsman Office at the University of Minho - Portugal:  
What We Do and How We Do It in Portugal



Paula Cristina Martins

[gabinete@provedorestudante.uminho.pt](mailto:gabinete@provedorestudante.uminho.pt)

**13th ENOHE Annual Conference**

**“Higher Education Ombudsmen as Beacons:  
Towards a Fair and Transparent  
European Higher Education Area”**

**Strasbourg 28-30 June 2017**

### Portuguese Legal Framework of Student Ombudsman

- ▶ **Legal system of higher education institutions (Law 62/2007)**

*Each institution of higher education should have a Student Ombudsman*

- ▶ **New Statutes of the University of Minho (2008)**

- ▶ **Ombudsman Regulation of the University of Minho (2010)**



## Ombudsman Regulation of the University of Minho

### *Who is the Student Ombudsman?*

The student Ombudsman is **a personality from the Academia**, elected by an absolute majority in the General Council, on the basis of proposals subscribed by a minimum of 20% of its members, necessarily including two students.

Paula Cristina Martins

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## Ombudsman Regulation of the University of Minho

### *Duties and Scope of action of the Student Ombudsman*

**To promote students' rights and legitimate interests** by collecting and dealing with complaints, arbitrating conflict situations, making recommendations and contributing to the quality of the academic environment.

The Student Ombudsman's scope of action includes all bodies, services and members of the University, as well as Schools, Institutes and Social Services.

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## Ombudsman Regulation of the University of Minho

### *Principles*

- The Student Ombudsman is ruled by principles of **neutrality, autonomy, informality, and confidentiality.**

### *On whom does the Student Ombudsman depend?*

The student Ombudsman develops his/her intervention with **independence regarding the University's bodies.**

Paula Cristina Martins

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## Ombudsman Regulation of the University of Minho

### *How do the Ombuds office fund itself?*

The University, through the Rector, provides the means – physical, administrative, financial and technological – that are needed to the Student Ombudsman effective action.

- The budget for the Office
- Legal advice
- Office Coordinator
- Physical setting
- Software

The appeal to the General Council - the highest collegial body of governance and strategic decision-making in the university.

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## Ombudsman Regulation of the University of Minho

### *What are the duties of the University towards the Student Ombudsman?*

The University shall ensure **timely and appropriate response** to the Ombudsman's requests and take into account his/her recommendations.

### *Chain of appeal*

- The Student Ombudsman can only analyse students' complaints and petitions **after they had exhausted all attempts and means to solve these problems** with the competent bodies within legal deadlines

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## Ombudsman Regulation of the University of Minho

### *Ombudsman remit*

- To intervene as mediator
- To examine complaints and petitions, and produce recommendations
- To draw up reports of inquiries and formulate his/her conclusions, making recommendations to the Rector regarding the measures to be taken
- Issue opinions at the request of the Rector, the General Council, the Presidents of the faculties, the directors of the services or the administrator of social services

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## Ombudsman Regulation of the University of Minho

In short, the Student Ombudsman should strengthen student's autonomy by:

- Promoting their understanding of situations;
- Facilitating dialogue and mediating with the parties involved;
- Supporting the decision-making process;
- Monitoring the decision making process and the final result.

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## Ombuds Office at the University of Minho

*Percentage of cases by level of studies*

Year/ Ciclo	1st Degree	Master	PhD
2014-15	0.5%	1%	0.3%
2015-16	0.4%	1,1%	0.9%

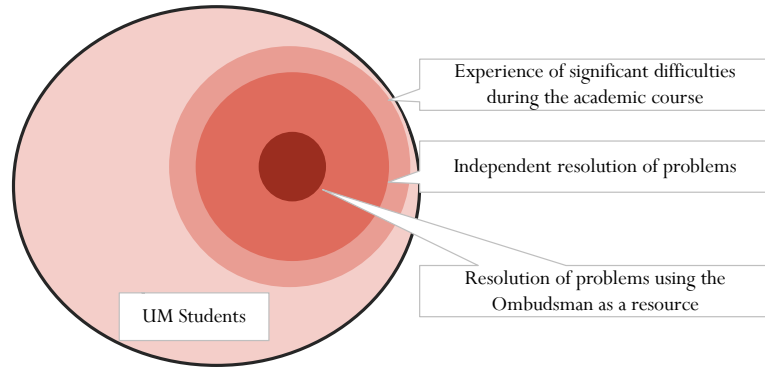
Students	Non-students
80%	20%

Population: 20.000 students

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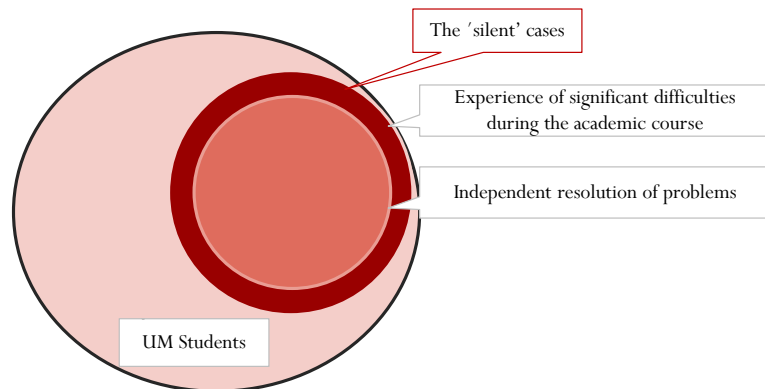
**Which students look for the Student Ombudsman Office?**



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**Which students look for the Student Ombudsman Office?**



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## Ombuds Office at the University of Minho

### Explaining the procedures and mechanism of problem solving...

Generally, the intervention of the Student Ombudsman may involve:

- i) Giving the student information about the subjects they bring to us that need clarification;
- ii) Referring them to the competent institutional entities;
- iii) Counseling and guidance;
- iv) Mediation between the parties involved.

In many cases, these forms of intervention are used together.

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## Ombuds Office at the University of Minho

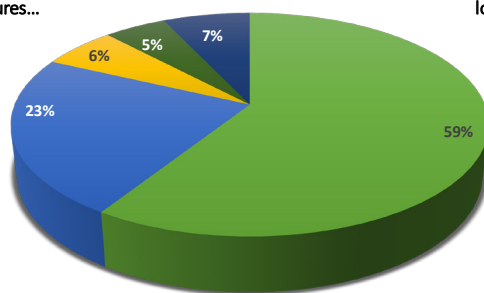
### Academic-Administrative

- school calendar, enrollment, degrees, tuition, course changes, lengthy procedures...

### Subjects

### Social

- Scholarships, economic difficulties, food, lodging...



■ Academic-Administrative ■ Pedagogical ■ Social ■ Information ■ Other

### Pedagogical

- Evaluation, complaints against teachers, issues related to teaching, school schedules, absences, distance learning, libraries, classrooms...

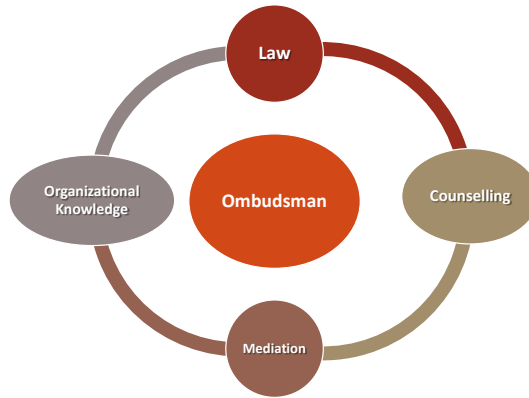
### Other

- Conflicts between students, vocational issues, security and equipment, family complaints...

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**The training of the Student Ombudsman – knowledge and skills required**



*The personal characteristics of the Ombudsman – do they matter?*

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**Sjur Bergan**

**The European Higher Education Area toward 2020. Achievements and Prospects:  
Structural reform, Values, and Governance**

## WHY THE EHEA?

- ▶ Political developments
  - Fall of the Berlin Wall
  - Democratic institutions – and then what?
  - Pan-European cooperation a possibility
- ▶ Economic developments
  - Globalization
  - Unemployment/skills mismatch
- ▶ Higher education
  - Still attractive?
  - Adapted to the needs of society?
- ▶ European cooperation

## FIRST PHASE: LAUNCHING THE EHEA

- ▶ 1998: Sorbonne Declaration
  - Precursor, 4 countries
  - Qualifications, mobility, joint action
- ▶ 1999: Bologna Declaration
  - Process launched, 29 countries
  - 2 tier qualifications, mobility, competitiveness, joint action
- ▶ 2001: Praha
  - First in a series of regular ministerial conferences
  - 3 new countries
  - Quality assurance, social responsibility, public responsibility, student participation



## SECOND PHASE: DEVELOPING THE EHEA

- ▶ **Berlin 2003**
  - Launched stocktaking
  - First mention of qualifications frameworks
  - Changed access criteria
  - 7 new countries (including Russia and 4 countries in SE Europe – definitively EHEA beyond the EU)
- ▶ **Bergen 2005**
  - Adopted European standards for qualifications frameworks and quality assurance
  - International and social dimensions
  - First stocktaking results
  - 5 new countries, truly pan-European

## THIRD PHASE: CONSOLIDATION

- ▶ **London 2007**
  - Global dimension strategy
  - Prepared the ground for EQAR (2008)
  - One (at least formally) new country
- ▶ **Leuven/Louvain-la-Neuve 2009**
  - First Policy Forum (non-European countries)
  - EHEA next decade
  - 20 per cent mobility by 2020
- ▶ **Budapest and Wien 2010**
  - Launched the EHEA
  - Second Policy Forum
  - One new country

## FOURTH PHASE: CONTINUING TO DEVELOP THE EHEA

- ▶ București 2012
  - First ministerial conference after the EHEA was formally established
  - Background: economic crisis
  - Adopted mobility strategy
  - Link qualifications frameworks – recognition – quality assurance
  - No new members – one formal application rejected

## FIFTH PHASE: RELAUNCH?

- ▶ Yerevan 2015
  - Felt by many participants as a new start
  - More focused communiqué
  - Goals:
    - Enhancing quality and relevance
    - Fostering employability
    - Making systems more inclusive
    - Implementing structural reforms
  - Developments since Yerevan?
- ▶ Paris 2018

## MAIN ACHIEVEMENTS

- ▶ Putting higher education firmly on the political agenda
- ▶ Truly European cooperation
- ▶ Structural reforms
- ▶ Student and faculty participation
- ▶ Academic mobility
- ▶ Multiple purposes of higher education
- ▶ Joint governance public authorities and other stakeholders

## SOME KEY CHALLENGES

- ▶ The Bologna Process responded to a set of challenges at a specific time
- ▶ Structural reforms:
  - Qualifications frameworks
  - Quality assurance
  - Recognition of qualifications
  - Transparency instruments
- ▶ Implementation vs. new goals?
  - What issues lend themselves to a “Bologna style” cooperation?
- ▶ How can the EHEA be made more politically relevant?

## VALUES

- ▶ Academic freedom
- ▶ Institutional autonomy
- ▶ Student and staff participation in higher education governance
- ▶ Democracy and human rights more broadly?
- ▶ Social inclusion and equal opportunities?

## GOVERNANCE

- ▶ Loose structure of many countries and stakeholders
- ▶ Voluntary process?
- ▶ How do we deal with non-implementation?
- ▶ Peer learning – but also something more?

## THE EHEA: THIS...



## ... OR THIS?



## WHY HIGHER EDUCATION?

- ▶ Develop all missions of HE, not only for the economy but for our society:
  - Preparation for the labor market
  - Preparation for life as active citizens in democratic society
  - Personal development
  - Development and maintenance of a broad, advanced knowledge base

## WHAT EDUCATION?

- ▶ The answer to the question: “what kind of education do we need?” lies in the answer to another question: “What kind of society do we want?”
  - Eugenio Tironi: *El sueño chileno*

**Hugues Dreysse**  
**Safeguarding Access and Quality in Higher Education:  
A French Perspective**

Université de Strasbourg

***Safeguarding Access and Quality in  
Higher Education:  
A French Perspective***

Hugues Dreysse

Ombudsman of the university of Strasbourg

[hugues.dreysse@unistra.fr](mailto:hugues.dreysse@unistra.fr)

The university of Strasbourg

- A multidisciplinary university
- 49,000 students, 37 faculties, 73 research units
- 2,000 academic fellows
- USIAS : Institute for Advanced Studies (15-20 fellows each year)
- 4 Nobel prizes in activity (Jean-Marie Lehn - 1987, Jules Hoffmann - 2011, Martin Karplus - 2013, Jean Pierre Sauvage - 2016)
- one of the three "excellence"-universities in France



- 1794: the universities are replaced by « professionnal schools » ( for Medicine and Law)
- 1794 creation of the four « Écoles de l'an III » (l'École polytechnique, le Conservatoire national des arts et métiers, l'École normale supérieure, l'Institut national des langues et civilisations orientales)



## New millenium - new impulse:

- 2002: LMD organization
- 2006: First attempt to create cluster of research and Higher Education
- [https://fr.wikipedia.org/wiki/Loi\\_de\\_programme\\_pour\\_la\\_recherche](https://fr.wikipedia.org/wiki/Loi_de_programme_pour_la_recherche)
- 2007: Law LRU : toward a certain autonomy of the universities
- [https://fr.wikipedia.org/wiki/Loi\\_relative\\_aux\\_libertés\\_et\\_responsabilités\\_des\\_universités](https://fr.wikipedia.org/wiki/Loi_relative_aux_libertés_et_responsabilités_des_universités)
- 2013: Law with new relations between research and HE institutions
- [https://fr.wikipedia.org/wiki/Loi\\_relative\\_à\\_l'enseignement\\_supérieur\\_et\\_à\\_la\\_recherche](https://fr.wikipedia.org/wiki/Loi_relative_à_l'enseignement_supérieur_et_à_la_recherche)



## New tools

- Plan Campus

[https://fr.wikipedia.org/wiki/Plan\\_Campus](https://fr.wikipedia.org/wiki/Plan_Campus)

- Initiatives of Excellence (IDEX + ISITE)

[https://fr.wikipedia.org/wiki/Investissements\\_d%27avenir](https://fr.wikipedia.org/wiki/Investissements_d%27avenir)

=> Distinction of the universities



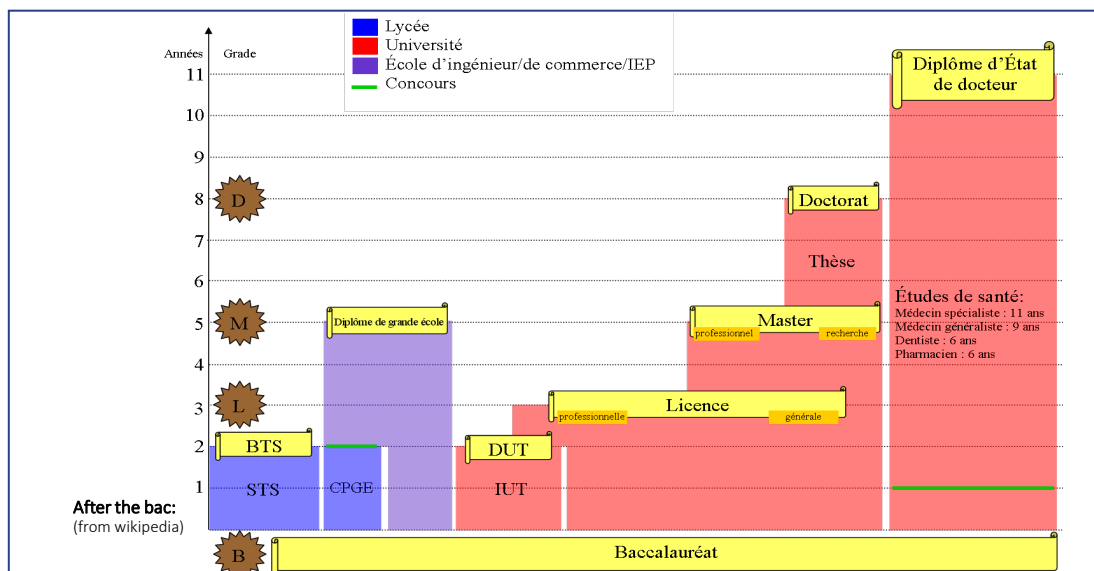
IDEX: blue  
ISITE: green  
(2017)

## Fees in a french university for one year

(fixed by the ministry)

- Licence : 184 €
  - Master : 256 €
  - Doctorat, HDR : 391 €
- + Social Security: 215 €

	2008	2011	Evolution	Hausse en valeur absolue	First salary	Rentabilité (salaire 1re année en poste / frais de scolarité programme grande école)
EM Strasbourg	5.100 €	6.500 €	27%	1.400 €	32.000 €	4,9
BEM	7.760 €	8.040 €	4%	280 €	32.500 €	4,0
ESC Rennes	7.200 €	8.000 €	11%	800 €	32.000 €	4,0
Audencia	7.200 €	8.400 €	17%	1.200 €	33.000 €	3,9
Euromed	7.300 €	8.400 €	15%	1.100 €	32.500 €	3,9
Skema	7.700 €	8.650 €	12%	950 €	32.300 €	3,7
Reims MS	8.130 €	8.960 €	10%	830 €	33.000 €	3,7
Rouen BS	7.850 €	9.000 €	15%	1.150 €	33.000 €	3,7
Grenoble EM	8.480 €	9.440 €	11%	960 €	32.500 €	3,4
ESC Toulouse	8.500 €	9.900 €	16%	1.400 €	32.500 €	3,3
EM Lyon	7.900 €	11.200 €	42%	3.300 €	36.000 €	3,2
Edhec	8.900 €	11.200 €	26%	2.300 €	36.000 €	3,2
ESCP Europe	8.400 €	11.500 €	37%	3.100 €	36.000 €	3,1
HEC	10.300 €	11.900 €	16%	1.600 €	36.000 €	3,0
Essec	10.500 €	15.000 €	43%	4.500 €	36.000 €	2,4



Number of students (2004-05)	2 268 400
- In universities (including IUT)	1 424 500
- In « classes préparatoires aux grandes écoles » = to integrate a « High School »	73 147
- In « sections de techniciens supérieurs (STS) et assimilées »	230 275

Origine sociale des étudiants selon les filières									
Unité : %									
	Agri. artisans, commerc. et chefs d'entr.	Cadres sup.	Prof. intern.	Employés	Ouvriers	Retraités et inactifs	Non rens.	Ensemble	Part d'enfants de cadres/part d'enfants d'ouvriers
Écoles normales supérieures	12,1	53,2	12,3	6,7	2,7	4,8	8,1	100	19,7
Ecoles de commerce	13,9	37,1	6,4	4,5	2,5	5,1	30,4	100	14,8
Ecoles d'ingénieurs	11,5	46,5	11,7	7,5	6,0	7,4	9,3	100	7,8
Classes prépas	10,6	49,5	12,0	10,1	6,4	6,4	5,1	100	7,7
Université	9,1	30,0	12,7	12,7	10,8	13,1	11,5	100	2,8
- Dont IUT	11,5	28,8	16,9	15,8	14,6	8,7	3,7	100	2,0
BTS	10,1	13,8	12,0	15,6	20,4	13,1	15,0	100	0,7
Ensemble des étudiants	9,8	30,3	11,9	11,9	10,7	11,8	13,5	100	2,8
Ensemble des 18 à 23 ans	13,1	17,5	17,7	8,9	29,2	6,8	6,8	100	0,6

Source : ministère de l'Éducation nationale - Données 2014-2015 - © Observatoire des inégalités

Social origin of the students

	Agri. artisans, commerc. et chefs d'entr.	Cadres sup.	Prof. intern.	Employés	Ouvriers	Retraités et inactifs	Non rens.	Ensemble	Part d'enfants de cadres/part d'enfants d'ouvriers
Écoles normales supérieures	12,1	53,2	12,3	6,7	2,7	4,8	8,1	100	19,7
Ecoles de commerce	13,9	37,1	6,4	4,5	2,5	5,1	30,4	100	14,8
Ensemble des étudiants	9,8	30,3	11,9	11,9	10,7	11,8	13,5	100	2,8
Ensemble des 18 à 23 ans	13,1	17,5	17,7	8,9	29,2	6,8	6,8	100	0,6

## L'origine sociale des étudiants à l'université par cursus

Unité : %

	Licence	Master	Doctorat
Agriculteurs	1,7	1,7	1,4
Artisans, Commerçants et Chefs d'entreprises	8	6,7	5
Employés	14,6	9,7	7
Ouvriers	12,7	7,8	5,2
Professions intermédiaires	13,6	11,3	9,7
Professions libérales, cadres supérieurs	27,9	33,5	34,3
Retraités, inactifs	12,6	13,6	20
Indéterminé	9	15,7	17,4
Effectif	823 633	453 721	35 482

Social origine of the students in a cursus

France métropolitaine et DOM.  
Source : ministère de l'Éducation nationale - Données 2014-2015 - © Observatoire des inégalités

- **Success in Licence:**  
28% need only the three years  
bacheliers généraux : 35 %  
technologiques : 9 %  
professionnels : 3 %.

**Success in Master:**  
54% need only the two years

Caractéristiques	Part des inscrits (%)	Taux de réussite en 3 ou 4 ans (%)	Dont réussite en 3 ans (%)
Homme	40,7	33,2	21,6
Femme	59,3	43,0	31,1
<b>Série baccalauréat</b>			
Littéraire	18,1	45,1	32,0
Economique	27,6	50,6	35,4
Scientifique	23,6	50,8	36,7
Ens. bac général	69,2	49,2	35,0
Techno. STG (1)	10,9	14,4	7,8
Autre bac techno.	6,0	18,8	11,5
Ens. bac techno.	16,9	16,0	9,2
Bac professionnel	8,6	5,7	3,1
Ensemble bacheliers	94,7	39,4	27,5
Non bacheliers	5,3	32,5	23,2

## Success in Licence

Type	% students	Sucess 3 or 4 yrs / 3 yrs	
Littéraire	18,1	45,1	32,0
Economique	27,6	50,6	35,4
Scientifique	23,6	50,8	36,7
Ens. bac général	69,2	49,2	35,0

## Success in Licence

Type of bac	% students	Sucess	
		3 or 4 yrs	3 yrs
Techno. STG (1)	10,9	14,4	7,8
Autre bac techno.	6,0	18,8	11,5
Ens. bac techno.	16,9	16,0	9,2
Bac professionnel	8,6	5,7	3,1

**Problem:**

First year in the university:

**NO** selection but..... not enough space

⇒Quotas

⇒Ex: medicine, sports..

⇒**Random draw or « tombola »**

*Example in Strasbourg 2017:*

- ⇒ Faculty of Sport Sciences
- ⇒ 400 places available
- ⇒ 700 candidates in first choice

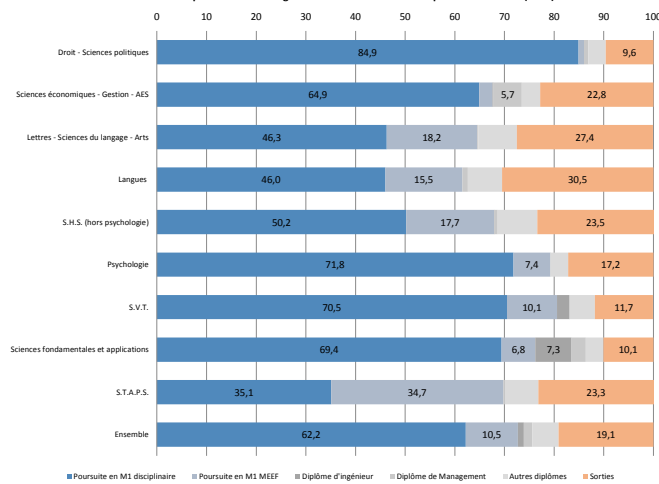


⇒ **In France**

- ⇒ Before June 28, 2107 169 Licences via tombola
- ⇒ On June 28, still 115 for a second tombola
- ⇒ 117000 students without solution!!!

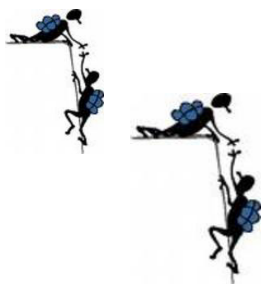
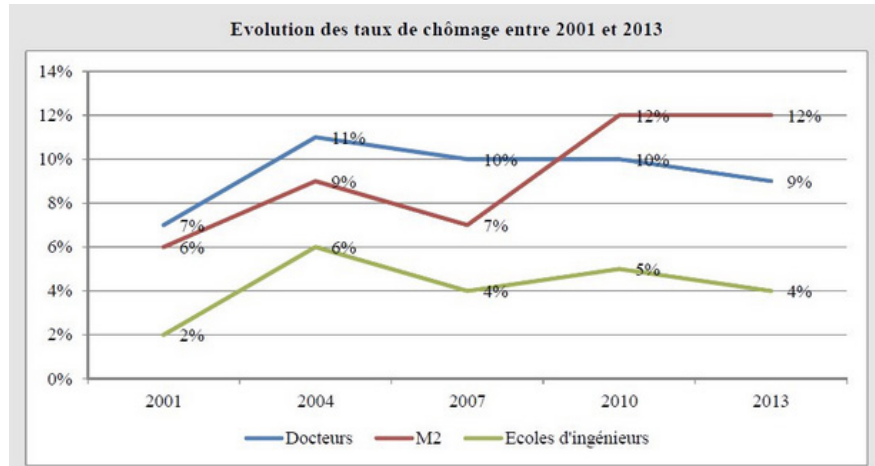


Devenir des diplômés de licence générale en 2015 selon la discipline de la licence (en %)





Unemployment rates: master/doctorat/Engineer



To increase the diversity



## Les dix premières institutions d'enseignement supérieur en nombre de Nobel par diplômé

Rang	École	Pays	Nombre de Nobel par diplômé
1	École Normale Supérieure	France	0.00135
2	California Institute of Technology	États-Unis	0.00067
3	Harvard University	États-Unis	0.00032
4	Swarthmore College	États-Unis	0.00027
5	Cambridge University	Royaume-Uni	0.00025
6	École Polytechnique	France	0.00025
7	Massachusetts Institute of Technology	États-Unis	0.00025
8	Columbia University	États-Unis	0.00021
9	Amherst College	États-Unis	0.00019
10	University of Chicago	États-Unis	0.00017

**AEF** L'Inserm et l'UPMC sont respectivement 75e et 87e du classement "Nature Index 2016 Rising Stars"

**AEF** Classement QS 2016 : la réputation académique des trois quarts des établissements français est en baisse

**AEF** PSL se hisse dans le top 50 du palmarès THE "réputation" 2017, où la France ne compte plus que 3 institutions classées

**AEF** Classement QS 2016 : la réputation académique des trois quarts des établissements français est en baisse

**Classement mondial THE 2016 : 5 écoles et 3 Comue entrent, mais les positions françaises sont globalement en baisse**

Qualities....

- Quality for the students
- Quality of/for the teachers
- Quality of the research
- Quality of the administration
- Quality of the financial support
- Quality of the building
- Quality of the decisions on HE .....

Thank you very much  
for your attention.....

## Médiateur de la république

Médiateur de l'Education Nationale et de l'Enseignement Supérieur

Médiateur Académique de l'Education Nationale et de l'Enseignement Supérieur (23)

Universities?????

=>


En 2006, la [Loi de programme pour la recherche](#) a créé la possibilité de créer des [pôles de recherche et d'enseignement supérieur](#) (PRES) dont le but affiché est de faciliter le rapprochement d'universités et d'établissements d'enseignements supérieurs d'une même ville ou région. Les interactions entre universités est de plus en plus importante et on assiste à des fusions d'universités, comme à [Strasbourg](#).

En 2007, La [Loi relative aux libertés et responsabilités des universités](#) a modifié les composition des conseils centraux en diminuant le poids de la [communauté universitaire](#) en leur sein. Le mode d'élection des présidents est modifié. Les universités accèdent peu à peu à l'autonomie financière. On assiste alors à la volonté du gouvernement de créer quelques pôles forts, thématiques, là où précédemment on voulait traiter les université avec égalité, tout d'abord avec le [Plan campus](#) qui porte du des opérations foncières et immobilières, puis avec la création de « campus d'excellence » dans le cadre du [grand emprunt](#).

En 2013, La [loi relative à l'enseignement supérieur et à la recherche](#) (loi n° 2013-660 du 22 juillet 2013) crée les [communautés d'universités et établissements](#) pour succéder aux [établissements publics de coopération scientifique](#) et aux [pôles de recherche et d'enseignement supérieur](#). La loi prévoit que « la coordination territoriale est organisée par un seul établissement d'enseignement supérieur pour un territoire donné [académique ou interacadémique] » et elle permet le regroupement des établissements d'[enseignement supérieur](#) et de [recherche](#).

**Rob Behrens**

**Ombudsmen in Higher Education: An International Survey**



**Ombudsmen in Higher Education:  
An International Survey**

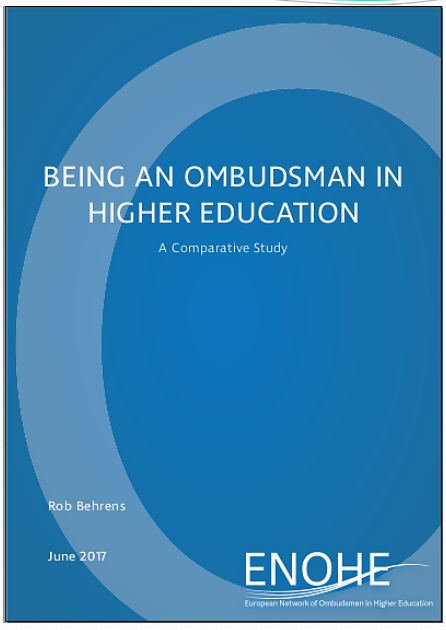

Rob Behrens CBE  
Parliamentary and Health Service Ombudsman

ENOHE Annual Conference 2017  
Strasbourg, France  
28-30 June 2017

*"In practice, I work independently, but formally, I am not independent"*  
University Complaints and Improvement Manager, Germany

*"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, Canada

Email: [rob.behrens@ombudsman.org.uk](mailto:rob.behrens@ombudsman.org.uk)    Tel: 44-(0)7391492479    Twitter: @robbehrens1884



**BEING AN OMBUDSMAN IN  
HIGHER EDUCATION**  
A Comparative Study

Rob Behrens  
June 2017

**ENOHE**  
European Network of Ombudsmen in Higher Education

## LEARNING FROM HIGHER EDUCATION OMBUDSMEN



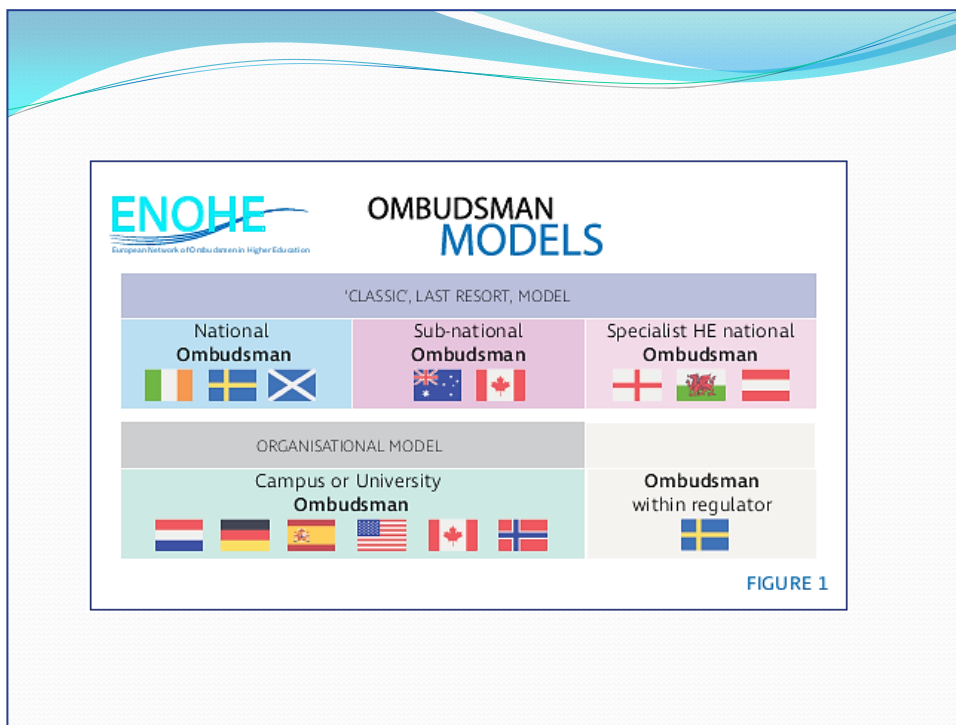
- The Ombudsman survey and its context.
- Diversity of higher education ombudsman arrangements.
- Lived experience 1: widespread consensus about operational principles, most important aspects of and challenges to role, and most challenging case issues.
- Lived experience 2: strong disagreement about methodology for ombudsmen, what independence means and move to 'professional' status
- Lived experience 3: weak mandates lead to existential conflict.
- Challenges ahead.



### HEADLINES FROM 2015 ENOHE SURVEY

- 60 survey returns
- 39% response rate
- From 18 countries
- 74% from Europe
- 58% appointed by external or internal competition
- 20% elected
- 55% full-time
- 45% combined with their work with another role in the institution
- 58% in post for 5 years or less
- 68% worked for a single institution
- 32% worked for a national agency

FIGURE 2



**ENOHE**  
European Network of Ombudsmen in Higher Education

## CAMPUS OMBUDSPERSON - RYERSON UNIVERSITY, CANADA

- **Independent scheme** established by the University in 1997.
- **Advice and referral service** to students about situations and procedures concerning which 'grievances may arise'. Means informing students of their rights and responsibilities, review of options, and where to go to resolve issues. Also includes **coaching** in how to resolve disputes, **shuttle diplomacy and mediation**. 'Investigation' only where everything else fails.
- Free to users.
- **500 + Concerns and Issues each year**, in University with 30,000 students. Predominantly **related to academic advice**.
- **No individual case reports published**. But identification of and recommendations about common trends in the university.


**Listening & Learning**  
Annual Report for July 1, 2011 to June 30, 2012  
for the Ombudsperson at Ryerson University

THE OMBUDSPERSON AT RYERSON UNIVERSITY | ANNUAL REPORT 11/12

**ENOHE** European Network of Ombudsmen in Higher Education

## 'CLASSIC' SCHEME – OIAHE ENGLAND AND WALES

- **Independent national student complaints scheme created by 2004 Higher Education Act.** Extended by Consumer Rights Act 2015 to include 600 + private suppliers (to existing 141 members), and HE in FE. Applies to England and Wales. Not Scotland, not Northern Ireland.
- OIA is complaints handler of **last resort**. Free to **2 million + students** and former students. Universities required in law to join Scheme and pay annual subscription.
- All **'acts and omissions'** of universities included, except narrow academic judgment, admissions, employment issues, and matters before a Court. **Most cases are 'academic-related' in nature.**
- Test of university act is 'reasonable in all the circumstances': has the University abided by its own regulations? Even if it has, are the regulations reasonable?
- 2,500 cases annually reviewed and **adjudicated**. Approximately **25 per cent of cases Justified or Partly Justified or Settled**, in excess of **£1 million compensation** awarded. Decisions subject to **Judicial Review**



- All universities receive **published Annual Letters detailing performance**. Public Interest cases published, universities 'named and shamed' for non-compliance.
- Registered Charity. Company Limited by Guarantee. Nolan Rules of Fair and Open Competition for Board with independent majority. Scheme **accountable to English and Welsh Ministers (but no reporting line)**. IA is not a civil servant. Requirements for Independent Adjudicator's impartiality set out in Act.

7

**ENOHE** European Network of Ombudsmen in Higher Education

## SEARCHING FOR A DEFINITION

### A higher education ombudsman

'provides accessible and independent mechanisms for addressing disputes or complaints respectfully and constructively. Through its provision of information, education, problem-solving interventions, investigations and recommendations, an ombuds office helps to address grievances fairly, assists in resolving conflict before it escalates and provides a feedback loop for the pro-active improvement of policies, procedures and practices on campus.'

**ACCUO's Ombuds Toolkit: Setting-up and operating an Ombuds office in a Canadian postsecondary institution, 2014.**

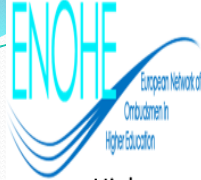
### Key features

- Resolves student complaints and issues (outside of 'academic' sphere)
- Free to users
- Non-binding decisions
- Independent and impartial
- Informal and confidential

20/07/2017

8



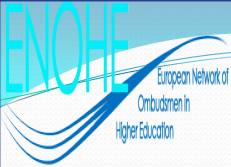


## CORE OPERATIONAL PRINCIPLES

- High consensus on centrality of
  - 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]


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## THE MOST IMPORTANT ASPECTS OF YOUR ROLE

1. Giving Advice
2. Information dissemination
3. Being an agent of change
4. Mediating disputes
5. Counselling
6. Arbitrating
7. Advocating on behalf of a single party
8. Making binding decisions.

'The Ombudsperson for Students at Oslo University College is an impartial person giving advice and assistance to students in matters concerning the study situation. For example questions about complaints, problems regarding admission, examination or practice, psycho-social environment, cases of cheating or suitability issues. I can mediate between students and faculty members or administration. I also handle cases where students want to anonymously report something. I am responsible for my own marketing and I also teach student representatives about student rights. My role is neutral and independent. I can not tell anyone what to do, but I can give advice both to the organization and to the students.' (Norway)




## THE MOST CHALLENGING CASE ISSUES (1)

### ACADEMIC-RELATED ISSUES (59 per cent)

- ❑ 'students about evaluation' [Spain]
- ❑ 'Intransigent faculty members...trying to convince students matter is of academic judgement and out of jurisdiction' [Australia]
- ❑ 'where students feel bullied or mistreated by teacher' [Norway]
- ❑ 'allegations of unfairness from more than one party eg student and instructor...' [Canada]

- ❑ 'Complaints of PhD students about their supervisor' [Belgium]
- ❑ 'Supervisor conflicts' [Canada]
- ❑ 'Exit trajet[ories] and supporting PhD students' [Netherlands]
- ❑ 'Problems between students and teacher and especially at PhD level' [Sweden]
- ❑ 'where there is disagreement if a case is academic or not' [Norway]



## THE MOST CHALLENGING CASE ISSUES (2)

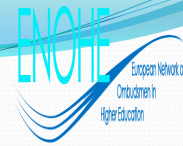
### DISCRIMINATION (26 per cent)

- ❑ 'Accessibility for disabled persons.' [Germany]
- ❑ 'Violations to human right to education. Discrimination problems. Sexual harassment.' [Mexico]
- ❑ 'Discrimination and harassment..sexual misconduct and stalking' [Canada]
- ❑ 'sexual harassment' [Poland]
- ❑ 'rape and sexual harassment, rampage' [Germany]
- ❑ 'discrimination and harassment issues' [Sweden]

Figure 7

**Narcolepsy discrimination claim is thrown out**  
 11:00, 2 Nov 2011  
 Updated 01:06, 12 Jan 2013  
 By Manchester Evening News

**A narcoleptic student who had to drop out of her degree course because she kept dozing off during lectures has suffered a setback in her £34,000 disability discrimination claim. Shelley Maxwell's case, which centres around claims Salford University did not do enough to help her while she studied for a military and international history degree, has been rejected by London's Appeal Court.**



## BIGGEST CHALLENGES TO YOUR ROLE AS OMBUDSMAN

1. Challenges to personal growth
2. Lack of independence
3. Access to resources
4. Access to policy-makers
5. Access to a network of colleagues.
6. Access to students

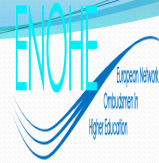


## ARGUMENTS ABOUT PRINCIPLES (1).

### Adjudication?

“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. The 'soft' power that comes from the responsibility to convince the respondent or institution of the accuracy of your conclusions and the validity of your recommendations results in a highly disciplined and effective means of developing feasible, practical and effective outcomes. Adjudication is also rooted in the 'adversarial' tradition of dispute resolution and my belief is that the Ombuds role should be firmly situated on the alternative dispute resolution continuum.” [North America]

Figure 3.



## ARGUMENTS ABOUT PRINCIPLES (2).

### Independence

‘The ombudsman is independent in structure, function, and appearance to the highest degree possible within the organisation.’ [U.S.A.]

The International Ombudsman Association

[https://www.ombudsassociation.org/IOA\\_Main/media/SiteFiles/Code\\_Ethics\\_1-07.pdf](https://www.ombudsassociation.org/IOA_Main/media/SiteFiles/Code_Ethics_1-07.pdf)

‘An office set up within a company or government agency as an “internal ombudsman” is not independent.’ [Australia and New Zealand]

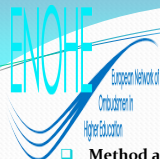
[http://www.anzoa.com.au/assets/anzoa\\_media-release\\_essential-criteria-for-use-of-the-term-ombudsman.pdf](http://www.anzoa.com.au/assets/anzoa_media-release_essential-criteria-for-use-of-the-term-ombudsman.pdf)



## FACTORS WHICH DETERMINE BEING INDEPENDENT

- Nature of mandate
- Method and terms of appointment
- Operating and reporting arrangements
- Potential role conflict
- Resources available
- Leadership issues

FIGURE 5



## FACTORS WHICH DETERMINE BEING INDEPENDENT

- 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))
  - ❖ A number of campus ombudsmen are student, not university appointments (Norway).
- 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.
- 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 (Sandhar) 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. 93% 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% did not.
- Leadership issues**

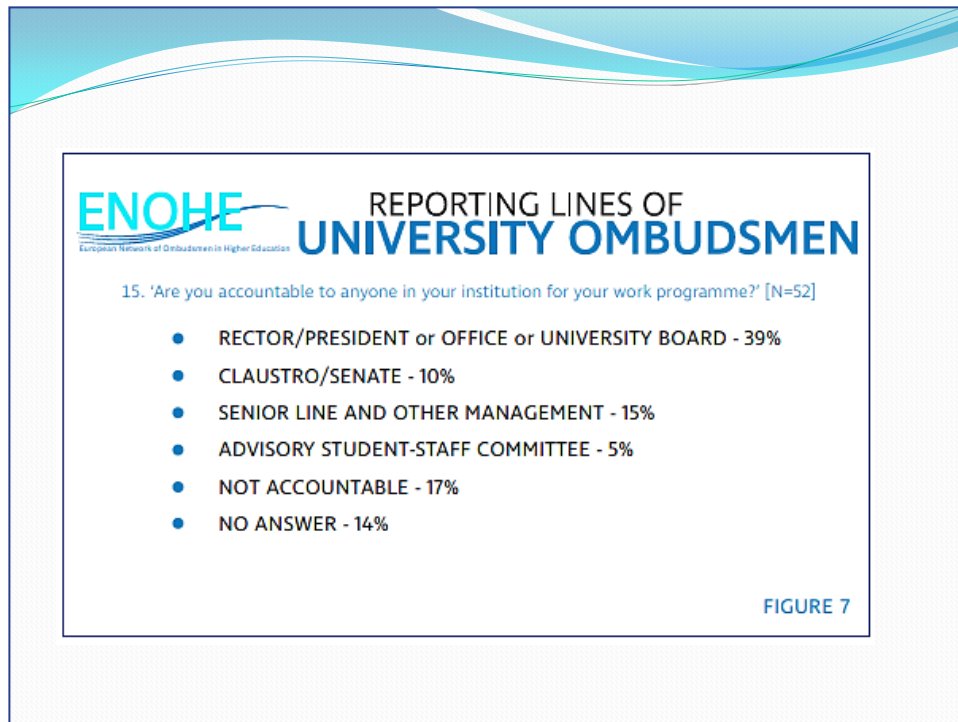
  - ❖ 'I think it works satisfactorily as is..[The role]...Relies quite strongly on individual personalities in the roles to reach satisfactory solutions ie working in a conciliatory style with both students concerned and academics and helping them to see the issues.' (Australia)
  - ❖ 'Our Visitor was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



## MANDATES

WHERE DOES YOUR MANDATE DERIVE FROM?	% RESPONDENTS
National Law	27%
Individual University Statute	58%
Both National Law and Individual University Statute	10%
Other	5%

**FIGURE 6**



**ENOHE** CONFLICT  
European Network of Ombudsmen in Higher Education

**Resignation** – Student Ambassador, University of Copenhagen, 2016, following disagreement over mandate.

**Line management interference** – ‘issues of power and integrity [involving a case about a] manager versus staff member’; the difficulty of ‘operating independently in the organisation’; the challenge of ‘complaints of staff members about leadership of a superior’.

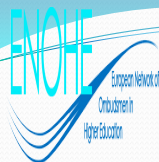
**Termination of office**

- **Case 1:** ombudsman removed because university alleged lack of impartiality in a sensitive investigation.
- **Case 2:** contract not renewed after the ombudsman wanted to look at fraud allegations within the university.
- **Case 3:** contract not renewed after ombudsman ‘warned off’ by university official and ombudsman wrote in protest to the university board.

## TOWARDS PROFESSIONALISM?

No agreement on necessary qualifications, core competencies, induction, continuing professional development, career progression, regulation, and discipline for wrongdoing.

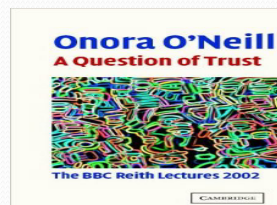
- ❖ 'I don't have Access to Training Programmes' (Germany)
- ❖ 'None. I deliver training, which I have had to develop!' (Scotland)
- ❖ 'None. My previous experience.' (Sweden)
- ❖ 'None, but the interaction with other ombuds at ENOHE has been most helpful in the past.' (Belgium)
- ❖ 'No [access to training/development]' (Israel)
- ❖ 'No [access]' (The Netherlands)
- ❖ 'No' (The Netherlands)
- ❖ 'I don't think to 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' (Austria)
- ❖ 'Courses and programs offered by the International Ombudsman Association and the California Caucus of College and University Ombuds' (USA)
- ❖ 'We use the Ombudsman training programmes of Queen Margaret University, Scotland, validated by the UK and Irish Ombudsman Association.' (England and Wales)



## OMBUDSMEN AND PUBLIC TRUST

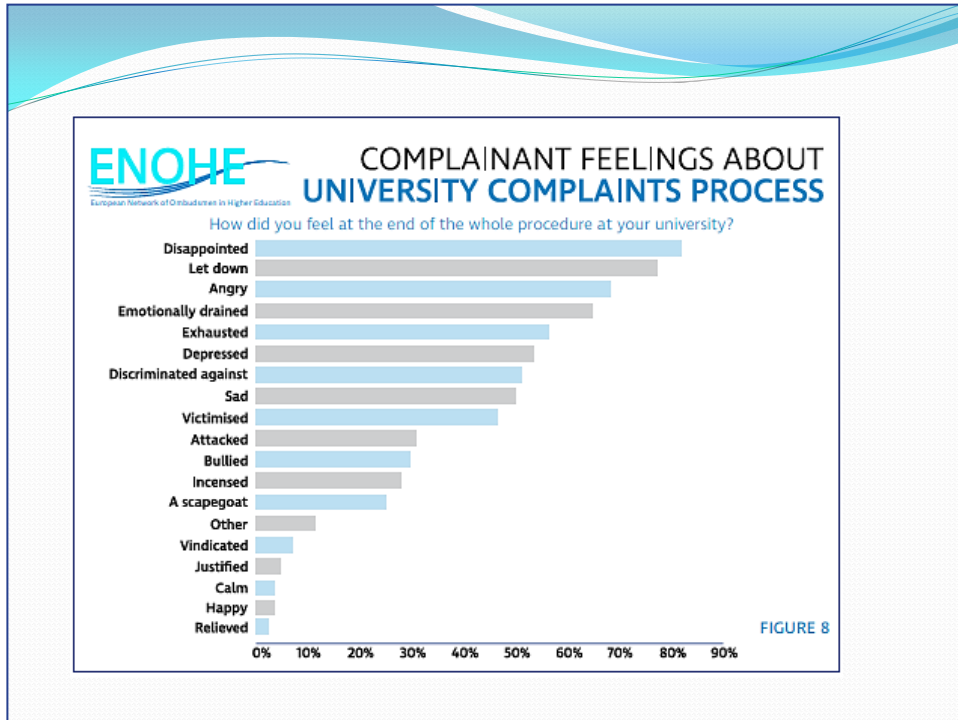
### KEY ELEMENTS OF PUBLIC TRUST

1. Perceived honesty and independence of profession and oversight mechanisms;
2. Core competence in serving users and the wider public;
3. Development of strong internal cultures fostering standards and openness;
4. Manifestation of 'active trust' and trustworthy behaviour by profession and oversight mechanisms



"Transparency certainly destroys secrecy; but it may not limit the deception and deliberate misinformation that undermine relations of trust. If we want to restore trust we need to reduce deception and lies rather than secrecy."

Onora O'Neill, A Question of Trust: The BBC Reith Lectures, 2002



## CHALLENGES AHEAD

- Linguistic challenges – ‘Trust’ as a European concept.
- Exceptionalism of higher education diminishes ‘radiating effects’ (Hertogh).
- Does disagreement about good practice impair embryonic professional status?
- Independence and openness: how transformative is the Ombudsman ‘enterprise’? (Kirkham et al)
- The relation between theory and practice (Oakeshott, 1933).



Jean Grier and Wolf Hertlein

‘A Tale of Two Cities’: Comparing and Contrasting Approaches from Edinburgh and Darmstadt

Jean Grier,  
Investigations Manager and  
Research and Projects Officer  
at the Vice Principals

THE UNIVERSITY  
of EDINBURGH

Wolf Hertlein  
Complaint and Improvement Manager

TECHNISCHE  
UNIVERSITÄT  
DARMSTADT

„Rob’s Questionnaire“ I

	Jean	Wolf
2. How appointed?	Volunteered	Internal Application
3. Full time role?	Yes, one person	Yes, one person
4. Term?	Permanent	Permanent
5. How long?	More than 5 years	More than 5 years
6. Other function?	Yes	No
7. Main duties?	Problem solving	Studying and teaching, at any stage
8. Activity?	Giving Advice	“Mediation”

## „Rob’s Questionnaire“ II

	Jean	Wolf
9. Mandate from?	University senate	President’s committee
10. Group complaints?	Yes	Yes
11. Own initiative?	Exceptionally	Exceptionally
12. Principles?	Independence, Neutrality and Impartiality, Confidentiality, Informality in process	
13. Rejection?	They won’t dare!	—
13.i Further powers?	No	No
14. Dissemination?	Yes	Yes
15. Accountability?	Yes?	Yes?

## „Rob’s Questionnaire“ III

	Jean	Wolf
16. External review?	Yes!	No!
17. Only ombudsman?	Yes	No
18. Access to resources?	(Yes)	(Yes)
19. Challenges?	Mental health	Sexual harassment
21. Training?	Not available	Mediation
22. Resources needed?	Backup	No
23. Ombudsman?	Yes, but...	Yes, but...



- **Jobs we believe in**
- Considerable freedom
- Scope for creative solutions
- Able to develop our own roles
- We volunteered
- A lonely job
- Very reactive work

Similarities



Different universities, different countries  
=> different structures, e.g.:

- Centralised admissions in the UK
- Different support for students
- Written Codes of Conduct in UK

Jean: Overseen by SPSO; Wolf: nothing comparable

Differences

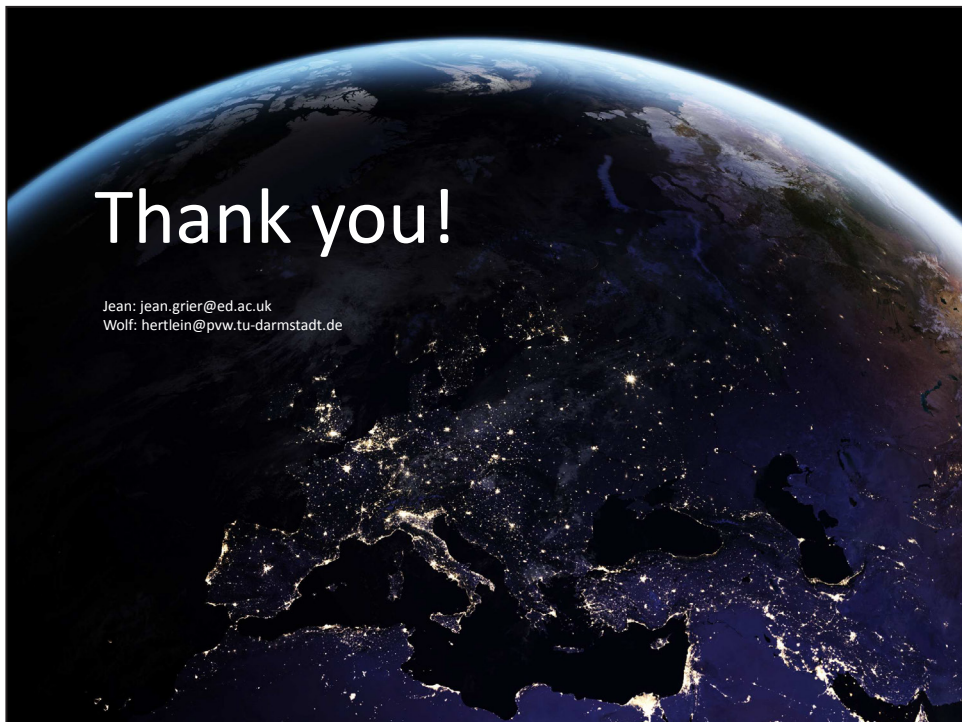




## Job shadowing with Erasmus Plus

- Is a great experience
- And a lot of fun
- As you reflect and review your work thoroughly
- And from all angles
- With another interested expert
- And without haste.
- You thus gain confidence and calm:

Message




## Thank you!

Jean: [jean.grier@ed.ac.uk](mailto:jean.grier@ed.ac.uk)  
Wolf: [hertlein@pvw.tu-darmstadt.de](mailto:hertlein@pvw.tu-darmstadt.de)

**Paul Herfs**

**Experiences of a Dutch Ombudsman at Canadian Universities**




Utrecht University

# Ombudsing at Canadian Universities through the eyes of a Dutch ombudsman

**Paul Herfs**  
**Utrecht University**

20 July 2017



Utrecht University

# Any idea how much bigger Canada is compared to the Netherlands?

240

# Population NL vs Ca: 17 million vs 35 million

20 July 2017



Utrecht University

## What was the reason for the study trip?

**Too much unused holidays  
"Use them or lose them"**

**Make a plan**

**Advise of Josef Leidenfrost during  
ENOHE conference in Innsbruck:  
visit your colleagues!**

20 July 2017



Utrecht University

The plan arose to make a study trip to Canadian colleagues

Who pays? Utrecht Univ. and I  
Why Canada? Past experiences

How long? For 6 weeks  
will the Ombuds office be closed?

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Contact former president of  
the Association of Canadian  
College and University  
Ombuds: Kristen Robillard  
(Concordia University  
Montréal)

20 July 2017



Utrecht University



Association of Canadian College and University Ombudspersons  
Association des ombudsmans des universités et collèges du Canada

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Division<2spaces> |<2spaces>Title of presentation

20 July 2017 6





## Universities visited

## Foundation year Omb office

<b>Univ. de Montreal</b>	<b>1988</b>	
<b>McGill Univ. Montreal</b>	<b>1987</b>	
<b>Concordia Univ. Montreal</b>	<b>1971</b>	
<b>Laval Univ. Quebec</b>	<b>1981</b>	
<b>Univ. of Ottawa</b>		<b>2010</b>
<b>Univ. of Toronto</b>	<b>1976</b>	
<b>Ryerson Univ. Toronto</b>		<b>1997</b>
<b>McMaster Univ. Hamilton</b>	<b>1980</b>	
<b>Univ of Alberta in Edmonton</b>	<b>1972</b>	
<b>Univ of Calgary</b>		<b>2010</b>
<b>Univ of British Columbia Vancouver</b>		<b>2009</b>
<b>Univ of Victoria Vancouver Island</b>	<b>1978</b>	



Utrecht University

## Canadian ombudspersons gave me a very warm welcome!

- **Very honest and open discussions on our work**
- **Support or sometimes lacking support from the board**
- **Similarities and differences due to different educational systems in both countries**
- **Eagerness to discuss ombudswork as many of us don't have opportunities to reflect with colleagues**

20 July 2017



Utrecht University

## Target groups for Canadian ombudspersons and other important matters

**Using a specific questionnaire I gathered data on the most important issues at 12 universities**

**Target groups**

**Cornerstones of practice of ombudspersons: fairness, independence, impartiality, confidentiality**

**Funding of the ombuds office**

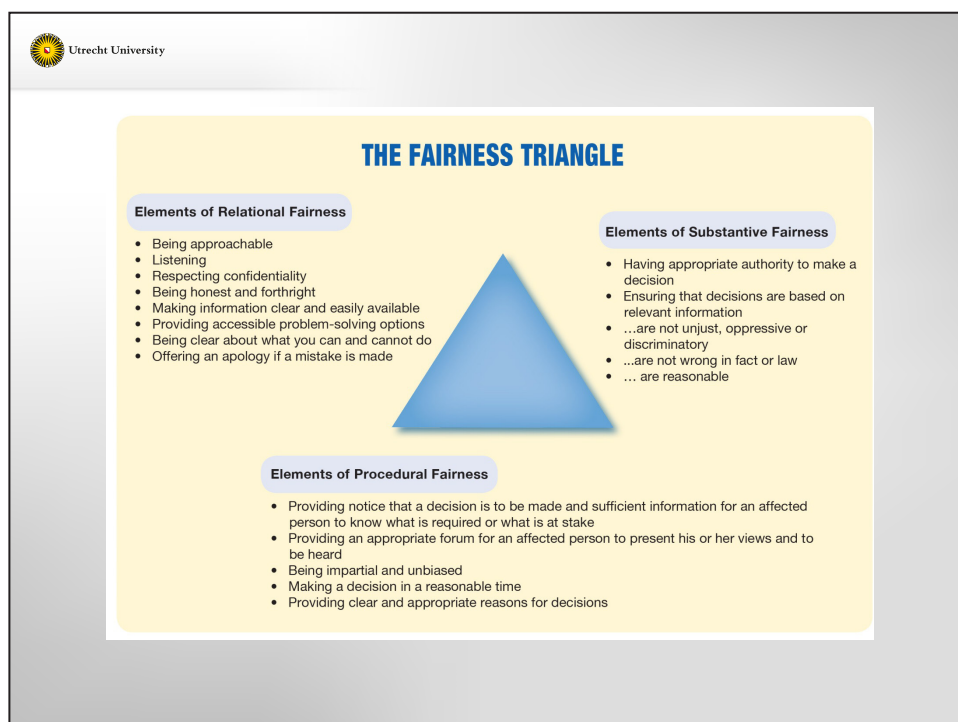
**Background of ombudspersons**

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university	students	staff	faculty
U. de Montreal	+	+	+
McGill Univ	+	-	-
Concordia Univ	+	+	+
Laval Univ	+	+	+
U of Ottawa	+	-	-
U of Toronto	+	+	+
Ryerson Univ	+	-	-
McMaster Univ	+	+	+
U of Alberta	+	-	-
U of Calgary	+	-	-
U British Columbia	+	+	+
U of Victoria	+	-	-

20 July 2017





Utrecht University

**Fairness triangle:**  
**methodical eye opener**  
recent case:  
colleague/client with a broken  
wrist  
long period of recovery  
company doctor vs. return-to-  
work expert



Utrecht University

#### **Similarities Canada and the Netherlands**

No provincial nor federal legal obligation for universities to appoint an ombudsperson

A minority of universities have ombudspersons

Some ombudspersons work with students and staff & faculty

Some ombudspersons work with students only

No governmental actions to propagate Ombuds offices at universities

Some ombudspersons hold solitary positions

Ombudspersons are working in accordance with terms of reference

Ombudspersons may address complaints from PhD's who perceive relational problems with supervisors

Sometimes unacceptable incidents are the catalyst for the founding of the office of the ombudsperson

Differences in	Ombudsing
Canada	Netherlands
Training for ombudspersons is available	No training for ombudspersons is available
All ombudspersons work with students	Not all ombudspersons work with students
Ombudspersons are not merely working with staff & faculty	Some ombudspersons work with staff & faculty only
Some ombudspersons combine ombudswork with work as faculty	Ombudspersons do not combine their ombudswork with scientific/academic work
An active network (ACCUO) between ombudspersons exists	Only a very small network (VOHO) is available
Ombuds office consists of more than one person	Ombuds office has just one staff member: the ombudsperson

Differences in	Ombudsing
Canada	Netherlands
Ombudspersons are perceived as assets for the university community	Ombudspersons are not yet considered as assets (except by the universities who appointed an ombudsperson)
Ombudspersons are “visible” (advertising and outreach is a regular activity)	Ombudspersons are “not visible” (hardly any publicity)
A longstanding tradition in ombudswork	No tradition in ombudswork with the exception of a few universities
Ombudspersons make use of a theoretical framework	Work of Ombudspersons lacks theoretical framework



Utrecht University

Some conclusions:

position of Ombuds in Canada is safer.  
Those responsible for the evaluation of  
ombudswork:

- union of undergraduate students
- union of graduate students
- board of the university
- representatives of staff and/or faculty

In the Netherlands: only the board  
evaluates their ombuds.

Once you make enemies .....

20 July 2017



Utrecht University

It is hard to understand that  
governments in Canada and  
Netherlands are still not convinced  
of the great value of  
Ombudspersons in higher  
education. Legislation is necessary.  
Boards of universities often fear to  
appoint Ombudspersons. Ombuds  
are perceived as a threat to the  
institution.

20 July 2017

**Natalie Sharpe**

**Internships Programs: Mentoring and Training Young Ombuds Professionals  
in Higher Education in Canada**

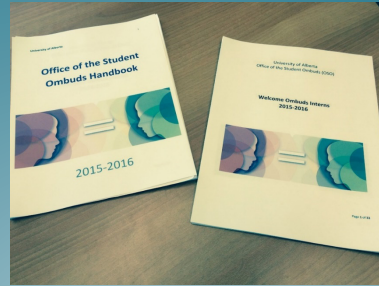


**Purpose of Session**

- Why ombuds internships?
- Modular training approach
- Key aspects of mentoring
- 1<sup>st</sup> yr of implementation
- 2<sup>nd</sup> year of program
- 3<sup>rd</sup> year of program
- Critical review/Challenges
- Value added to Ombuds Growth

University of Alberta  
Office of the Student Ombuds (OSO)

**Welcome Ombuds Interns  
2017 - 2018**



Page 1 of 57

## TRAINING SCHEDULE OVERVIEW

Introduction to Being an Ombudsperson – The Role and the Responsibilities TUTORIALS delegated among Ombuds Staf (modules range from 0.5 – 2.0 hr)

- Association of Canadian College and University Ombudspersons (ACCUO) Standards of Practice
- Mentoring and Shadowing
- Staff Meetings
- Ethics and Professionalism
- Confidentiality
- Impartiality
- Phone Call and Email etiquette
- Communications and Social Media Restrictions
- Empathetic Listening Skills
- Dealing with Difficult Students
- Dealing with Suicidal Students (HIAR)
- Fairness Triangle
- Administrative Fairness Checklist
- Establishing Boundaries
- Statistics and Recordkeeping
- University Governance
- Conflict Resolution (Level 1)
- Faculty Appeals – Required to Withdraw and Grade Appeals
- What can and cannot be appealed
- Meeting Checklist
- Note-taking
- FOIP and Records
- Preparing Appeal Letters
- Conflict Resolution (Level 2)
- General Faculties Council and University Appeal Board Appeals
- Restorative Justice Process in Residence Disputes
- Preparing Students for Appeal Hearings (revisit for first appeal)
- Preparing Witnesses for Appeal Hearings (revisit for first appeal)
- Effective Writing as an Ombuds (in collaboration with Writing Centre)



## Role of Ombuds Mentoring Staff

- Commitment cannot waiver – constant but the rewards are worth it
- Mentor consistently, but allow individual styles to develop
- Ensure interns ask questions before giving advice on policy and procedures
- Assign casework: simple, routine grievances with well-defined policies and procedures
- Use checklist for meeting with clients for consistency in intern's work
- Train for growing confidence; overconfidence can lead to errors or not seeking help
- Ensure weekly staff meetings to debrief and review case challenges
- Do not overload casework; set schedules with appropriate breaks
- Teach how to set appropriate professional boundaries; and transfer difficult cases
- Build in self-care to avoid ombuds burnout; teach ways to defuse emotions in the office
- Work together on progress reports throughout term together to measure improvement

## Key Aspects of Mentoring Interns

- Mentorship (learning by instruction and example): Mentorship begins with sessions to outline university policies and office procedures. One-on-one meetings help to ensure that interns learn university policies, the ombuds approach to resolving conflict, and professional standards of practice.
- Shadowing (learning by observing): As each case and client is unique, it is important that interns shadow the senior ombudspersons. This exposes interns to different styles. Interns then lead client meetings in collaboration with an ombuds mentor, eventually managing cases on their own.

## Debriefing and ADR Skills

- Debriefing (learning by reflection): Debriefing is ongoing; it enhances learning and increases consistency in our advice. It creates a culture in which mistakes are treated as learning opportunities. This is important in the beginning when the learning curve is steep.
- Skills-Building in Alternative Dispute Resolution (ADR): Communication and conflict resolution skills are essential in ombuds practice. Mentors teach effective communication skills to interns and introduce them to ADR processes, including restorative practices. This knowledge and skills are practiced in their casework.

The Mentors - Brent Epperson, Graduate Ombudsperson and Marc Johnson, Undergraduate Ombudsperson



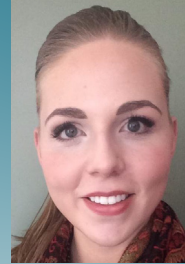
## What Really Happens Behind the Scenes with Mentors



## First Year of Internship – Pilot Program

- May 1<sup>st</sup>, 2015 – two senior undergraduate domestic students were hired into internships; considered full-time students receiving internship credits
- Undergraduate interns take an internship course in addition to on-the-job training and mentoring by the three full-time ombuds
- We use a modular approach to developing skills with feedback from the mentors and evaluations by the ombuds director and intern department and career service coordinators
- Skills developed incrementally: Critical Skills in Communication I & II
- Problem-solving through case scenarios – potential for roleplays
- Critical review of the pilot 1<sup>st</sup> year included feedback from interns

## Veronica Kube – Undergraduate Ombuds Intern Background: Psychology



- ✓ Fairness in Communication: A Relational Fairness Guide
- ✓ Intern Poster Presentation
- ✓ Article in CalCaucus Ombuds Journal 2016

- During my internship, I completed a research project. I wrote a Relational Fairness Handbook for University faculty and administrators.
- I kept a journal, wrote learning plans and did ethics/methodology assignments.
- My internship provided me an incredible background on post-secondary mental health, and hands-on experience in client-centered work. The skillset I will take away from this internship, on both a personal and professional level, is unparalleled and will serve me well in any future endeavours.

**Am I Being Fair? Considering Fair Communication in Higher Education**  
University of Alberta INT D 400 Poster Presentation – Veronica Kube, Psychology Intern – Office of the Student Ombuds (OSO), University of Alberta

**INTRODUCTION**

What is the Office of the Student Ombuds (OSO)?

- Neutral arbitrating service for students at the University of Alberta experiencing a range of academic and/or interpersonal conflict-related issues.
- Office support, advice, and assistance in navigating university policies and processes.
- Pillars of service: Confidentiality, Independence, Impartiality, & Accessibility

Ombuds' Approach to Fairness

**THE FAIRNESS TRIANGLE**

Balance of Power Issues

Balance of Information Issues

Balance of Resources Issues

**Why does Fairness matter in higher education?**

- Fairness is essential to promoting an individual's academic reputation by upholding the integrity of the curriculum, research, and award degrees.
- Academic fairness affects the experience of students, faculty members, and staff through their perceptions of fairness in interpersonal interactions and personal experiences.

**Final Internship Project:** Development of practical fairness handbook, Fairness in Communication: A Relational Fairness Guide.

**Project Rationale**

- Observed benefits of intentionally fostering constructive communication in conflict.
- OSO Director, Andrea Stange, observed a fairness issue – **IMPARTIALITY** (STUDENT'S CONCERN) a balancing of Fairness and Resources on Ombudsing Fairness – in the OSO through the functions of Gender College and University Disadvantages (UCD's).
- Impartiality, Resource gaps that are not considered for students involved in conflict.
- University documents contain procedural and substantive details of university policies, but lack insight into interpersonal communication techniques and advice.
- This is a problem because often an individual's understanding about their own role will be unimpaired.

**METHOD**

Interviews

Focus Group

Survey

Review of literature

Research & Development of the Handbook

Final Review

**HANDBOOK IMPLEMENTATION**

- The handbook is available as a University of Alberta resource on the OSO website: [http://www.ombuds.ualberta.ca/OSO/About/Resource/Training/Communication\\_Handbook](http://www.ombuds.ualberta.ca/OSO/About/Resource/Training/Communication_Handbook)
- The handbook is intended as an easy to read practical communication resource for members of the U of A's campus community.
- The handbook has been shared with ombuds' offices across North America and in Europe.
- The handbook is being presented by the OSO, within the U of A, as one of the first U of A initiatives for this year.

**DEVELOPED SKILLS**

**EMOTIONAL COMMUNICATION**

- Identify utilizing reason, negotiation and awareness of individual, organizational, and institutional processes, systems, and values.
- Awareness and management of personal biases in particular difficult conflict situations.

**EMPATHETIC LISTENING**

- Model and practice an effective communication, emotionally charged situations.
- Being able to release FEELINGS without violating boundaries.

**WRITING & EDITING**

- Utilize a clear, concise and professional writing style.
- Utilize a clear, concise and professional writing style.
- Utilize a clear, concise and professional writing style.

**PUBLIC SPEAKING**

- OSO invited students to participate in the OSO's first public speaking event.
- OSO invited students to participate in the OSO's first public speaking event.
- OSO invited students to participate in the OSO's first public speaking event.

**SETTING BOUNDARIES**

- Clear understanding and effective communication of levels of service.
- Awareness of personal responsibilities in response.

**FINAL PROJECT: HANDBOOK**

**Fairness in Communication**

**TABLE OF CONTENTS**

**REFERENCES**

## Josh Hillaby, Undergraduate Ombuds Intern Background: English



- ✓ Intern Poster Presentation
- ✓ Article in CalCaucus Ombuds Journal 2015

- I enjoyed meeting students from different areas of study, encouraged them to open up their perspectives in constructive ways, and empowered them with skills they needed to solve their academic problems. With the help of my friends and mentors at the office, I developed my unique style as an Ombudsperson.
- I completed bi-monthly reports on work goals and learning objectives and received feedback from my mentors. This gave me the opportunity to reflect on any strengths and weaknesses.

### From Student to Student: the Value of the Student-staff Perspective in Advising and Services

By Josh Hillaby  
University of Alberta Office of the Student Ombuds

**A Valuable Perspective**

It is an important requirement of the work of student service staff members that they are in touch with the needs, goals and perspectives of the students they help. Student staff have their own lived experiences and views from the student point of view while bringing energy and new ideas to the workplace.

While interns and student staff are still learning and being formed into the professionals they will become, they also bring a unique set of qualifications to their positions that are often missed by the supervisors and co-workers. Therefore, while the seasoned, full-time staff at the office work to build and guide and working with the team, they will also have the valuable opportunity of learning from the interns and connecting with the unique and perspective values underlying the service. Furthermore, they will have the chance to question and address special problems when they are able to look at them from a new perspective.

**Value to Clients**

Students are often in the habit of seeking out help and information from their peers when they need advice on academic or personal matters. While this habit can be detrimental when necessary information is needed for successful outcomes, it can also offer an opportunity for student services to provide a further level of support and accessibility for improving students in staff positions.

Client service never ending to open up and engage meaningfully with a student services staff member when the person they are talking to comes to the person either they are authority figure or someone who is more easily accessible with the bureaucracy of the larger institution. When speaking to another student, client service help from someone who is in a similar position as they are, as an intern or the staff member, they will be able to help them understand the law and the Office of the Student Ombuds and how they can help the student as a representative of the institution and will therefore feel less guarded or afraid of what they are doing in the meeting. They will allow the client and staff member to develop trust more easily and communication is done more freely. Rather than having to be immediately addressed by the supervisor, the staff member can offer support and help from the client service staff member who they can work together to cope with or solve.

**The Ideal Candidate**

When considering students for staff positions, there are a number of important traits to look for. The following list should help when seeking a valuable addition to your team.

- Make sure that the student is flexible in working hours and willing to perform a wide variety of tasks around the office. This will allow full-time staff extra time to perform other duties and give response time time to focus on well-being.
- When interviewing, make sure that the student can explain in detail why they want the position and what they want to get out of the experience. It is important that the student is honest in the sense of the office for the right reason and not simply to meet requirements or fill out their resume.
- To ensure that the office can benefit from the student perspective, the intern student must be communicative and willing to share their perspective with co-workers whenever they feel it is useful.

**When it Works**

The ideal situation for employing and training a student staff member is one which links the needs of the student staff and the duties of the office and also to be fulfilled with the needs of the student staff. This can be achieved by having opportunities and the student's co-workers should be equipped with training and help for the office to help as necessary. The work expected of the new employee should require practical, rather than theoretical, skills and should be able to be easily learned on the job.

**The Bias Problem**

A common concern regarding students in staff positions is the likelihood for students to over-identify with other students and as a result find it difficult to maintain a necessary level of objectivity. This can result in their staff members being more likely to assist students by helping the students, while it is natural for student staff members, especially in the first and second semester, who have positions in the student services, to develop understand the difficulties experienced by other students, this must be limited by a clear explanation of the student's role and boundaries.

**Advantages and Challenges**

The advantages of a student staff program are not only felt by clients, but by everyone involved in the program. The following points are just a few ways a student service program can benefit the employing student workers.

- From the experience of my supervisor and colleagues at the Ombuds office, having interns in the office has the potential to renew professional relationships among co-workers and help in finding new energy into the office environment. Sharing in the experience of student staff allows full-time staff to work together to solve new and more challenging, but ultimately strengthen, their professional bonds.
- Particularly when they gain experience in leadership roles, interns are able to learn more about a mutual leadership they are able to become more effective in roles such as this.
- The teamwork required to train a lesser skilled staff member can contribute to the growth of the office in ways that is not possible when everyone is focused on their own goals and tasks. In the end of the student's work term, the office can feel proud of the deep and positive experience they have had for the student in stepping in her as a worker and undoubtedly contributed to the student's professional success.
- Student staff will gain significant experience from working in a client service and the connections they develop are invaluable, particularly if they plan to pursue careers within the post-secondary education field in the long term.
- While clients often respond extremely positively to working with student staff, the issue of a student staff program may present its own unique challenges which supervisors and co-workers must be prepared to handle.
- If student staff are not fully aware or willing to adhere to their professional boundaries, this can create major problems and liabilities for the office. However, this problem can be easily resolved through available training process and comprehensive training.

*These amazing illustrations were drawn by my lovely interns. Thanks again, Victoria!*

## Second Year of Internship

- May 2016: Hired two full-time domestic undergraduate ombuds interns and one part-time international graduate ombuds intern
- The undergraduate ombuds interns did work journals, learning assessments, and were evaluated by the Ombuds Director and the department internship coordinator
- Undergraduate Ombuds Interns facilitated the third meeting of the provincial network of higher education ombudspersons, Alberta Network of Ombuds in Higher Education
- The graduate ombuds intern was hired through a government subsidy to teach graduate students leadership and writing skills (50% of wage)
- The graduate internship is tied to a project to reduce graduate student – supervisor conflict known as RPI or the Restorative Practice Initiative
- The Graduate Ombuds Intern provided background research for ombuds mentors for conference papers (eg, RPI and Sexual Violence Policies)

### Meghan Hodgson, Undergraduate Ombuds Intern – Advisor Self-Care Background: Psychology and Anthropology



Mariah Venkatraman, Undergraduate Ombuds Intern –  
Active Communication *Background: Psychology and Anthropology*



Intern's Perspective  
on Internships  
-  
Mariah  
Venkatraman  
Undergraduate  
Ombuds Intern

### Challenges

- ✓ Working in a professional capacity with expectations to manage a caseload
- ✓ Implementing best practices and ombuds values and skills
- ✓ Steep learning curve

### Rewards/Successes

- ✓ Feeling as though I can make a difference through hearing a person's story
- ✓ Skills learned and professional development gained
- ✓ Confidence as a working professional, developing my own style of ombuds work
- ✓ Opportunity for continued learning and development, and encouragement to explore different interests and their relation to the ombuds world

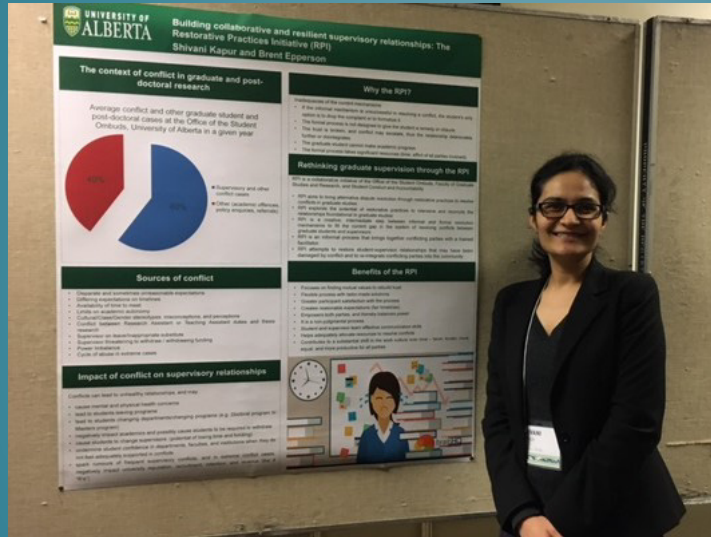
### Value of Mentoring

- ✓ A unique way of learning: an opportunity to see different styles of ombudsing, and feel comfortable in finding my own style
- ✓ Opportunity to grow and ask questions, and learn through observation
- ✓ Practicing in a safe, supportive, and encouraging environment
- ✓ Learning and developing ombuds skills without the worry of working independently and missing information

### Why the Growth of Ombuds Intern Programs is Important

- ✓ Expands the role of the ombudsman and awareness of ombuds practices
- ✓ Allows for development throughout the role, and transferable skills
- ✓ Creates opportunity for student engagement, valuing long-term learning
- ✓ Promotes the value of ombudswork

Shivani Kapur (Master's Law) Graduate Ombuds Intern – Restorative Practices  
*Background: Master's Law, International Graduate Student, Lawyer in India*



## Intern's Perspective on Ombuds Internships - Shivani Kapur, Graduate Ombuds Intern



- ✓ The internship program has set learning objectives to build skills incrementally. These include leadership, organizational, time management, and, communication skills. The ability to work both independently and as a team is critical in the ombuds internship and directly transferable to academic research. The professional university ombudspersons teach by mentoring; the interns learn their skills by initially shadowing cases and observing experienced ombudspersons interact with their clients. The interns then lead client meetings in collaboration with the ombuds mentors, and eventually manage cases on their own. There is ongoing debriefing of casework to enhance the learning process and to ensure consistency in approaches to casework and adherence to ombuds professional Standards of Practice.
- ✓ A student needs to learn how to apply theory to practice in a highly diverse human community. A day in the ombuds office is never predictable. There is no quick “how to learn to become a real ombudsperson”; the learning curve is steep. The internship program consists of modules to train the intern on how to examine casework holistically; the interns then help their clients to explore options to resolve their personal and academic crises and dilemmas. The interns learn life-building skills such as how to resolve conflicts, how to navigate complex policies and procedures, how to write appeals and present position papers, and ultimately how to treat others with respect and intentional fairness. In this way, the connection between real world and the academic world is open and fluid.



## Increase Potential for Collaborative Initiatives

- Internships allow us the time and energy to link with other Ombuds offices: we created a provincial network of ombuds in higher education
- Fairness Day Booth at University to showcase services of Provincial Ombudsman and University Ombuds
- Use existing Career Centre and Faculty/Dept Intern Programs
- Worked with Business Marketing Class Work to improve Visibility of Ombuds Office
- Worked with International Student Services to improve services to students
- Worked with Graduate Studies to start an initiative for early dispute resolution between graduate students and supervisors (RPI)

## Fairness Day Info Booth – Collaboration with Alberta Provincial Ombudsman



## Third Year of Internships

- Two full-time international undergraduate ombuds interns
- One part-time international graduate ombuds intern (international) 50% funded by government program for developing leadership skills
- Two interns tied to Faculty of Arts/Career Services intern program
- Interns are acute to the growing concerns of international students who are frequent visitors to the ombuds office
- Ombuds sees the marginalized students more frequently
- Added visibility of an office that does not reflect the growing diversity of our campus
- Interns are focused on key international student issues

*Background:* International Undergraduate Student from Korea, Economics. Korean Military, Martial Arts, and Law Enforcement Training

### *Challenging*

- Being empathetic, impartial and getting the deeper story from the student
- Knowledge of all University policy, procedures, and protocol
- Listen and do not give personal advice
- Every student has a different situation

### *Aspirations:*

- Applying the knowledge gained from my Police and Investigation Diploma from Canada
- Completing my BA in Economics
- Advocating for fairness for all students
- Interested in Human Rights
- Becoming an ombudsperson

Yunghee Lee,  
Undergraduate Ombuds  
Intern



**Background:** International Undergraduate Student from Bangladesh, Banking Experience, Political Science

Murtoza Manzur,  
Undergraduate Ombuds Intern

**Challenges:**

- As a student myself, sometimes it gets difficult to stay neutral and objective, especially when you hear a student's side of the story.
- At the same time, being an international student, I find it particularly challenging to navigate through the cultural nuances.

**Aspirations:**

- I want to learn how to remain impartial and neutral.
- At the end of the internship, I am hoping to be more proficient and familiar with the processes of conflict resolution.



**Background:** PhD Candidate Teacher Education. High school educator/principal from Jamaica used alternative means of handling school conflicts to ensure positive outcomes.

Remonia Stoddart-Morrison,  
Graduate Ombuds Intern

**Challenges/Fears:**

- Helping people is what I have always wanted to do, especially those who are less fortunate and those who have the odds stacked against them.
- Learning how to refrain from forcing what I think or know is best for students, by providing them with the options and allowing them to decide their own course of action
- Not being able to provide needed assistance when policies and standards do not take into consideration the diversity of students.

**Aspirations:**

- I am an optimist; I aspire to be a model of hope for guiding others to pursue a better way.
- I want to add to the body of work in the practice of restorative practices and alternative dispute resolution.





## Summary: Challenges for Interns

- Professional setting, not a play setting
- Steep learning curve
- Setting professional boundaries with clients
- Check for student bias in casework
- Balance of teamwork and ability to work on own
- Diplomacy with university staff and ability to work with powerful people without fear
- Take time to debrief on casework
- Keep check on growth of ombuds' knowledge



## Funding and Resource Challenges

- Intern funding should be sought at all times of the year; need to actively seek all potential funding through internal and international opportunities; government-sponsored programs, etc.
- This year we have identified two potential areas of government funding to subsidize wages
- Collaborate with internal financial experts to identify funds for various internship programs
- Collaborate with established career internship expertise in the institution to reduce costs

## Benefits of Interns to Mentors and University Community and Abroad

- New set of ombuds eyes helps senior ombuds review their own practices
- Enhances educational outreach that ombuds can play on their campus with interns to assist giving educational seminars and orientations
- Students learn more about the role of the ombuds through peer interaction
- Allows more time for collaborative initiatives with faculties, departments and services
- More time to develop ombuds resources for university community – such as the Relational Fairness Guide to help faculty/administration to make fair decisions and policy/processes
- Aligns with University strategic goals of student engagement and learning
- Promotes knowledge about ombuds role and value of ombuds to the campus community
- Promotes importance of the ombuds role internationally as we have international ombuds interns who may advocate for ombuds in higher education in their home countries

## The Value of Ombuds Interns: Summary

- An early introduction to the role of the ombudsman and potential career
- Institution sees ombuds valuing the growth of clients and developing leadership in students
- Additional background research can be done to augment the ombuds' review of current trends on campus
- Diversity of staff; inclusive of the student voice, undergraduate and graduate
- Potential for training and development on the job
- Allows for low-cost training in the ombuds world
- Energy and creativity of the office
- Mentoring is a valuable ombuds resource; it helps to teach valuable skills that have been honed over years of ombuds practice

## Building Strong Ombuds Intern Programs

- ✓ Build Credibility: Adhere to Professional Standards of Practice
- ✓ Teach Skills Incrementally: this is a steep learning curve
- ✓ Build Case Studies Debriefing in Weekly Reviews
- ✓ Collaborate with Career Services to ensure professional development
- ✓ Use Reflective Practice in monitoring and evaluating skill development
- ✓ Build a clear Evaluation Plan with intern partner
- ✓ Provide Mentorship for Short-Term Intern Projects
- ✓ Advertise Benefits of Internship via the Intern's Voice
- ✓ Incorporate Intern's feedback to enhance the program
- ✓ Strengthen Internship programs with Ombuds colleagues
- ✓ Share Reading Resources and Collaborate on Internships
- ✓ Explore potential to develop/sponsor Visiting Ombuds Internships Nationally and Internationally



Natalie Sharpe, Director  
Office of the Student Ombuds  
University of Alberta

## Resources

- Sharpe, N. (2015) "Transition to Student Internships" European Network of Ombudsman in Higher Education, Innsbruck, Austria
- Sharpe, N. (2015) "Challenges and Rewards of a New Internship Program", 42<sup>nd</sup> CalCaucus Asilomar Conference, Pacific Grove, California
- Hillaby, J. (2016) "From Student to Student: The Value of the Student-staff Perspective in Advising and Services", Student Advisors' Conference, University of Alberta
- Sharpe, N. (2016) " Student Ombuds Internships: A New and Inspiring Program", Student Advisors' Conference, University of Alberta
- Kube, V. (2016) "Fairness in Communication: A Relational Fairness Guide" Office of the Student Ombuds University of Alberta

Nicole Föger and Panagiotis Kavouras

Crowd Intelligence among Academic Complaint/Issue Handlers: Austria, Europe



## The European way to promote research integrity

Nicole Foeger, Panagiotis Kavouras  
European Network of Research Integrity Offices (ENRIO)

1



## Research Integrity in Europe

USA 1989:  
Office of Inspector General OIG (NSF) and Office of Research Integrity ORI (HHS,..)

Pioneers in Europe: Scandinavian countries in early 1990's  
Germany 1998 (DFG-German Research Foundation and Max Planck Gesellschaft)  
UK 2006  
Austria 2008

European Network of Research Integrity Offices 2007/2008  
(ENRIO; representatives from 23 European countries)



2



## Important Documents


**European Code of Conduct** (2017; revised by ALLEA)

**World Conferences on Research Integrity:**

- Lissabon (2007)
- Singapur (2010): **Singapore Statement**
- Montreal (2013): **Montreal Statement**
- Rio de Janeiro ( May/June 2015)
- Amsterdam (May 2017)



3



**ALLEA**  
All European Academies

**integrity** | integrity is the quality of being b...  
integrity. te of being w...


**The European Code of Conduct for Research Integrity**  
REVISED EDITION

### 1. Principles

Good research practices are based on fundamental principles of research integrity. They guide researchers in their work as well as in their engagement with the practical, ethical and intellectual challenges inherent in research.

These principles are:

- **Reliability** in ensuring the quality of research, reflected in the design, the methodology, the analysis and the use of resources.
- **Honesty** in developing, undertaking, reviewing, reporting and communicating research in a transparent, fair, full and unbiased way.
- **Respect** for colleagues, research participants, society, ecosystems, cultural heritage and the environment.
- **Accountability** for the research from idea to publication, for its management and organisation, for training, supervision and mentoring, and for its wider impacts.



4



## 2. Good research practices

- Research environment
- Training, supervision, mentoring
- Research procedures
- Safeguards
- Data practices management
- Collaborative working
- Publication and dissemination
- Reviewing, evaluation and editing

### Review/Evaluation

- Disclosure of conflicts of interest
- personal bias
- scientific rivalry
- appropriation of ideas
- careless reviewing processes

## 3. Violations of Research Integrity

- Research misconduct (FFP)
- Other unacceptable practices

### Research procedures


- insufficient care for research subjects
- insufficient respect to human subjects, animals, the environment, or cultural heritage
- violation of protocols
- failure to obtain informed consent
- insufficient privacy protection, breach of confidentiality
- Improper research design
- carelessness in experimentation and calculations (statistics)
- Lack of SOP

### Data practices


- Careless data management
- inadequate curation,
- hiding data from colleagues
- inadequate preservation of original data

### Publication conduct

- Sequence of appearance in author listing
- honorary authorship
- guest authorship
- hyper-authorship
- coercive citation/citation cartels
- selective citation
- grey literature
- collegial ethics




<http://www.wcri2017.org/>




5th World Conference  
on Research Integrity

HOME ORGANIZATION PROGRAM REGISTRATION SUBMISSION VENUE SPONSORS CONTACT



May 28 - 31, 2017  
Amsterdam  
The Netherlands



**„We do not want to have a Court,  
we want scientists to behave“**

P. Drenth (All European Academies; ALLEA)






## The „history“ of ENRIO

- **Founded 2007/2008** (after 1<sup>st</sup> WCRI, Lisbon)
- Initiative of UKRIO: **First meeting in 2008 with 8 representatives**
- **2017: 29 member organizations** from **23 European countries**




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## ENRIO Members

**Members belong to:**

- national organisations responsible for **investigation and/or oversight of allegations of research misconduct**
- organisations providing **funding for research** (if there are no organisations as mentioned in a)
- Academies and other learned societies or the like with a special interest in promoting research integrity** e.g. by promoting training and education and/or establishing rules or structures for the investigation of allegations as mentioned under *a*
- Other relevant bodies or groups that support the goal of ENRIO but are not included in 2a - 2 c.**



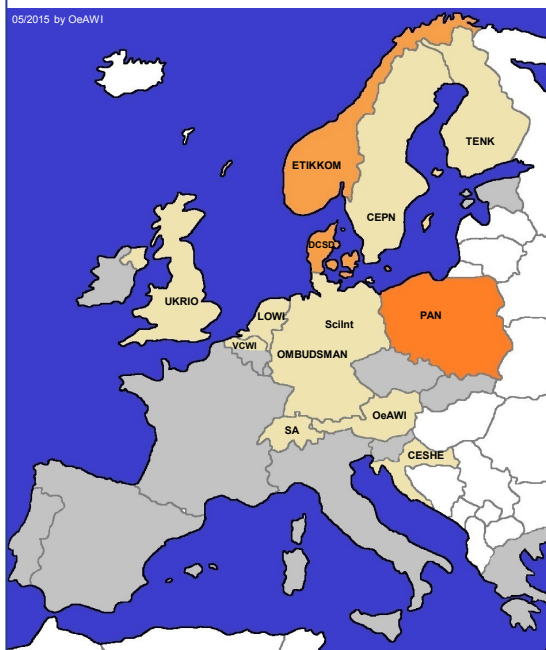
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## ENRIO: Members 2017

<b>Austria</b>	OeAWI Austrian Agency for Research Integrity
<b>Belgium</b>	VCWI Flemish Commission for Research Integrity
<b>Croatia</b>	CESHE Croatian Committee on Ethics in Science and Higher Education
<b>Czech Republic</b>	Academy of Sciences of the Czech Republic
<b>Denmark</b>	DCSD Danish Committees on Scientific Dishonesty
<b>Estonia</b>	ETAg Estonian Research Council
<b>Finland</b>	TENK Finnish Advisory Board on Research Integrity
<b>France</b>	CNRS Centre national de la recherche scientifique INSERM Institut national de la santé et de la recherche médicale CIRAD agricultural research for development
<b>Germany</b>	OMBUDSMAN Ombudsman für die Wissenschaft SciInt Scientific Integrity.de
<b>Greece</b>	EARTHnet RCR-Greece
<b>Ireland</b>	HRB Health Research Board RIA Royal Irish Academy
<b>Italy</b>	CNR Consiglio Nazionale delle Ricerche
<b>Luxembourg</b>	FNR Fonds National de la Recherche
<b>Netherlands</b>	LOWI National Board for Research Integrity NRIN Netherlands Research Integrity Network
<b>Norway</b>	ETIKKOM The National Committees for Research Ethics
<b>Poland</b>	PAN Polska Akademia Nauk
<b>Portugal</b>	FCT Portuguese Foundation for Science and Technology
<b>Slovak Republic</b>	SRDA Slovak Research and Development Agency
<b>Slovenia</b>	CWS Committee for women in science
<b>Spain</b>	CSIC Consejo Superior de Investigaciones Científicas
<b>Sweden</b>	CEPN Expert Group for misconduct in research at the Central Ethical Review Board
<b>Switzerland</b>	SA Swiss Academies of Arts and Sciences
<b>United Kingdom</b>	UKRIO UK Research Integrity Office

## Investigation of Research Misconduct – Level of regulation

05/2015 by OeAWI




- local commission(s)
- national advisory commission
- national commission with legal mandate

### ABBREVIATIONS

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<b>United Kingdom</b>	UKRIO UK Research Integrity Office

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## ENRIOs strengths

Exchange of information and experience


- **Improve own national structures** and procedures
- **Support/Advice** members **having no** national structures

Discussion of Cases

- **Hot topics:** “plagiarism”, “authorship”, “digital data storage”,...




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## ENRIO aims to...

- **Share experience**
  - Investigation of allegations of research misconduct
  - Training/Education in good scientific practice
- **Develop proposals** for national and international organizations
- **Cooperations** with other international organizations with interest in RI



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## EU-Project ENERI

**ENERI: European Network of Research Ethics and Research Integrity**  
September 2016 – August 2019

**Aims:**

- Intensive exchange of expertise in the fields of research ethics (RE) and research integrity (RI)
- Harmonisation of processes within ethics reviews and investigation procedures of allegations of research misconduct
- Development of a core curriculum for persons, who are involved in ethics review and investigation panels
- Database of RE/RI experts



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## Challenges in Europe

- **Variety of rules, systems,.. on research integrity**
- **Almost no mandatory training on RI**
- **Almost no research on research integrity**




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## Rima Mammadova (via video), Paula Crstina Marques Martins, Anna Cybulko AESOP: The Importance of the Advocacy Establishment for Students at Universities in Azerbaijan, Georgia and Ukraine


**Advocacy Establishment for Students through  
Ombudsman Position (AESOP)**  
Erasmus+ Programme - Capacity-Building projects in the field of  
Higher Education

**Universidade do Minho**



*The Ombudsman Office at the University of Minho - Portugal*

Paula Cristina Martins  
[gabinete@provedorestudante.uminho.pt](mailto:gabinete@provedorestudante.uminho.pt)



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

#### Regional Partners

- Azerbaijan

1. Khazar University
2. Nakhchivan State University
3. Qafqaz University
4. Ganja State University
5. Nakhchivan University
6. Ministry of Education

- Georgia

1. Akaki Tsereteli State University
2. Caucasus University
3. Georgian American University

- Ukrain

1. Poltava University Of Economics And Trade
2. Kyiv National Economic University

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

### EU Partners

- Middlesex University (UK)
- University of Warsaw (Poland)
- University of L'Aquila (Italy)
- University of Minho (Portugal)
- University of Jyväskylä (Finland)
- Office of the Austrian Student Ombudsman (Austria)

Paula Cristina Martins

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

### EU Partners/ Regional Partners

Different paths in the establishment of our Ombuds offices – sharing our stories and experiences:

- Essentially inductive
- Trial and error
- Driven by experience
- The role of personal characteristics of the first ombudspersons

Paula Cristina Martins

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

### Vectors

- The Office of the University of Minho (2010-2017)
  - 2 ombudspersons
  - how is started, context, philosophy, how it works, development
- The needs of students entering Higher Education – implications for integration
- The University as an organization – structures, schools, pedagogical bodies, services – their relationship with students
- Student's rights, needs and challenges in Higher Education from the perspective of Students' Union.

Paula Cristina Martins

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

### Vectors

- The international students at the University
- The perspective of the rectory
- Talks with other university ombudspersons
- Sociability, Citizenship and Mediation at the University

Paula Cristina Martins

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**Alonso, Marta Elena<sup>1</sup>, Palazón, José Manuel<sup>2</sup>, Rojo, Argimiro**  
**Working professionally without being a professional Ombudsperson:**  
**The Spanish Model**

The University Ombuds figure existed for decades in many world universities with the fundamental mission of defending the rights and freedoms of their community members. In Spain the Fourteenth Additional Provision of the LOU (6/2001) stated that: „To ensure respect for the rights and freedoms of teachers, students and administrative staff and services, against the actions of the university services and institutions, the Universities will establish in their structures the figure of the University Ombudsman. His performances will always be directed towards the improvement of university quality in all areas, and will not be under the imperative mandate of any university level and will be under the principles of independence and autonomy“.

As a consequence of this mandatory imposition adopted by the legislator, we are a compulsory and necessary body within the Spanish university system. An internal body that forms part of the institutional structure that makes possible the government of the university. We are the critical conscience, that guarantee in our institutions that is entrusted with not only the defense of the rights and freedoms of the members of the university community, but also the search for and promotion of quality and excellence in all operational areas of the university system.

The main *raison d'être* of the Spanish University Ombuds (SUO) lies in the society's need to equip itself with new instruments of control of administrative activity, having found that the traditional mechanisms and means were insufficient. Faced with a clear predominance and oversized administration, faced with this enormous and complex bureaucratic machine, a consequence of a spectacular increase in state interventionism in multiple and novel scenarios in which citizens' rights and freedoms may be affected, there was a need to be equipped with new guarantee institutions.

It is not, of course, a question of replacing or supplanting the functions performed by the traditional control bodies (internal administrative controls and judicial controls in both ordinary and administrative courts); it is only a matter of complementing or perfecting them through an independent, impartial, agile, fast and flexible, easily accessible, substantially anti-formalist, non-paralyzing and nevertheless free procedure.

A body trained to deal with any type of complaint (from illegality to neglect or disregard) related to the administration's actions and to the defense of the legitimate rights and interests of all members of the university community. An organ that can appreciate discretion and opportunity, and is not limited by the specific case, and can therefore offer a greater variety of solutions to the claims raised, drawing from the case general applications and conclusions, advising and recommending improvements in the operational procedures of the administrations and in their relations with the administered ones. It is an organ, in the end, unique and different from others, which has its own space of action and does not imply in any way an unnecessary duplication of structures.

We are now to have a look at the past to contextualize the figure and it should be noted that the first universities to implement ombudsmen were in North America, the first being the Simon Fraser University of Canada in 1965. In the United States the first was Montana College in 1966, in the political context of the great changes of the 1960s, the on-Campus protests, and the fight for civil rights against the Vietnam War.

The first University Ombudsman office in the Ibero-American sphere was born in Mexico (UNAM, 1985) and Spain (in 1985 the creation of the figure in Complutense, Granada, León, Barcelona, Extremadura and Salamanca was approved). However, the University of León was the first to have an Ombudsman in 1987 and followed in antiquity by Barcelona and Valen-

cia. In the Spanish case, the creation of the figure is legally supported by the principle of university autonomy contemplated in the Constitution of 1978. However, we consider that its rapid expansion is due to the social need to establish mechanisms of control of public powers and the defense of the rights of citizens when hardly 10 years had passed from the death of Dictator Franco and 8 years from the first democratic general elections. Thus, in 1996 17 Defenders had already been chosen and were able to celebrate the first State Meeting in the University Jaume I.

Ombudsmen were created in Brazil, like the first Defensorías in Spain, by decision of the universities, after a long period of dictatorship and starting from the principle of university autonomy of the Brazilian Constitution of 1988, which restored democracy. The first was the Federal University of Espiritu Santo in 1992.

In some Ibero-American countries, ombudsmen are compulsory for all universities by Law (Spain 2001, Peru 2014, Portugal 2007) and in others it depends on the will of each university (Mexico, Brazil, Argentina, Chile). Some Ombuds are responsible only for defending the rights of students (Portugal) while others include all members of the university community: students, academic and technical or administrative staff (Spain, Mexico).

In the present day, SUO is an organ necessary to maintain the balance between prerogative and guarantee, between the needs of the administration and the interests of the administered ones. It is a body that contributes to the full and desirable achievement of the rule of law within the university space. It should also be noted the fact that the citizens are now more and more demanding regarding the validity and satisfaction of their rights and legitimate interests. There is the feeling that society is becoming less tolerant of injustice, dishonesty, or disregard. There is a shift from resignation and indifference to claim and denunciation. All this made SUO not only compulsory by law but also necessary.

We have presented in some previous ENOHE meetings some of the Spanish University Ombuds particularities, such as the fact that we used to be members of our University community, very different in our training and background (chemistry, physics, mathematics, veterinary, psychology, law, architecture, medicine, engineering, philology, politics), and elected for 1 or 2 mandates of about 8 years in the position. In general, the ombuds offices are occupied by university professors who perform this function for a limited period of time and then return to academic work. Therefore, it is not a professional occupation.

We will now present how we work in a professional way without being a professional.

### **- First comes the principle of Independence:**

In order to carry out the functions with full guarantees and independence in respect of any interference, we are not subject to any mandatory mandate, we have autonomy and cannot receive instructions from any authority, and we enjoy inviolability and immunity. Although the election procedures are different, the SUO are chosen by a university body (usually by the Claustro, which is the highest governing body) and one of our common characteristics is independence with respect to the Rector and the Governing Bodies.

### **- Impartiality linked to independence:**

On the other hand, independence is fundamental to be able to act with impartiality, which is a fundamental characteristic of our behavior and that generates confidence in our actions. The fact of being elected by a large number of university representatives and not being appointed by the Rector is a guarantee of independence. Since we only respond to the Claustro, we can only be dismissed by the majority of that body and we cannot be sanctioned or ceased by the Rector. We are not an administrative office of complaints, of attention to the user or of informati-

on; that can coexist in our universities and could be directed and attended by specialist staff. However, on many occasions the members of the university community come to us asking for information or for advice, precisely because it gives them more confidence in our opinion because we are a body that acts independently of the rest of the university structure.

## **- Search for information:**

Moreover, in order to be able to investigate and clarify the facts of the complaint, the SUO has a series of guarantees and powers (all members are obliged to co-operate by facilitating access to documents; hostile, obstructionist and obstructive attitudes are not allowed, and can be considered as disobedience and a reason for public denunciation in the annual reports).

## **- Principle of moral auctoritas:**

We are not a bureaucratic organ and we exercise the auctoritas. We have no executive authority and our ability to influence and improve our universities or to solve the problems of those who come to us depends exclusively on our deep knowledge of the functioning of the university and our ability to argue, our powers of persuasion, our moral authority and our credibility. We are governed by the principle of justice rather than by the principle of legality. In many cases our function is to ensure that the rights contemplated by university regulations are respected, avoiding arbitrary actions. However, strict enforcement of standards may be unfair in some specific cases. In these cases, we tend to pay attention first to the principle of justice and act so that exceptions can be considered in cases where the strict application of the principle of legality can go against the purposes of the person. As Professor Arturo Juncosa, Sindic de Greuges of the University of Barcelona in 1997, stated: „In the actions of the University Ombudsman, justice must prevail over law, moral authority over power and humanism over bureaucracy.“

## **- Improve Quality: prevent “maladministration”, writing recommendations and presenting an annual report to the Claustro.**

With regard to the deficient actions of public administrators, both Parliament and the European Ombudsman have been particularly interested in clearly defining the concept and scope of „maladministration“, and in view of the possibility of admitting complaints about the same. According to a proposal by the European Ombudsman „maladministration occurs when a public body does not act in accordance with the rules or principles to which it must comply“. It should be noted that this definition does not limit maladministration to cases where the rule or principle infringed is legally binding, since the principles of good administration go beyond the strictly legal scope and require institutions not only to cope with those but also to act with a willingness to serve and ensure that citizens are treated properly and can fully exercise their rights.

It can be said that the figure of the Ombuds represents a privileged observer of university reality, since it receives both vertical information (from all levels that make up the university community and the relations established between them), and horizontal (as a consequence of possible conflicts between members of the university community belonging to the same area) and transversal. It detects routine problems, dysfunctions or behaviors as a result of the knowledge and investigation of the facts that are the subject of complaint. And lastly it is characterized by its proactivity, since the Ombudsman's Office has the capacity to act on its own initiative, and we can make proposals to improve the quality of our university, and this is, in our opinion, one of our most important functions.

In many cases, during the treatment of a matter raised by a person or a group of people, we detect that the problem does not come from bad performance of an administrative or academic body, but from deficiencies in university regulations. Often, when standards are developed within our univer-

sities, governing bodies try to look at their incidence in different cases, but others may be overlooked in cases where the application of this rule may be unfair. In these circumstances, we have the possibility to take ex officio actions by proposing normative changes that enable avoiding unfair situations or that help to improve the efficiency and the quality of a university that is in line with the rights and the dignity of the university community members.

One of the most important opportunities to collaborate in the improvement of quality and the good governance of universities is the annual presentation to the Claustro of our annual report of actions. Many SUO use this record, which is usually openly accessible on the website, to raise the general problems that have been identified as affecting the rights of students or members of the university community or the quality of the Public Service. Naturally, the Report also includes a description of the number and type of individual or collective problems that have been dealt with, other activities, statistics, etc.

### **- Informal procedures:**

We do not have to stick to the administrative procedures, often slow and tedious, but we can address the problems that arise from the people who come to us with much more agility, using dialogue, intermediation, good offices, empathy, respect and common sense. In short, it is about seeing people instead of cold records and talking to other people to find reasonable, quick and fair solutions to problems. Unlike in countries such as Mexico, where ombudsmen have a team of professionals in Law, in Spain, SUO usually solve problems with the sole support of a secretary and only have permanent specialist staff in some Universities such as Complutense, Seville and the Basque Country. T

he absence of specialist personnel with legal training also determines how to act, avoiding tedious administrative records and solving problems through more informal procedures. Although the lack of specialist staff is a fairly common feature, there are some universities in which the Ombudsman is supported by adjuncts (normally chosen by him) who also perform this function on a temporary basis (for the same time as the defender) and who may be teachers, students, non-academic staff or a person from each group. On the other hand, as was already mentioned the formation of the Spanish defenders is very varied but, in all cases, we know very well, from experience, the mechanisms and problems of the university world. The fact of not having legal training is an inconvenience and requires us to have to consult on some decisions with people with such legal training, but it is also an advantage in facing the problems from the perspective of seeking a fair solution, even if that forces the interpretation of a standard or to recommend that it be modified.

### **- De-confliction agent:**

In the performance of our duty, it is also up to us to assume the role of unique agents of reconciliation and accord in the context of turbulence and in our turbulent societies. Conflict is inherent to human nature and constitutes an ineluctable consequence of societal life, so it will always be one ingredient of our coexistence in a group. And as was previously mentioned our society is increasingly demanding rightful actions, so SUO contribute every day to the softening of university life and the diffusion of conflicts. We must be prepared and we are already prepared to properly manage this new and turbulent scenario, using tools such as mediation, empowering meetings, and dialogues building consensus.

### **CEDU**

The Spanish ombudsmen are associated in the CEDU (State Conference of University Ombuds-person). CEDU is an association that groups together 62 SUO of Spanish public and private universities, which means all of public universities and almost all of the private ones. The decision to create the CEDU was adopted in 2007 in the framework of the X State Encounter of University Ombuds. The CEDU annually holds a meeting in which it discusses some topics proposed

by the members and selecting the ones of greater interest by voting between the partners. In the same frame, the annual Assembly that deals with organizational matters is celebrated and the Election of representation and coordination charges takes place. In addition to the annual Meetings, technical or discussion one-day meetings are organized on hot topics of common interest.

Throughout the year, there is also discussion on some issues using the email distribution list from the consultation or the proposal of some advocate. This method is very useful for the high degree of participation, the quality and the speed of the responses. The possibility of using this method of consultation and the variety of academic and human training of the participants allows us to fill, on many occasions, the lack of staff in the Offices. We have recently created a digital magazine, University Magazine, Ethics and Rights (Rued @), as a medium for the exchange of reflections and opinions, open to all members of the university community and to the Ibero-American ombudsmen who have already started publishing articles. In addition to the annual meetings and assemblies or the technical meetings organized by CEDU, advocates with a common interest have also set up networks and hold meetings that address issues of common interest. The networks can bring together the defenders of an Autonomous Community (Madrid, Andalusia, Galicia, Castile and Leon) or the defenders of universities that have constituted a university network (Group G9 or Xarxa Lluís Vives).

## Summary





The University Ombuds figure existed for decades in many world universities with the fundamental mission of defending the rights and freedoms of all members of the university community in some countries such as Spain, Mexico or Brazil, or only students in countries such as Austria, Portugal or the United Kingdom. In addition to this main task, the Spanish University Ombuds (SUO) are also entrusted with the search and promotion of quality and excellence in all operational areas of the university system, making suggestions for modifications of university regulations, aiming to remedy defects detected in institutional actions. Promoting the culture of ethics in the university is another field of action working as critical conscience and contributing to the good governance of universities. In Spain, University Ombudsmen exercise this function as a service for the university community on a temporary basis with a general limitation of eight years in two possible mandates and not as a professional permanent occupation. After being an Ombuds, SUO usually return to their teaching or administrative tasks.

These characteristics of temporality, non-professionalism and belonging to the university community are common in the Ibero-American context, but not frequent in Anglo-Saxon universities in which the position is performed by a person or an institution as a profession. In spite of this fact the SUO work every day dealing with cases of complaints, claims and personal conflicts in a professional way using the same tools such as mediation between the parts, writing recommendations and reports, among others. In many of the international meetings the common ways to deal with cases, presented both for permanent professional and non-professional Ombuds, reveal that there are similarities between them. In conclusion: it does not matter if we are professionals or not we all need to know how to deal with people and their problems in the best way possible and all our strength should be put in improving our ways of achieving this goal.

Wolf Hertlein

The Professional Ombudsman in Higher Education: An Attitude and Action

**A Mosaic of Modules**  
Education for and from Ombudsmen



A Mosaic of Modules | Dipl.-Math. Wolf Hertlein | TU Darmstadt | June 30, 2017

1

**WHY?**



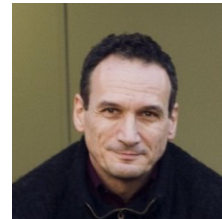
A Mosaic of Modules | Dipl.-Math. Wolf Hertlein | TU Darmstadt | June 30, 2017

2



# Idea:

- We as the members of ENOHE
- produce a growing set of training videos
- about aspects of professionalism in our work
- and make them available on the ENOHE-website
- to support colleagues and professionalize our work.



# A Self-Explaining Example-Video





## Differences → Common appearance



- Be visible
  - Mistakes are okay
  - Introduce yourself
  - Speak without notes
  - Speak standing
  - Focus on one subject
  - Visualize
- Use template
  - Calm Background
  - Less than 10 Minutes
  - Keep it small and simple,
  - but choose good equipment



## Discussion



THANK  
YOU!

- What do you think of the idea?
- Want to create a video?
- A suggestion for a subject?

**Mary Tupan-Wenno**  
**Diversity and Ombudspersons: The Way Ahead**

- ECHO, Center for Diversity Policy  
Netherlands <http://echo-net.nl/>
- EAN, European Access Network  
<http://www.ean-edu.org/>
- GAPS, Global Access to Postsecondary  
Education initiative <http://www.gaps-education.org/>

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Why D&I

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## Gaps



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## Increasing diversity



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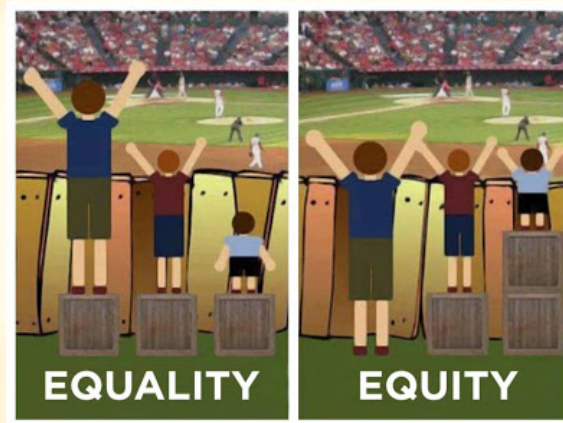
## Why D&I

- Social Justice driven reasons  
Creating better and more *equal* opportunities
- Economic Reasons  
To find *better* solutions for current and new socio economic challenges
- Emancipation & Inclusion



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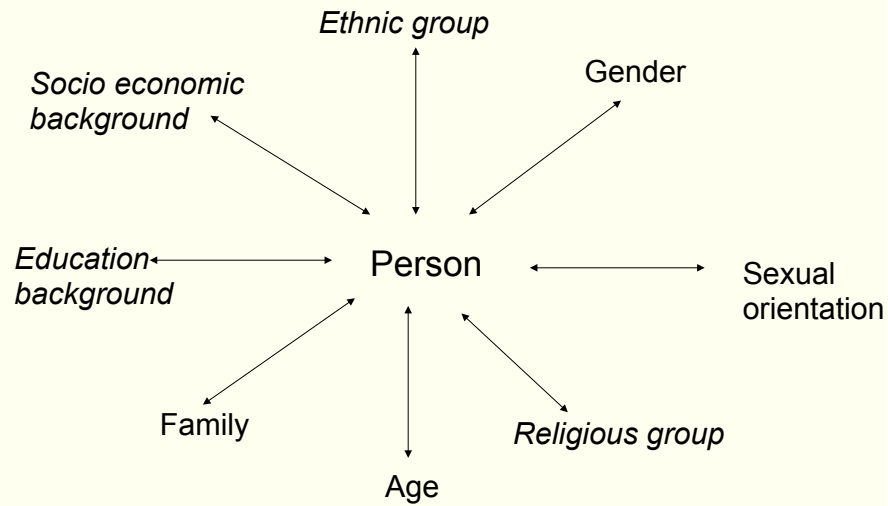
## Equal rights or equal opportunities?



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## Social identities & intersectionality

Edwin Hoffman



## D&I as a means to innovation



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## What are Effective Approaches?

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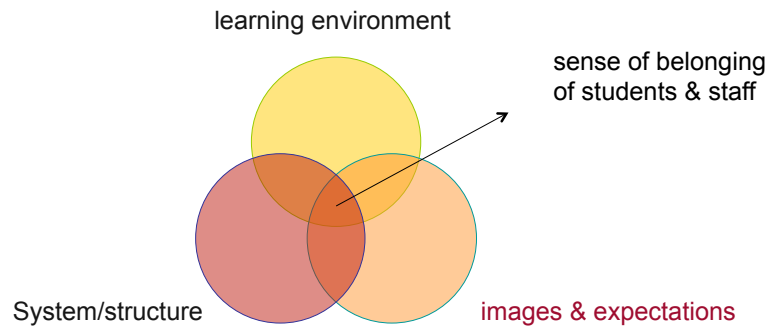
## Two types of institutional strategies

- A strategy driven by *a vision on inclusion and equity* → **intentional** with a focus on making a change
- A strategy driven by *pragmatism* → focussing on solving **'the problem'**

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## Towards an inclusive & holistic approach



## IDEAS

Identifying effective approaches to  
enhancing the social dimension in Higher  
Education

<http://www.equityideas.eu/>

THE  
TAVISTOCK  
INSTITUTE®

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esu

EURASHE★  
European Association of  
Universities in Research and  
Innovation

Knowledge  
Innovation  
Centre

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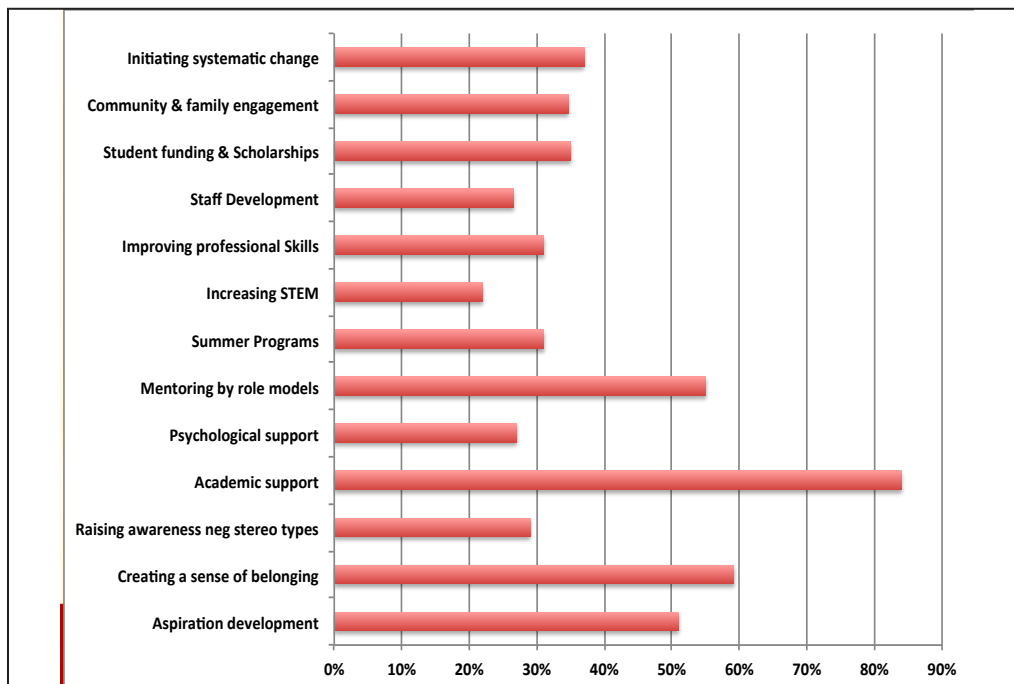
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## IDEAS database

- 57 (peer reviewed) cases
- from 20 countries
- 70% from Europe, 30% from outside of Europe
- An analysis of the first 57 cases and a policy paper  
<http://www.equityideas.eu/outcomes/>

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## *Conclusions?*

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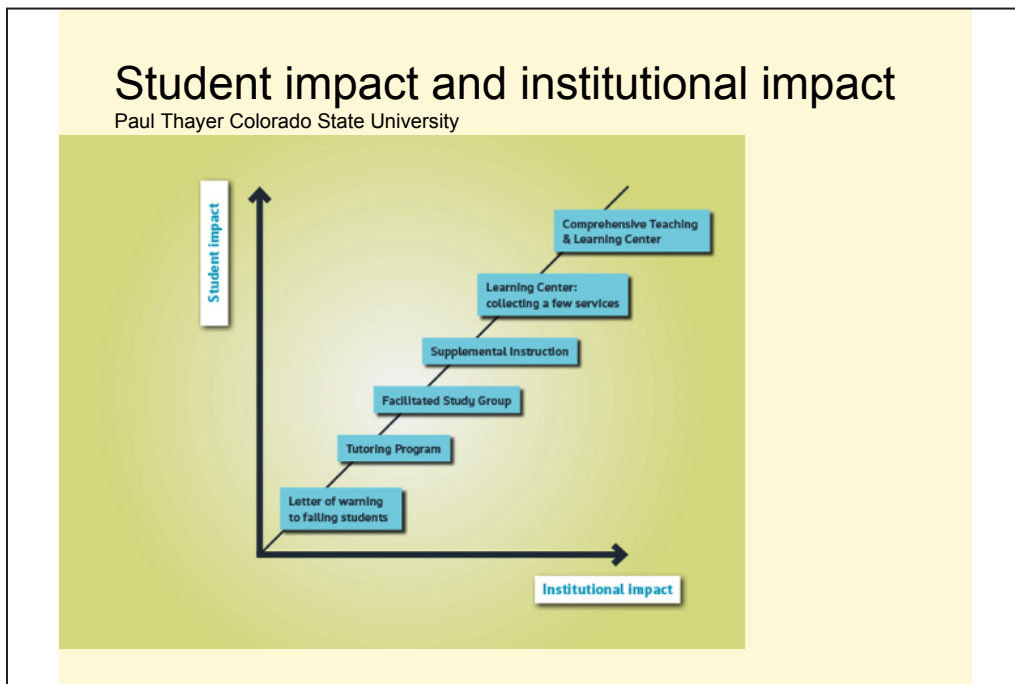
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## Main conclusions

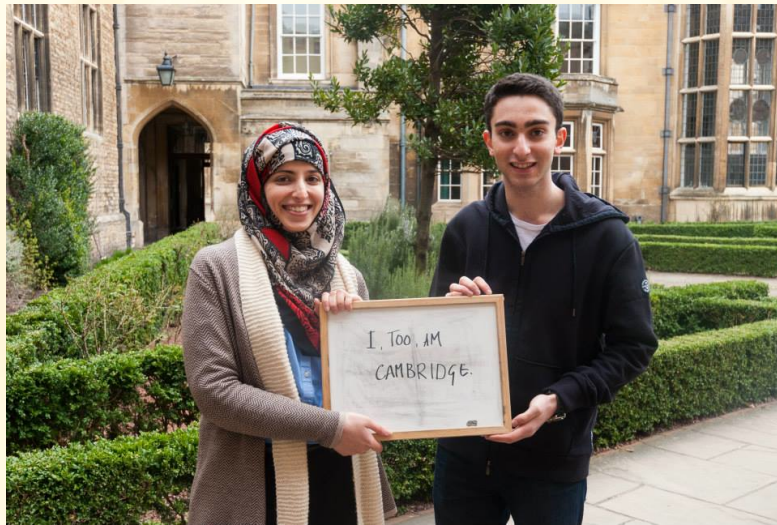
- Being intentional matters
- Context matters
- Support structures matter
- Awareness and attitudes of staff matter
- Collaborative efforts inside and outside the university matter
- Monitoring and research matter
- Funding matters
  
- Understanding the worlds students come from matter → narratives

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## Diversity & Inclusion and Ombudspersons

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## Strengths

- Personal approach
- Independent role
- Focus on students and staff
- Part of the support infra structure
- Diversity of generations
- ENHOHE's work → peer learning, critical reflection etc



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## Challenges

- Changing political and societal context
- Lack of an institutional vision on diversity and inclusion
- Visibility of services
- Professional development on raising awareness and the ability to deal with a diversity of perspectives
- Building evidence on effectiveness



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Jenna Brown:  
'A focus on D&I is the future.  
Ombudswork should be part  
of the future.'

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Thank you very much for your  
attention!

Mary@echo-net.nl  
www.echo-net.nl

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## Curricula Vitae of Speakers

### **Marta Elena Alonso de la Varga,**

Ex-Ombudswoman of the University of Leon, Castilia y Leon, Spain

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ex-ombudswoman of the University of León (ULE), Spain, ombudsperson at the ULE for 7 years. Has a PhD in Veterinary Science and has been working as a full professor in the Veterinary Faculty of the University of León since 2001. Previously she did her the Doctoral Thesis and was Assistant Professor in the Department of Animal Production from 1990. She was elected as Ombudswoman for the University of León in December 2009 and was re-elected in September 2012 and she finished on 22 of February 2017. She gave presentations at the ENOHE Conferences in Madrid in 2011, in Oxford 2013, in Warsaw 2014, in Innsbruck 2015 and in the Webinar 2017 and at the XV Conferencia Estatal de Defensores Universitarios (CEDU) in September 2012 in Almería(Spain), at the XVI CEDU October 2013 meeting in Seville (Spain) and at XIX CEDU October 2016 meeting in Cordoba (Spain). She was a member

of the Executive Committee of CEDU from December 2011 until October 2013 and Vice-President of this Executive Committee 2012-13. She is member of the ENOHE Steering Committee since 2013.

### **Sjur Bergan**

Head of the Education Department of the Council of Europe, Strasbourg, France

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represents the Council of Europe in the Bologna Follow-Up Group and chaired three successive working groups on structural reforms 2007 - 15. Sjur chairs the current Council of Europe project on Competences for Democratic Culture. He was on the editorial group for the Council's White Paper on Intercultural Dialogue and a main author of the Lisbon Recognition Convention as well as of recommendations on the public responsibility for higher education academic freedom and institutional autonomy and ensuring quality education. Sjur is series editor of the Council of Europe Higher Education Series and the author of *Qualifications: Introduction to a Concept and Not by Bread Alone* as well as of numerous book chapters and articles on education and higher education policy. He was one of the editors of the Raabe Handbook on Leadership and Governance in Higher Education (2009 – 15).



## **Rob Behrens,**

Parliamentary and Health Service Ombudsman in the United Kingdom, London

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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.

## **Sophie Béjean,**

Rectrice de l'académie de Strasbourg, Chancelière des universités d'Alsace, Strasbourg, France

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a été nommée Rectrice de l'académie de Strasbourg, Chancelière des universités d'Alsace, sur proposition de la ministre de l'éducation nationale, de l'enseignement supérieur et de la recherche, en conseil des ministres du 2 mars 2016. Elle succède à Jacques-Pierre Gougeon. Sophie Béjean est professeur des universités en sciences économiques. Formée à l'université de Bourgogne à Dijon, elle y est devenue maître de conférences en 1993, puis professeur en 2003. Spécialiste de l'économie de la santé, elle est l'auteur de nombreuses publications dans ce domaine. De 2007 à 2012, elle a été présidente de l'université de Bourgogne, ainsi que du PRES (pôle de recherche et d'enseignement supérieur) Bourgogne Franche-Comté, de 2010 à 2012. Elle a été nommée en 2013 présidente du conseil d'administration de Campus France ainsi

que du conseil d'administration du Cnous (Centre national des oeuvres universitaires et scolaires). Elle a présidé le processus d'élaboration de la StraNES (Stratégie nationale de l'enseignement supérieur) dont les travaux ont conduit à la présentation d'un rapport co-signé par Bertrand Monthubert rapporteur général du comité StraNES et remis au Président de la République le 8 septembre 2015.

## **Jenna Brown,**

University Ombuds, University of Denver, Denver Colorado, USA

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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.

## **Judy Clements OBE,**

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

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is the Independent Adjudicator and Chief Executive of the Office of the Independent Adjudicator for Higher Education (OIA). The OIA is the independent student complaints ombudsman for higher education in England and Wales. Judy has over 25 years experience in the public sector, having served as The Adjudicator for Her Majesty's Revenue and Customs, the Valuation Office Agency and The Insolvency Service; as a Director at the Independent Police Complaints Commission; and as Head of Diversity and Equality at HM Prison Service. Judy is a member of the Senior Women in Public Policy network. She is also an independent adviser to Victim Support's Equality, Diversity and Inclusion Committee and a governor at two independent schools.

## **Martine Conway,**

Ombudsperson of the University of Victoria, British Columbia, Canada

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has been the ombudsperson at the University of Victoria since 1999 and has over 20 years of experience as an educator and mediator on university and college campuses. Her work has extended to workplace and community settings, restorative justice initiatives and human rights education. Martine is interested in building ties across sectors and models of ombuds practice. She previously served two terms as president of the Association of Canadian College and University Ombudspersons (ACCUO). She is a member of the Forum of Canadian Ombudsman (FCO), the North West Ombuds Group (NWOG), and part of the steering committee for the European Network for Ombuds in Higher Education (ENOHE). In 2006, Martine received the Pete Small Award from the California Caucus of College and University Ombudspersons.

## **Anna Cybulko,**

Ombudsman, University of Warsaw, Warsaw, Poland

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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).

## **Hugues Dreysse**

Ombudsman University of Strasbourg, Strasbourg, France

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is the ombudsman of the university of Strasbourg since this year. 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, than he moved to the University of Nancy where he became Full Professor. Since 1993 he's 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 (Institut de Physique et Chimie des Matériaux de Strasbourg). He has been chair or involved in various national and international networks. Since 1998 he is 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 the Human Resources.

## **Nora Farrell,**

Ombudsperson of the Ryerson University, Toronto, Canada

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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.

## **Jean Grier,**

Investigations Manager and Research and Projects Officer for the Vice Principals, University of Edinburgh, Scotland, UK

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is Investigations Manager at the University of Edinburgh, a large (37,000 students) university in the UK. Complaint handling in Scottish universities comes under the jurisdiction of the Scottish Public Services Ombudsman (SPSO), and universities in Scotland work within a sector-wide two-stage complaint handling procedure (CHP) which emphasizes early resolution of complaints, and learning from complaints. Always keen to share experience with colleagues, Jean has recently participated in an Erasmus work-shadowing visit abroad, and until recently was Chair of the Scottish Higher Education Complaints Forum, a group of practitioners set up to look at the challenges in working within the model CHP and to share expertise.

## **Eugène van der Heijden**

Ombuds Officer for students at the Leiden University, Leiden, The Netherlands

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started in 2015 as Ombuds Officer for students at Leiden University. He has a background of legal advising, counseling and mediating. Eugene has worked for almost 25 years at several Dutch universities and other educational organizations. Since 2017 Eugene is combining his work at the Leiden University with two ministerial complaint committees; member of a complaint committee at the Ministry of the Interior and Kingdom Relations and independent chair of a complaint committee at the Ministry of Health, Welfare and Sport

## **Michael Gruber,**

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

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is an employee of the Federal Ministry for Science, Research and Economy, Department IV/6 (judicial subjects, legal development and student union law), law expert in the public administration. He has a 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

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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 themselves. 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.

## **Elisabeth Rieder,**

Manager of the Administrative Department, Office for the Disabled Students and Handicapped Trust Personal, Leopold Franzens University Innsbruck, Innsbruck, Tyrol, Austria

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studied Political Science at the University of Innsbruck, is the Head of the disabled advisory board in the City of Innsbruck, a Skilled Lay Justice in the Federal Administrative Court, a Certificated Expert/Consultant for Non-Disability Access Building/ Construction without barriers and author of different books.

## **Wolf Hertlein,**

Complaint Manager, Technische Universität Darmstadt, Darmstadt, Germany

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is some years older now than in this photo and has participated at ENOHE Meetings ever since Madrid 2011. He has been the complaint manager at Technische Universität Darmstadt in Germany 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 press officer at Technische Universität Darmstadt and at the University of Oldenburg. 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.

## **Patty Kamvounias,**

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

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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 and Program Director, Graduate Commerce. 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.

## **Daniel More,**

Ombudsperson of Tel Aviv University, Tel Aviv, Israel

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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, at the 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.

## **Othmar Karas,**

Member of the European Parliament and Head of Delegation of the Austrian People's Party in the European Parliament, Strasbourg, France

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is Member of the European Parliament and Head of Delegation of the Austrian People's Party in the European Parliament. Mr. Karas is Chairman of the Delegation to the EU-Russia Parliamentary Cooperation Committee and an active Member of the Committee for Economic and Monetary Affairs, on Internal Market and Consumer Protection, for Foreign Affairs as well as for Security and Defense. Since 2016 Mr. Karas is Member of the Committee of Inquiry to investigate alleged contraventions and maladministration in the application of Union law in relation to money laundering, tax avoidance

and tax evasion. Mr. Karas is also Member of the Financial Assistance Working Group in the European Parliament. Furthermore, he is Board Member of the Austrian Association for Insurance Knowledge and Professor/Lector at Danube University Krems and Lector at the Vienna University for Economics and Business. From 2012 to 2014 Mr. Karas was cross-party elected Vice-President of the European Parliament. Prior to his first election to the European Parliament in 1999, he was Member of the Austrian Parliament and Secretary-General of the Austrian People's Party.

## **Dame Suzi Leather,**

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

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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. 1984–86 she was a trainee probation officer.

In 1988–97 she was a freelance consumer consultant. 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

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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 for Ombudsmen in Higher Education (ENOHE). He is the editor of ENOHE's occasional papers and of the ENOHE News newsletter.

## **Paula Cristina Martins,**

Ombudsman of University of Minho, Portugal

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has a degree in Psychology, a Master in Psychology and a PhD in Child Studies. She is Assistant Professor at the Department of Applied Psychology of the School of Psychology in the field of Psychology of Justice. From March 2006 to July 2009 she was Vice Chairman of the Institute of Child Studies. Between 2009 and 2013 she was Pro-Rector for Education at the University of Minho. Since 2015 she is the Ombudsperson of the University of Minho – Portugal.

## **Nathalie Podda,**

Assistant, Office of the Austrian Student Ombudsman, Vienna, Austria

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obtained a Master's degree in media and communication from the Alpen-Adria-University of Klagenfurt. Her previous experience includes working as a journalist for a German publishing house. Nathalie Podda now works for the Office of the Austrian Ombudsman at the Federal Ministry for Science, Research and Economy in Vienna. She is responsible for advising students, liaising with higher education institutions, public relations and the compilation of the annual report.



## **Emily O'Reilly,**

European Ombudsman, Strasbourg, France

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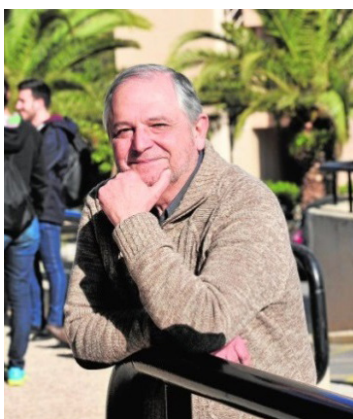
became Ireland's first female Ombudsman and Information Commissioner in 2003. In 2007 she was also appointed Commissioner for Environmental Information. As former political editor, broadcaster and author, her career attracted significant domestic and international recognition including a Harvard University Fellowship in 1988 and multiple national awards. She has written three critically acclaimed books on Irish politics and media and is a current member of the International Advisory Board of Harvard's Nieman Foundation for Journalism. Ms O'Reilly is a graduate of University College

Dublin with a Degree in European Languages and Literature (1979) and holds a Graduate Diploma in Education from Trinity College Dublin (1980). She was conferred with an Honorary Doctorate in Laws by the National University in Ireland in 2008 for her work in promoting human rights throughout her career as a journalist and through her work as Ombudsman. In 2014 she was conferred a second time with an Honorary Doctorate of Law from University College Dublin in Ireland.

## **José Palazón,**

University Ombudsman of the University of Murcia, Murcia, Spain

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is the University Ombudsman of the University of Murcia since 2009, President of CEDU since 2015 (Confederación Estatal de Defensores Universitarios), Spain. CEDU is the association for 61 ombudspersons of Spanish private and public universities. José Palazón is University Professor of Inorganic Chemistry and was elected by the Senate, in 2009, as University Ombudsman of the University of Murcia for students (33062), academic staff (2517) and administrative and technical staff (1221). He was elected again for a second period in 2013 and he will finish in December 2017 the maximum time of 8 years allowed for the ombudsman. He was elected to the Executive Committee of CEDU between 2013 and 2015. At present he combines his work as an ombudsman with his work as a teacher, in 2018 he will return full time to his academic work.

## **Daniela Senk,**

Public Relations Officer at the Strasbourg Office of the European Parliament, Strasbourg, France

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is since 2016 Public Relations Officer at the Strasbourg Office of the European Parliament; 2012-2016 Political Adviser, EPP Group for the EP Committee on “Women’s Rights and Gender Equality; Sept 2009 – Jan 2012 Political Adviser (Member of Cabinet) in the Cabinet of EP President Jerzy Buzek, Jan 2007 – Aug. 2009 Adviser Chairman’s office & service for the relations with National Parliaments, Group of the European People’s party in the European Parliament; Feb 2002 - Jan 2007 Adviser (Member of Cabinet of the President of the European Parliament (under Presidents Cox and Borrell) July 2000 - Jan 2002 Deputy Head of Office with own project: „The development cooperation with third countries“ (Konrad-Adenauer-Foundation, Brussels office); Nov 1998 - June 2000 Assistant to the Director Konrad-Adenauer-Foundation, Brussels office; Jan 1995 - Nov 1998 PR attaché European People’s Party

## **Josef Siegele,**

Secretary General of the European Ombudsman Institute, Innsbruck, Tyrol, Austria

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was born on 29 May 1960, in Zams; is Roman Catholic and Austrian. He studied for 3 years at “Handelsschule” (commercial school), followed by 4 years of “Handelsakademie” (Commercial College) for working people. He studied jurisprudence in the form of evening courses at the University of Innsbruck and graduated in 2002 as Magister iuris and in 2004 graduation as Doctor iuris. since June 16th. 1986: employed at the board of the Tyrolean provincial government in Innsbruck; since March 21st, 1987, released resp. attached to the Club of the Diet of the Austrian’s People’s Party ÖVP as the secretary of the club (political activity); since 2004: in position as national people bar Tirol; since 2005: UNCAV (United Nations correspondents association Vienna), Member of the board; since 2006: Deputy regional chairmen of the journalist trade union KMSfB (art, media, sport and free one journalistic occupations) and journalism since April 2006; since 2009: Secretary General of the European Ombudsman-Institute (EOI); from 2013 to 2014 – Training representative Auditor proficient at the Universities of Kiev and Rivne, Faculty of Law - Ukraine

## **Nirupa Shantiprekash**

Policy officer at the Diversity Office of Leiden University, Leiden, The Netherlands

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is Policy Officer at the Diversity Office of Leiden University (29.600 students, 7 faculties and 6.500 staff members). She works on the core values diversity and inclusiveness and cooperates in this work with the Ombudsfunctionaris. She has a broad experience in the social sector and worked as a trainer and consultant on social issues with social organizations and local authorities. Nirupa has specific expertise in intercultural issues. She finds her passion in building inclusive communities where diversity of people is used as a wealth for grow and development.

## **Natalie Sharpe,**

Ombudsperson at the University of Alberta, Edmonton, Alberta, Canada

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has a BA First Class Honours Degree and Master's Degree in Socio-Cultural Anthropology, certificates in negotiation, mediation, arbitration, and the Osgoode/Forum of Canadian Ombudsman "Essentials for Ombuds" Certificate. Natalie is the Director of the Office of the Student Ombuds and launched a student ombuds internship program three years ago. The office handles a caseload of 1200 students annually. Natalie continues to teach part-time in Alternative Dispute Resolution, Labor Studies, and the Social Sciences. She has conducted research on indigenous land claims, edited for The Canadian Encyclopedia, and held executive roles in an educational union. Natalie is the President of the Association of Canadian College and University Ombudspersons (ACCUO/AOUCC). The discipline

of anthropology has informed Natalie's holistic approach of listening to diverse cultural perspectives; this adapts well to using the ombuds lens of fairness. Natalie is also contributing a chapter to an international study on cyberbullying in higher education, due to be published in late fall 2017.

## **Michel Villiard, Ombudsman,**

Ombudsman of Polytechnique Montréal, Montréal, Canada

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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 three years ago.

## Mary Tupan-Wenno

Executive director of ECHO, Center for Diversity Policy, The Hague, The Netherlands

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is the executive director of ECHO, Center for Diversity Policy in The Hague, the Netherlands. Her professional involvement on diversity and inclusion developments in (higher) education started when she was working for the government. She worked for the Dutch Ministry of Education Culture and Science as a policy advisor at the Department of Higher Education. Mary has more than 20 years of experience with policy and program development on the area of improving access and success of underrepresented groups in higher education, in particular ethnic minority students. Mary is a founding member of the European Access Network (1991) and is currently the President of the Executive Board of EAN. Mary is also a founding member of GAPS, the Global Access to Postsecondary Education initiative. ECHO is a not for profit organization focusing on the development of new strategies, policy and practice to improve access and success of groups in society that are underrepresented in higher education and at the labor market. ECHO collaborates with schools, universities, businesses, governments, students- and community organizations.

## Aleksandra Zhivkovikj,

Researcher at Youth Educational Forum, Skopje, Macedonia

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did her degree in legal studies, in 2016 master thesis on Corruption in Higher Education with special focus on the work of the University “Ss. Cyril and Methodius”-Skopje. Her main focus is academic work in the field of student rights in secondary and higher education, discrimination in academia, student participation and organizing, malpractices in HE. She also has been active in student movements, most notable the Student Plenum, an initiative that achieved Government’s agreement on bringing new Law on Higher Education. 2016 member of statutory commission at University “Ss. Cyril and Metho-

dus” for changing its legal acts in regard to student participation matters. She took part in the consultation processes for the new National Program for Education and Strategy for Youth.

## List of participants

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## The European Ombudsman

### Introduction



*The European Union provides many benefits to EU citizens, residents, businesses, and associations. Nationals of EU Member States are also EU citizens, and enjoy a range of rights as a result of European citizenship. You may encounter problems, however, when it comes to exercising your rights. Ever wondered who could help you?*

*It may not always be clear whether the problem is caused by the EU administration, the authorities of a Member State, or a private entity. Even if you do know who is at fault, it may not be obvious where you can turn for help. In a Union based on the fundamental principle of the rule of law, it is of vital importance that there should be a quick and effective remedy for any problems you encounter in obtaining your rights.*

#### **What does the European Ombudsman do?**

The European Ombudsman is an independent and impartial body that holds the EU administration to account. The European Ombudsman investigates complaints about maladministration in EU institutions, bodies, offices, and agencies. Only the Court of Justice of the European Union, acting in its judicial capacity, falls outside the Ombudsman's mandate. The Ombudsman may find maladministration if an institution fails to respect fundamental rights, legal rules or principles, or the principles of good administration.

This covers administrative irregularities, unfairness, discrimination, abuse of power, failure to reply, refusal of information, and unnecessary delay, for example. Any citizen or resident of the EU, or business, association, or other body with a registered office in the EU, can lodge a complaint. You need not be individually affected by the maladministration to complain. The European Ombudsman can only deal with complaints concerning the EU administration and not with complaints about national, regional, or local administrations, even when the complaints concern EU matters.

#### **What does the European Ombudsman not do?**

The European Ombudsman cannot investigate:

- complaints against national, regional, or local authorities in the
- EU Member States, even when the complaints are related to EU matters;
- the activities of national courts or ombudsmen;
- complaints against businesses or private individuals.

## Who can help you? When and how can you complain?

You should submit your complaint:

- within two years of becoming aware of the facts on which your complaint is based;
- after having first contacted the EU institution concerned to try to resolve the matter;
- in writing, including via the online complaint form available on the European Ombudsman's website. The form can be submitted electronically or printed out and sent by post. It is also available in paper format from the European Ombudsman's office on request. You may submit your complaint in any of the 24 official languages of the EU.

<https://www.ombudsman.europa.eu/en/atyourservice/whocanhelpyou.faces#/page/1>

## Public consultation on the European Ombudsman's Strategy Towards 2019

Informing the public of the review of the European Ombudsman's Strategy Towards 2019 and inviting feedback and ideas for its future development

The consultation will be open until 28 July 2017

In November 2014, the European Ombudsman adopted the Strategy Towards 2019, which sets out the European Ombudsman's roadmap for her mandate. It identifies the European Ombudsman's strategic objectives and related priorities.

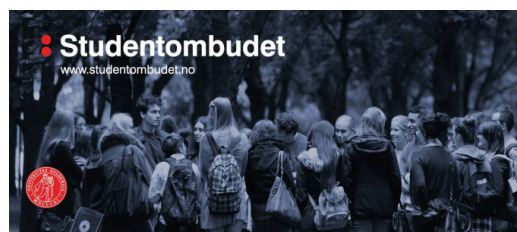
The Strategy also provides for a review to be conducted at midterm following a public consultation.

In preparation for the midterm review of the Strategy, we invite contributions from the public through the present consultation. Its aim is to gather feedback from stakeholders on their experience and perception of the effectiveness of the strategy, to take stock of the delivery at midterm and to invite ideas for improving and possibly refocusing our work.

The results of the public consultation, together with other stakeholder input, will feed into the review. The public is invited to submit views on the implementation and relevance of the Strategy Towards 2019 and to provide us with any comments or suggestions they may have by completing the following questionnaire.

The consultation is available in all EU official languages and will be open until 28 July 2017. Should you require any further information, please contact Ms Murielle Richardson, Administrator in the European Ombudsman's Secretariat-General (tel: +33 3 88 17 23 88).

The Strasbourg Conference was co-organized by:



UiO : **University of Oslo**

## ENOHE STRASBOURG DECLARATION

**Proposal by the European Network of Ombudsmen in Higher Education (ENOHE)  
to the Ministerial Conference and Bologna Forum 2018 in Paris, France  
as agreed upon at the 13th ENOHE Annual Conference in Strasbourg, France on  
June 30, 2017**

Quality assurance and public responsibility are growing issues for higher education institutions as they seek to align to the social and political challenges of modern society. Making the higher education system inclusive is a key priority within the European Higher Education Area as population profiles adjust to demographic change and social movement across national borders.

Within this context, pan-European cooperation in higher education has two main goals: the preparation of students for life as active citizens in a democratic society; and their preparation for successful participation in the labor market. To achieve these goals, EHEA countries are adapting their structures to make higher education institutions more open to participation in decision processes through changes to governance.

Hence the European Network of Ombudsmen in Higher Education [ENOHE], first established up in 2003 and now consisting of affiliates in more than 20 countries, endorses the further extension of the institution of higher education ombudsmen as beacons for safeguarding a fair, inclusive and transparent higher education system throughout the continent. Ombudsmen do also contribute to an improvement of the governance and the quality of higher education institutions.

The participants in **ENOHE's 13th annual conference in Strasbourg in June 2017** respectfully propose to the ministerial meeting in Paris in May 2018 that their closing documents include a **recommendation on the installation, by law or respective national regulations, of ombudsmen in higher education**. This is in order to help individuals (mostly students, but also academics and staff) to have resources at their disposal to access: support, listening capacity, and help through appropriate procedures for the independent adjudication or mediation of disputes; and to resolve upcoming issues in daily life at higher education institutions fairly, consistently, and efficiently.

