

Report of the 15th Annual Conference of the European Network for Ombuds in Higher Education

Defending and protecting rights within Higher Education: Stocktaking, looking ahead



Carlos Vicente Rubio



universidad
de león



Defensoría Comunitaria
Universitaria de León



Imprint

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¡Bienvenidos a León!

León, the capital:

León, the capital of the province of León, with today almost 130.000 inhabitants, is a foundation by the Romans as the military encampment of the Legio VI Victrix around 29 BC., after their victory against the iberian population of Lancia (archaeological site, with ruins of buildings and palisades, ovens, tombs..., remains open to the public).

In 910 AD it became the capital of the Kingdom of León, one of the fundamental kingdoms of medieval Spain. In 1188, the city hosted the first Parliament in European history under the reign of Alfonso IX, due to which it was named in 2010 as the cradle of Parliamentarism, and the Decreta of León were included in the Memory of the World register by UNESCO in 2013. Since the reign of Alfonso X the Wise (1252-1284), there existed in the territories of the Kingdom of Leon and Castile several figures whose mission was 'to confront the injustice and to amend the bad things', such as the "Alguacil del Rey" ("Delegate of the King") that is at the origin of contemporary Procurador del Común (Ombuds of Castile and León).

After a period of stagnation during the early modern age, León was one of the first cities to hold an uprising in the Spanish War of Independence, and some years later, in 1833 acquired the status of a provincial capital.

At the end of the 19th and the 20th century the city became an important communications hub of the northwest due to the rise of the coal mining industry and the arrival of the railroad. During the 1960s, León experienced much growth due to in-migration from the rural zones of the province. In 1983 León was joined to the neighbouring region of Castile, to form the Autonomous Community of Castile and León.

Today's main sights are the Rayonnant gothic Cathedral, the Basilica of San Isidoro, the Convent of San Marcos, the neogothic styled Casa Botines, a neogothic styled building designed by Antoni Gaudí and from most recent times the MUSAC, the contemporary art museum which opened in 2005. And of course the University of León.

Closed to León, Astorga is a remarkable place, with interesting Roman's rests and another wonderful Gaudi's building, the Episcopal Palace. Near to Ponferrada, Las Médulas, is a magical landscape that results of Roman gold mining works (s. III), it was declared UNESCO site World Heritage in 1997.

León, its university:

The early roots of the Universitas legionensis, this is the Latin name for the University of León, originally date back to the 1840s, when the Normal School for Teachers or Masters Seminar of Public Instruction and the subaltern school of Veterinary Medicine were created. Officially founded as a public university in 1979 as a splitting of the University of Oviedo, the University of León celebrates its 40th birthday this year.

Today's university tries to fulfill its obligation to aid in developing and serving the society of its immediate surroundings and on its aspirations to universality.

From the very beginning internationalization was important, for reaching out across frontiers. The figures speak for themselves as recent years have seen a sustained presence of students from more than forty different countries.

The University of León offers a range of degrees and other qualifications in which the so-called Earth Sciences, such as Veterinary Studies, Biology and Agricultural Engineering, may have pride of place, but also other areas are represented, like Law or Economics.

There are thirty-seven undergraduate and eighteen postgraduate degree programs offered, running from long-standing qualifications in languages and literature to more recent newcomers such as the degree in International Trade, joint degrees with universities in other countries (as Central Washington University) or attractive postgraduate courses such as the Master's degree in Renewable Energies, the European Master's degree in Business Studies or Aeronautic Engineering.

León, the Defensoría universitaria:

The Defender of the University Community is the commissioner of the Senate, elected by the same, whose task is the defence of the interests and rights of all sectors and members of the University.

The Defender acts as a receiver of complaints against institutional functioning, as a mediator and conciliator of disagreements and confrontations that occur between different sectors of that community and, last but not least, to take its own initiatives to propose rules for their approval by the Senate. The position of the Defender of the university community is elected every two years.

The Senate of the University of León, in session held on May 30, 1988, approved the Regulation that regulates the exercise of the position of Defender of the University Community. Hence, the Defender of the University Community of León is the longest serving institution within the Spanish higher education area. Since the implementation of the office, nine different persons have held this position. Since some years now the defenders also have been active within the European Network of Ombuds Offices (ENOHE). In 2018, University of León was a founding member of RIIdDU (Iberoamerican Network of Ombuds in Higher Education).

It is a great honor and pleasure for us now to host this year's ENOHE conference in our beautiful city and University.



Mrs. Marta Elena Alonso de la Varga



Mr. Paulino César Pardo Prieto



ACCUO
ASSOCIATION OF CANADIAN
COLLEGE AND UNIVERSITY
OMBUDSPERSONS



REDEPEES
REDE NACIONAL DE
PROVEDORES DO ESTUDANTE
DO ENSINO SUPERIOR



THE LEÓN DECLARATION

This declaration on international collaboration between ombuds networks in higher education is made on conclusion of the XV ENOHE conference held in León, Spain, in June 2019.

The declaration is made in line with the aims of ENOHE as specified in paragraph 2 of its statutes to provide support to, exchange experiences and knowledge on the role and main principles of ombudspersons in higher education, and cooperate with international institutions, associations and networks sharing the same or similar goals.

In the spirit of cooperation we, the representatives of the networks from Spain, Portugal, Canada, Latin America and Europe hereby declare:

- that we will look into areas of common interests, especially as identified during the Leon conference,
- that we will set up an electronic forum to update this thematic list and make it public,
- that we will encourage each other to participate in our respective network activities including annual conferences, internships and training courses, webinars and electronic discussion fora
- that we will periodically review progress on collaboration and inform our respective stake holders accordingly
- that we will support each other in developing and safeguarding our networks.

LA DECLARACION DE LEÓN

Esta declaración sobre la colaboración internacional entre las Redes de Defensorías de la Educación Superior ha sido elaborada como conclusión de la XV Conferencia Anual que ha tenido lugar en León, España, en junio de 2019.

La Declaración tiene lugar en línea con el propósito indicado en el artículo 2 de los Estatutos de la ENOHE de ofrecer apoyo, intercambiar experiencias y conocimientos en el ámbito de las funciones y valores fundamentales propios de las Defensorías de la Educación Superior, así como cooperar con las instituciones internacionales, las asociaciones y las redes que comparten objetivos iguales o próximos.

En ese ánimo de cooperación, por la presente, los representantes de las redes de España, Portugal, Canadá, Iberoamérica y Europa, que se indican más abajo, declaran su deseo de:

- Promover áreas de interés común, algunas de las cuales han sido identificadas durante la Conferencia en León
- Promover un foro electrónico para organizar esa lista de materias y hacerlas publicas
- Animar a los demás a participar en las respectivas actividades, incluidos los encuentros anuales, prácticas, jornadas técnicas, seminarios y foros electrónicos de discusión
- Revisar periódicamente los progresos en esa colaboración e informar oportunamente de los mismos a sus entidades
- Apoyar a los demás en el desarrollo y salvaguarda de sus redes.

LA DECLARAÇÃO DE LEÓN

Esta declaração, sobre a colaboração internacional entre as Redes de Provedores do Ensino Superior, foi elaborada como conclusão da XV Conferência Anual de ENOHE que teve lugar em León, Espanha, em junho de 2019. A Declaração está de acordo com o exposto no artigo 2 dos Estatutos da ENHOE, que estabelece que deve ser dado apoio mútuo, ao mesmo tempo que se realiza intercâmbio de conhecimento e experiências no âmbito das funções e valores fundamentais intrínsecos às Provedorias do Ensino Superior, assim como cooperar com instituições internacionais, outras associações e redes que partilhem objetivos semelhantes. Nesse espírito, através da presente Declaração, os representantes das redes de Provedores de Portugal, Espanha, Canadá, países Ibero-Americanos e Europa, que a seguir se subscrevem, declaram o seu desejo de:

- Promover as áreas de interesse comum, algumas das quais foram identificadas na conferência de León;
- Criar um fórum eletrónico que divulgue essas áreas de forma pública;
- Dinamizar a participação de todos nestas e noutras atividades, nomeadamente os encontros anuais, intercâmbios, jornadas técnicas, seminários e outros fóruns de discussão.
- Monitorizar periodicamente os progressos alcançados nesta colaboração e deles dar conhecimento institucional no seio de cada organização;
- Apoiar a todos e a cada um no desenvolvimento e salvaguarda da sua respetiva rede.

LA DÉCLARATION DE LEÓN

Cette déclaration sur la collaboration internationale entre les réseaux d'ombudsman dans le secteur de l'éducation supérieure est formulée à l'issue de la XVe conférence ENOHE qui s'est tenue à León (Espagne) en juin 2019. La déclaration est faite conformément aux objectifs d'ENOHE, définis au paragraphe 2 de ses statuts: apporter un soutien, échanger des expériences et des connaissances sur le rôle et les principes fondamentaux des ombudsmans dans l'éducation supérieure, et coopérer avec des institutions internationales, des associations, et des réseaux partageant des objectifs identiques ou similaires. Dans un esprit de coopération, les représentants des réseaux soussignés d'Espagne, du Portugal, du Canada, d'Amérique latine et d'Europe, déclarons par la présente:

- Examiner les domaines d'intérêts communs, en particulier ceux qui ont été identifiés lors de la conférence de León,
- Mettre en place un forum électronique pour mettre à jour cette liste thématique et la rendre publique,
- Nous nous encouragerons mutuellement à participer à nos activités de réseaux respectives, notamment conférences, stages et cours de formation, webinaires et forums de discussion électroniques - et examinerons périodiquement les progrès des efforts de collaboration.
- Nous informerons nos parties prenantes respectives que nous nous soutiendrons dans le développement et la sauvegarde de nos réseaux.

León, 28 June / Junio / Junho / Julliet 2019

Emilio Olias-Ruiz (CEDU - Conferencia Estatal de Defensores Universitarios),
Berta Batista (REDEPEES – Rede Nacional de Provedores do Estudante do Ensino Superior),
Wilfredo Jesus Ardito Vega (RIIDDU - Red Iberoamericana de Defensorías Universitarias),
Natalie Sharpe (ACCUO/AOUCC - Association of Canadian College and University Ombudspersons / Association des Ombudsmans des Universités et Collèges du Canada),
Josef Leidenfrost (ENOHE – European Network of Ombuds in Higher Education)

Conference program

Tuesday, 25 June 2019

09:30 - 16:30 Hostal Real Colegiata de San Isidoro

21:00 Dinner at Zuloaga Restaurant (Training day participants and ENOHE conference participants, pre-booking essential via the conference booking form)

PRE-CONFERENCE TRAINING DAY FOR ENOHE MEMBERS

Complaint resolution case-study

Join ENOHE members for a pre-conference training day. The full-day workshop will allow us to consider the complaint submitted by a fictional student, and exercise our investigative powers. From the initial 'presenting complaint' through to the final investigation, decision and follow-up action, we will follow the [mis-]fortunes of Mary, whose University-organised field-trip was a big disappointment to her. What happened? What should have happened? What do we need to find out to make a decision on this complaint? Could Mary have been more proactive? Should staff have been more proactive? Is our pastoral support adequate? Are our systems as robust as they should be? As the day unfolds, we'll see the email correspondence between Mary and her tutor, and between various staff members. We'll be able to reach a conclusion on the complaint submitted by Mary – and on ways in which it might have been avoided or resolved at an early stage. We'll also look at the wider implications for our internal systems, and how we might avoid a similar situation arising for other students in the future.

OUTLINE PROGRAMME

10:00 Welcome and brief introductions

10:30 Who we are and what we do – open-house on participants' roles in our different countries and institutions

11:30 Introducing Mary... - the complaint as presented. Initial thoughts, what do we know, what do we need to find out, how might we tackle this complaint?

12:00 The plot thickens – considering the correspondence. Where do we go from here?

13:00 *Lunch and networking*

13:30 Quick re-cap and stock-taking

14:00 Continuing with our investigation – who else do we need to consult? What new information emerges? How might this change our views?

15:00 Reaching a decision, based on all the evidence – drafting the report, considering follow-up action, analysing what our institution has learnt from this complaint

16:00 Final thoughts and feedback – how did this exercise fit with our day-jobs back home?

16:30 *Close*

Whatever your role in your institution, this exercise has been designed to help us look at practical ways of resolving complaints, and using them as a tool for institutional improvements.

26-28 June 2019

**„Defending and protecting the Rights within Higher Education:
Stocktaking, Looking Ahead”**

Wednesday, 26 June 2019

- 10:00** Registration
- 10:30** **Welcome to León – Putting ourselves on the map** Rector of the Leon University, Juan Francisco García Marín; Procurador del Común (Ombuds of Castile and Leon), Tomás Quintana López and Subdelegado del Gobierno en León, Faustino Sánchez Samartino. [all welcome, including partners]
- 11:00** **Plenary facilitated** by Anabelén Casares Marcos. Adjunta Procurador del Común
The regional Ombuds of Castile and Leon and technological innovation
- Break
- 11:45** **Working session A: Ombudswork unlimited? How to be influencers in Higher Education**
Speakers: Anna-Katharina Rothwangl and Michael Gruber (Office of the Austrian Student Ombudsman, Vienna, Austria)
- Working session B: Like walking on eggshells - Maximizing the student ombud’s impact on The University of Copenhagen** Speaker: Bo Gad Køhlert (University of Copenhagen, Denmark)
- 13:15** Lunch and networking
- 14:00** **Working sessions C: Network of Experts on Student Support in Europe – NESSIE: The Benefits of Interaction within the European Higher Education Area** Speaker: Hermann Holubetz (Office of the Austrian Student Ombudsman, Vienna, Austria).
Improving the University’s Capacity for Conflict: The Overlooked Field of Action of the Ombuds. Speaker: Wolf Hertlein (TU Darmstadt, Germany)
- Working sessions D: Structure of staff in the Spanish public universities: Professional career (access, promotion and mobility)** Speakers: M. Sánchez-Pinilla, P. Mayor-Gutiérrez, E. Olías-Ruiz (University Carlos III, Madrid, Spain)
- 15:00** Coffee break and networking
- 15:30** **Working sessions E: Ombudsing in the digital age – How do we adapt to the digital generation Are we prepared?** Speaker: Sindre Dueland (Norway).
- Working sessions F: The development of a basic course for Ombuds in the Netherlands**
Speakers: Paul Herfs (Utrecht University; the Netherlands), Stephen Querido (The Hague University of Applied Sciences; the Netherlands)
- 16:45** Close
- 17:00** Social music and poetry event (half an hour maximum; partners welcome)
- 18:00** Visit to the Museum of “Panteón de los Reyes” (Real Colegiata de San Isidoro)
- 19:30** “Ruta de vino y tapas” around the old town

Thursday, 27 June 2019

- 09:00 – 11:00** Election process
- 09:15** **Working sessions G: Confronting Privilege to Achieve Equitable Fairness: An Intersectionality Approach to Ombudsing** Speaker: Natalie Sharpe (Athabasca University, Canada)
- Working sessions H: Is small (really always) beautiful? On different ways of complaint handling in large and not quite so large institutions** Speakers: Wolfram Aigner (University of Linz, Austria), Anna Cybulko (University of Warsaw, Poland), Josef Leidenfrost (Office of the Austrian Student Ombudsman, Vienna, Austria), Felicity Mitchell (Office of the Independent Adjudicator for Higher Education, Reading, UK)
- 10:15** Coffee break and networking
- 10:30** **Plenary session: From the past to the future, through the present, with an Ombuds Spanish perspective** Speakers: Marta Elena Alonso de la Varga (University of León, Spain) and Emilio Olías Ruiz (University Carlos III of Madrid, Spain)
- 11:30** **Working sessions I: Tips and Traps for New Ombuds – The Sherriff or The Lone Ranger?** Speaker: Franco Parrella (University of South Australia).
- Working sessions J: The Recent and Rapid Development of the Ombuds for Students in Norway – A Glance at the Past and some Reflections on what Lies Ahead** Speaker: Marianne Høva Rustberggard (University of Oslo, Norway).
- 12:15** Official receptions, lunch and networking
- 14:45** **Working sessions K: Grievances Concerning Pure Academic Matters Part 2** Speaker: Daniel More (University of Tel Aviv, Israel)
- Working sessions L: Engagement with service users** Speaker: Rob Behrens (Parliamentary and Health Services Ombudsman, UK)
- 15:45** Coffee break and networking
- 16:00** **Working sessions M: We want more complaints!** Speaker: Jean Grier (University of Edinburgh, Scotland)
- Working sessions N: The Innsbruck Descriptors 2015: A Reality Check 2019 with Insights from Spain and Canada** Speakers: Marta Alonso de la Varga (University of León, Spain), Nora Farrell (Ryerson University, Canada; via Skype), Paulino César Pardo Prieto (University of León, Spain), Natalie Sharpe (President of the Canadian Ombuds Network)
- 17:00** Business meeting / General Assembly for ENOHE members
- 18:00** Spanish medieval music event
- 20:30** Reception and gala dinner: Hostal Real Colegiata de San Isidoro (partners welcome at cost, pre-booking essential via the conference booking form)

Friday, 28 June 2018

- 09:15** **Working sessions O: The principles of good complaints handling and sharing good/best practice** Speakers: Felicity Mitchel / Rosemary Agnew (Scottish Public Services Ombudsman, Edinburgh, Scotland), Siobhan Hohls (Office of the Independent Adjudicator in England and Wales, Reading, UK)
- Working sessions P: Los necesarios marcos legales para la defensoria en la enseñanza superior portuguesa** Speaker: Irene Portela (IPCA, Portugal). Acción proactiva ombudsman de los estudiantes. Speaker: Pedro de Matos Gonçalves (Polytechnic of Leiria, Portugal)
- 10:45** Coffee break and networking
- 11:15** **Plenary session: International relation between Ombuds networks** Institutional representatives of ENOHE (European Network of Ombuds in Higher Education), RIIdDU (Red Iberoamericana de Defensorías Universitarias), CEDU (Conferencia Estatal de Defensores Universitarios Españoles) and REDEPEES (Rede de Provedores do Estudante do Ensino Superior)
- 12:15** **Working session Q: When Ombuds offices close** Speaker: Jenna Brown (University of Denver, USA)
- Working session R: Students on the university front line: Why aren't your institutions using graduate student staff to support early resolution efforts?** Speakers: Heather McGhee Peggs (University of Toronto, Canada), Natalie Sharpe (University of Alberta, Canada)
- 13:15** Lunch and networking
- 14:15** **Working session S: Establishment of Ombuds Offices - an added value to student-oriented educational environment in Georgia** Speaker: Tamta Demetradze (ATSU, Georgia)
- 15:15** Closing remarks: invitation for Athens 2020 – Josef Leidenfrost and Panagiotis Kavouras (via Skype)
- 16:00** Final coffee and farewell
- 17:00** Optional event: visit to León Cathedral (guests welcome at cost)

Ombudswork unlimited? How to be Influencers in Higher Education

Anna-Katharina Rothwangl and Michael Gruber

1st Case: admission process

CIRCUMSTANCES

- Emma, a foreign (non EU) student applies for admission to a bachelor study programme at a public university in Austria. With her C1 German Language Certificate certificate she fulfills the required language skills. During the admission process some problems arose. She contacts the Austrian Student Ombudsman's office.



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

Gruber/Rothwangl

1st Case: admission process

CHALLENGES

- It is not possible for Emma to obtain the required document of the so called „Special University Entrance Qualification“ of her home country.
- The deadlines for visa applications and admission processes do not match and are therefore impossible to be handled.



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Gruber/Rothwangl

1st Case: admission process

QUESTIONS

- Are you in charge of this kind of issue of student applicants?
- If yes, how could you help Emma?
- If not, what would be your approach?
- Are there informal solutions?
- What are the procedures in your HEI?



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Gruber/Rothwangl

2nd Case: recognition of former studies (process)

CIRCUMSTANCES

- After finishing his BA study programme Peter wants to apply for a MA programme at a different HEI. He has completed a bachelor in mathematics, the MA programme is in physics. During the admission process he received the information, that he is not eligible to the MA programme due to non relevance of th BA study programme. He contacts the Austrian Student Ombudsman's Office for further information and support.



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Gruber/Rothwangl

2nd Case: recognition of former studies (process)

CHALLENGES

- Admission to a MA's degree programme is conditional on the successful completion of a relevant BA's degree programme.
- The HEI is in charge to decide about the relevance of the former study programme.
- Peter has the possibility to appeal against the negative decision - Federal Administrative Court.



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Gruber/Rothwangl

2nd Case: recognition of former studies (process)

QUESTIONS:

- Are you responsible for this kind of issue of student applicants?
- If yes, what is your role and what can you do as an ombudsperson?
- If not, what would be your approach?
- What are the requirements for the admission to a master degree programme?
- Is there an informal solution possible?



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Gruber/Rothwangl

3rd Case: expulsion of students for disciplinary reasons

CIRCUMSTANCES

- Sandra is a student at a public university. She had a few issues with a professor at a course. She was arguing via email about an evaluation of a written exam. She felt misunderstood and disadvantaged. In the following lesson the situation escalated after the professor corrected her answers and Sandra got very loud and angry and the professor felt threatened.



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Gruber/Rothwangl

3rd Case: expulsion of students for disciplinary reasons

CHALLENGES

- Sandra's reaction was aggressive and the professor felt threatened by her.
- It became difficult for Sandra to control her feelings and her temper.



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Gruber/Rothwangl

3rd Case: expulsion of students for disciplinary reasons

QUESTIONS

- Do you have any experiences in this matter?
- How would you act as an ombudsperson?
 - What would you recommend Sandra?
 - What would you recommend the professor?
- What could the HEI do to solve this issue?
- Is there an informal solution?



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Gruber/Rothwangl

our approach 1st case

- Rectorate decides about admittance
- *“The rectorate shall be entitled to waive the obligation to submit some documents if it is satisfied that it would be impossible or excessively difficult to furnish them within a reasonable period, and that the supporting documentation submitted is a sufficient basis for a decision.”*



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Gruber/Rothwangl

our approach 1st case

- Role of Austrian Student Ombudsoffice is to arbitrate between Emma and rectorate.
- Emma shall be entitled to appeal to the Federal Administrative Court against the negative decision of the rectorate.



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Gruber/Rothwangl

our approach 2nd case

- Rectorate decides about admittance
- Requirement: *“successful completion of a relevant bachelor's programme ... or other equivalent programme at a recognized domestic or foreign post-secondary educational institution.”*
- *“In case that equivalence has been established basically and only certain supplementary qualifications are required for full equivalence, the rectorate shall be entitled to tie the determination of equivalence to examinations sat during the respective master's programme.”*



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Gruber/Rothwangl

our approach 2nd case

- Role of Austrian Student Ombudsoffice is to arbitrate between Peter and rectorate.
- Peter shall be entitled to appeal to the Federal Administrative Court against the negative decision of the rectorate.



Gruber/Rothwangl

our approach 3rd case

- No special disciplinary measures in the Austrian University Organisation Act 2002
- *“Appeals against the academic judgment of examiners shall be impermissible.”*
- Only Possibility: If the manner in which an examination resulting in a negative assessment is conducted exhibits severe defects then an annulment is possible.
- Ombuds as mediator



Gruber/Rothwangl

Influencers in HE

- difficult position between HEI and students
- needs trust and willingness to cooperate from the HEI



Gruber/Rothwangl

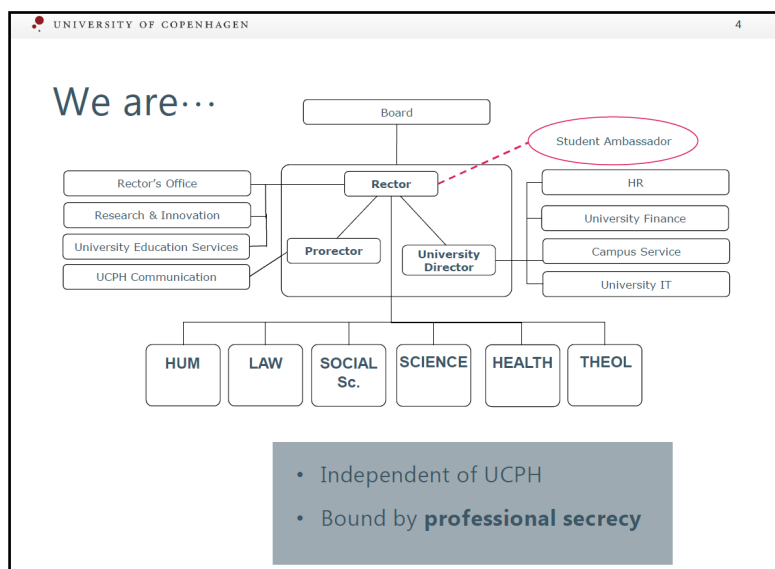
Like walking on Eggshells
- Maximizing the student ombud's impact on The University of Copenhagen
Bo Gad Køhlert

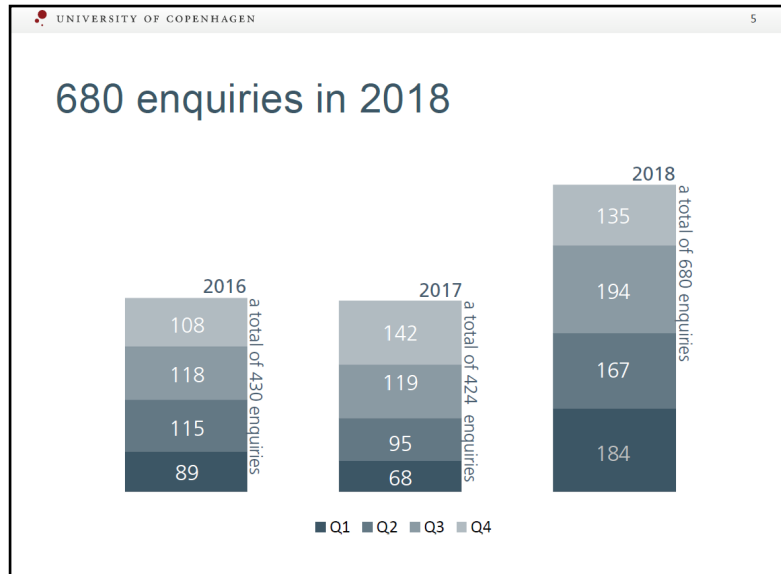


UNIVERSITY OF COPENHAGEN 3

My background

2017-	Student Ambassador University of Copenhagen
2011-2017	Head of Secretariat Roskilde University
2009-2011	Deputy Head to the Study Administration IT University of Copenhagen
2008-2009	Area Manager to exam team IT University of Copenhagen
2003-2008	Secretary to the Board of Studies IT University of Copenhagen
2002-2003	Academic Officer Royal Danish Academy of Music
2000-2002	Information Officer Ministry of Taxation, Greiff Musik etc.
1999	Master of Arts in musicology og rethoric University of Copenhagen





UNIVERSITY OF COPENHAGEN 6

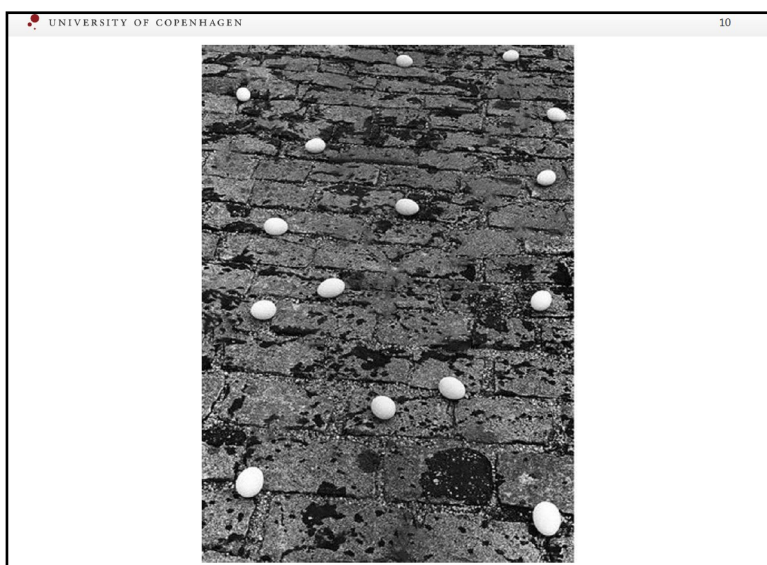
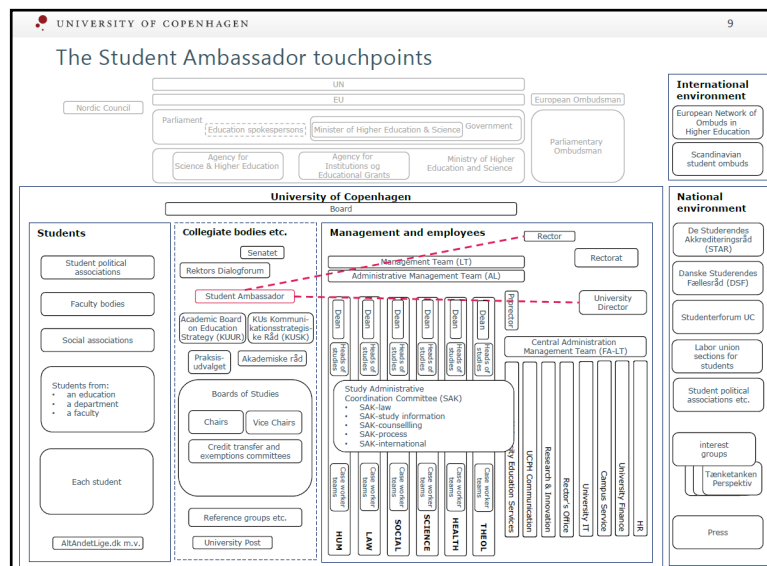
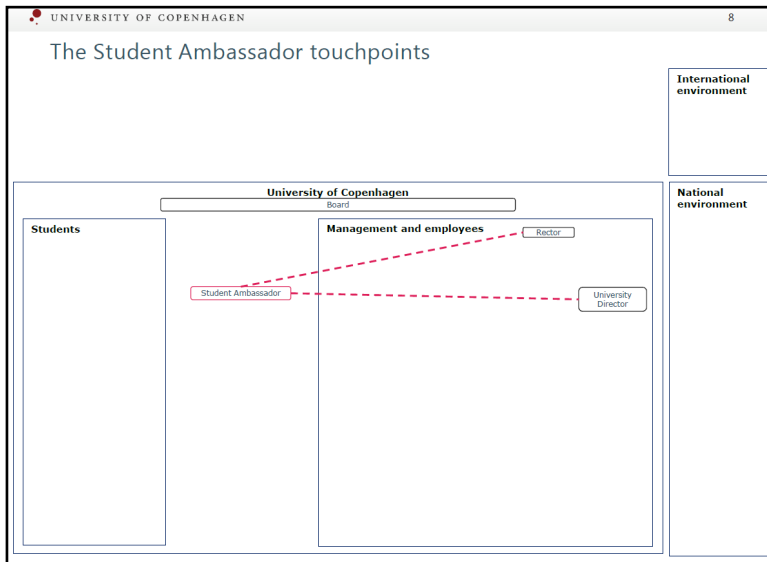
We are most often contacted when students...

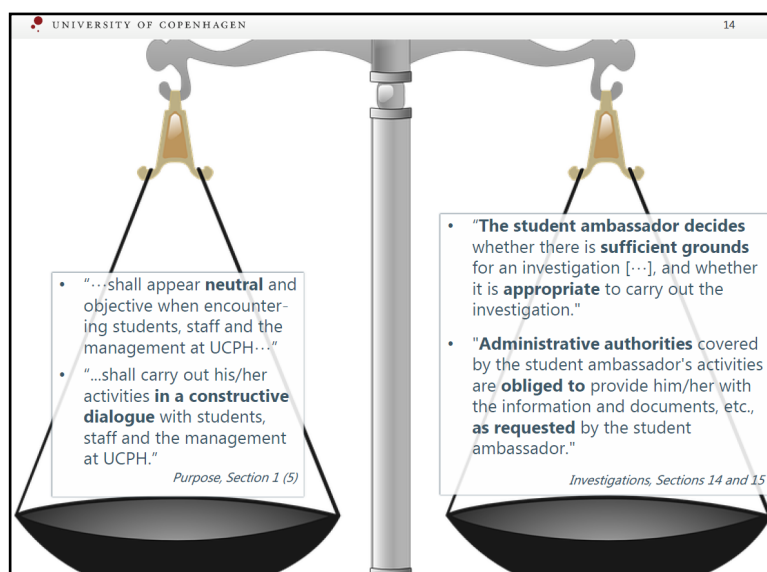
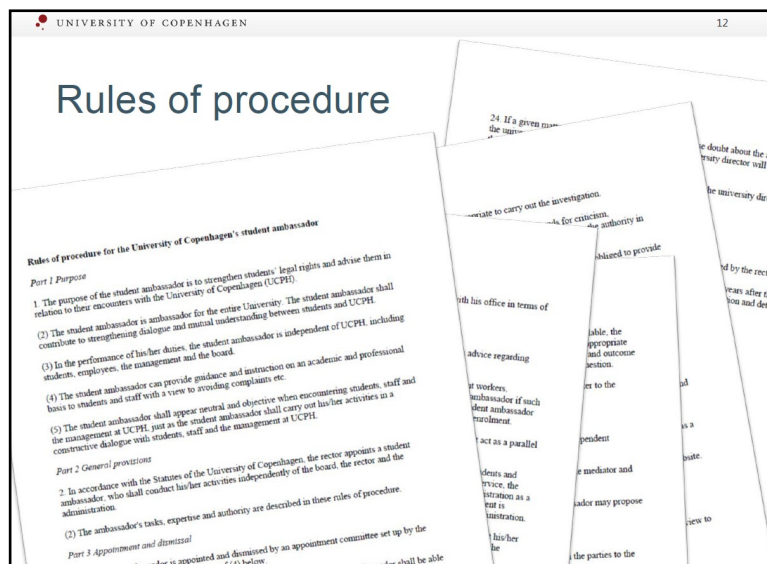
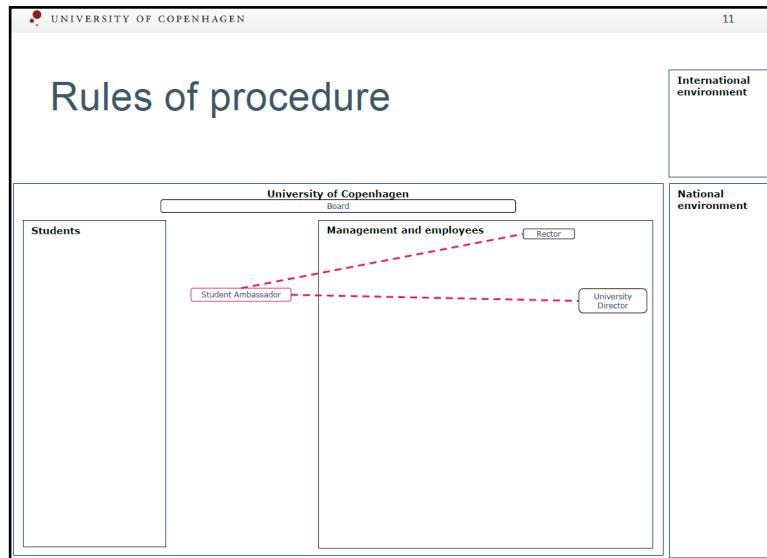
- doubt guidance from student counselors or case handlers on rights and responsibilities
- want extra guidance on:
 - exemptions
 - exam complaints
 - complaints against decisions
 - complaints about an employee's or student's behavior

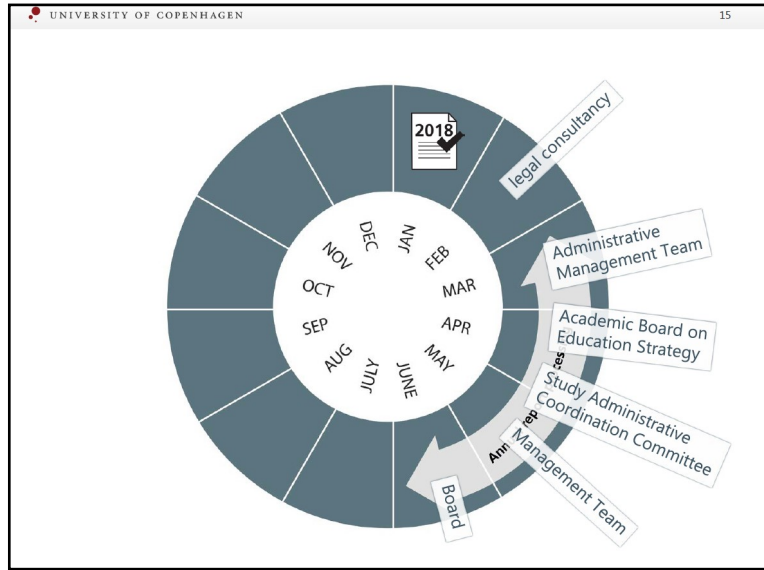
UNIVERSITY OF COPENHAGEN 7

We are most often contacted when students...

- have applications for disability adjustments rejected
- are suspected of cheating
- experience that an employee or student is bullying or sexually harassing them







UNIVERSITY OF COPENHAGEN 16

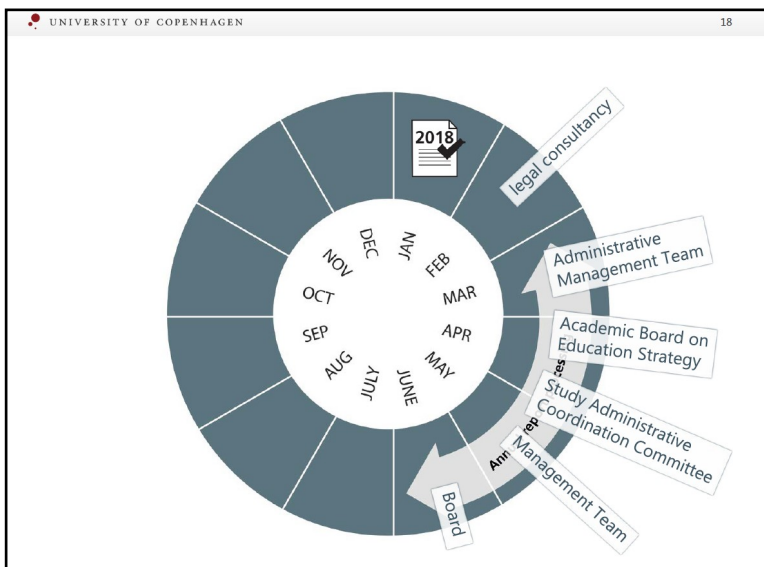
Recommendations in 2018 report

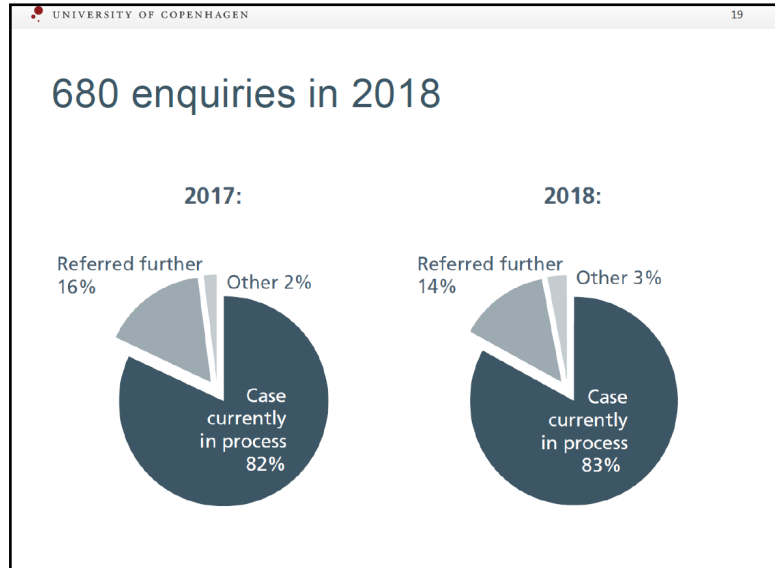
- 1** Further efforts by the Rector's Office and the faculties to strengthen students' legal rights and reduce the length of processing time in cases of exam cheating.


- 2** Further specification by the faculties on how managers and assistant staff should handle complaints about a student's or an employee's bullying, sexual harassment or the like.


- 3** Continued efforts by the administration to strengthen students' legal rights and the dialogue with students based on the [three recommendations in my 2017 annual report](#).







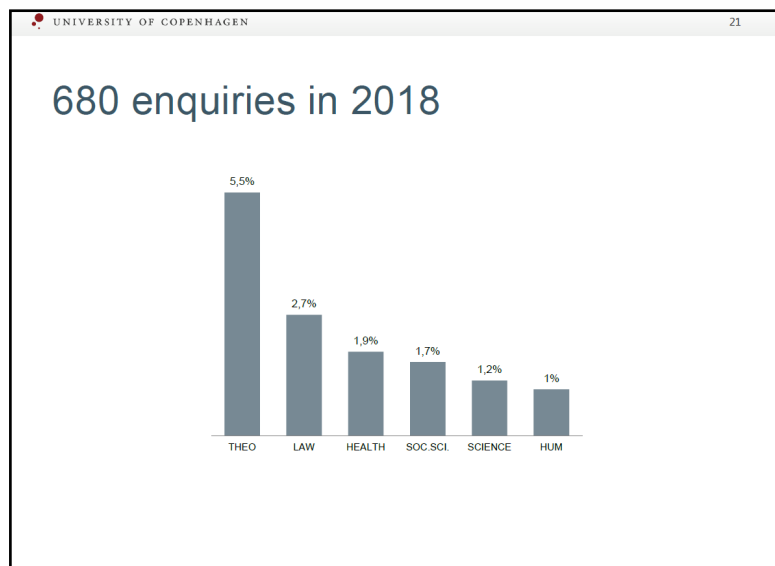
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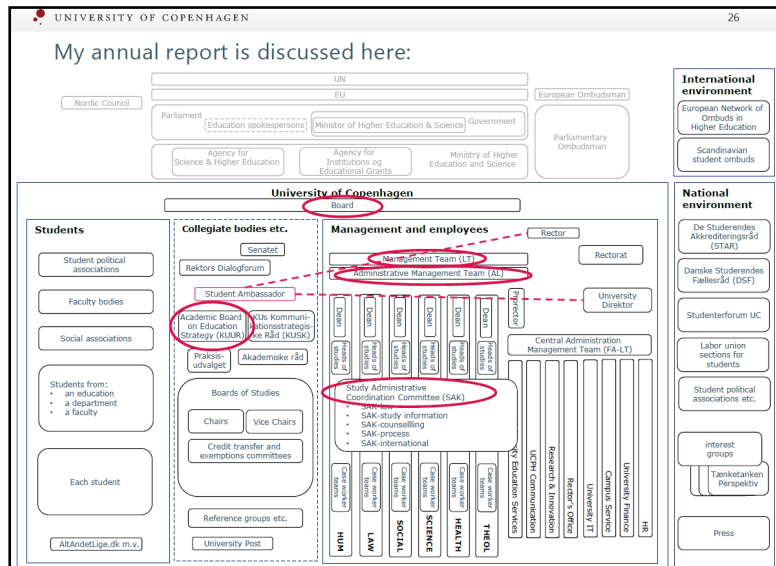
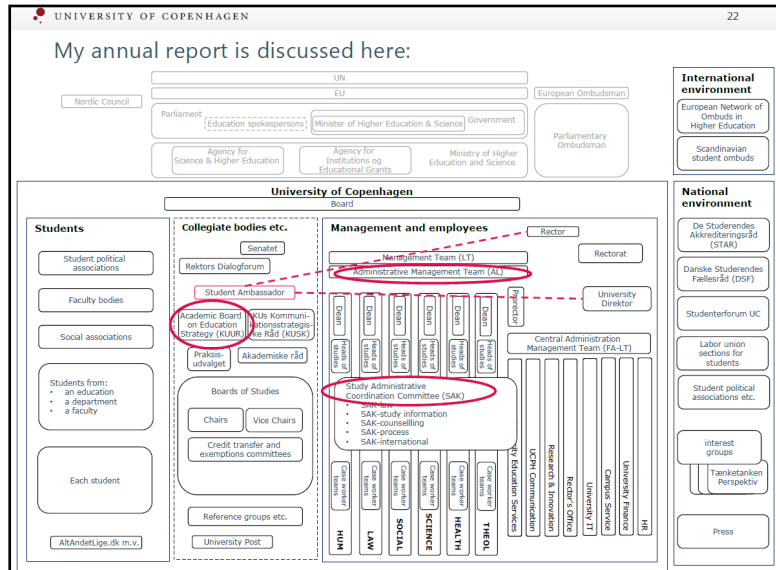
The Student Ambassador's annual report 2018

1. Introduction and reading guide

The Student Ambassador role was created by the Board and the Rector in 2013. The objectives of the role is to intensify the University's focus on students' legal rights and strengthen the dialogue and understanding between the students and the organisation.

The recommendations in this annual report for 2018 are made on the basis of impressions from the many different aspects of the University which I daily encounter. This applies, for instance, to the **two percent of the University's students**, who have contacted me regarding ongoing cases. In addition, the many meetings I have had with the student organisations, the management and various interest groups during the year, my experience as set out in my 2017 annual report etc.





UNIVERSITY OF COPENHAGEN 27

Rector's information to the board

KØBENHAVNS UNIVERSITET

2023-06-17 10:00:00

Københavns Universitets bestyrelse

7. JUNI 2019

Sag: **PK 18. Orientering: Studenterambassadørers årsrapport 2018**

Sagstype: Behandling Overblik Orientering Høring

Indstilling
Det anmodes, at bestyrelsen tager studenterambassadørers årsberetning for 2018 til efterretning.

Problem baggrund
Den årlige beretning fra årlige studenterambassadørers beretning for 2018 (bilag 1). Beretningen har været behandlet henholdsvis i KU's (Adm. komiteer) (AKUR), SAK (Studenterambassadørers Koordineringsråd) (KUR) (Uddannelseskomiteer) (RÅD) og LT (Uddannelseskomiteer).

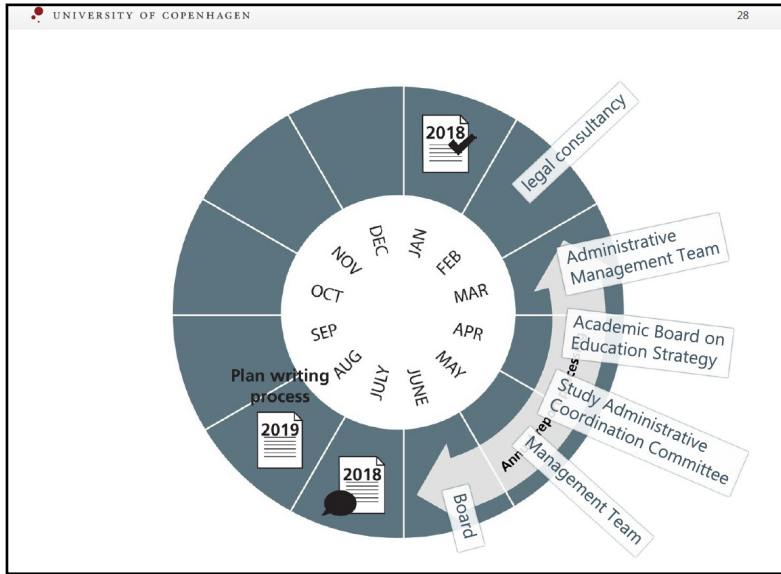
Udvalgte oplysninger
Følgende oplysninger er udvalgt til bestyrelsen:

Formål
Såsom oplysning på årsberetningen bemærker rektor, at uddannelseskomiteer vil have særlig fokus på to værdier:

Bilagoversigt

- Studenterambassadørers årsberetning 2018
- Følgende oplysninger til studenterambassadørers årsberetning
- Følgende oplysninger til studenterambassadørers årsberetning

Endelig bemærkes det, at studenterambassadørerne den 9. april 2019 på baggrund af US, Fælles HR og REKSEK udtalte samt SAK-beretningens den 5. april 2019 besluttede at ændre i årsberetningen tekst: Der er udvalgt en kommentar herom i supplerende bilag 2).



UNIVERSITY OF COPENHAGEN 36

Open discussion

For the next 2 x 5 minutes, two and two:

- When did your organization last respond to your suggestions for change in a positive way?



Network of Experts on Student Support in Europe – NESSIE: The Benefits of Interaction within the European Higher Education Area

Hermann Holubetz

 Bundesministerium
Bildung, Wissenschaft
und Forschung

Network of Experts on Student Support in Europe - NESSIE

ENOHE Conference

León

26-28 June 2019

Hermann Holubetz, Ministry of Education, Science and Research, Austria

1

 Bundesministerium
Bildung, Wissenschaft
und Forschung

Background

- Difference between host state principle (ECJ) and home state principle
- Bologna Seminar 2004 in Noordwijk (Netherlands): Portability of students' loans and grants is an important instrument in the promotion of mobility

2

 Bundesministerium
Bildung, Wissenschaft
und Forschung

Goals

The Nessie-network strives for three goals:

- Portability of student grants and loans
- Compliance
- Assessing consequences of internationalization for student finance

3

Portability

The goal consists of the following sub-goals:

- Offer practical solutions for EHEA countries with regard to the implementation of schemes of portable student support
- To raise issues of common concern in relation to the portability of student support

4

Portability

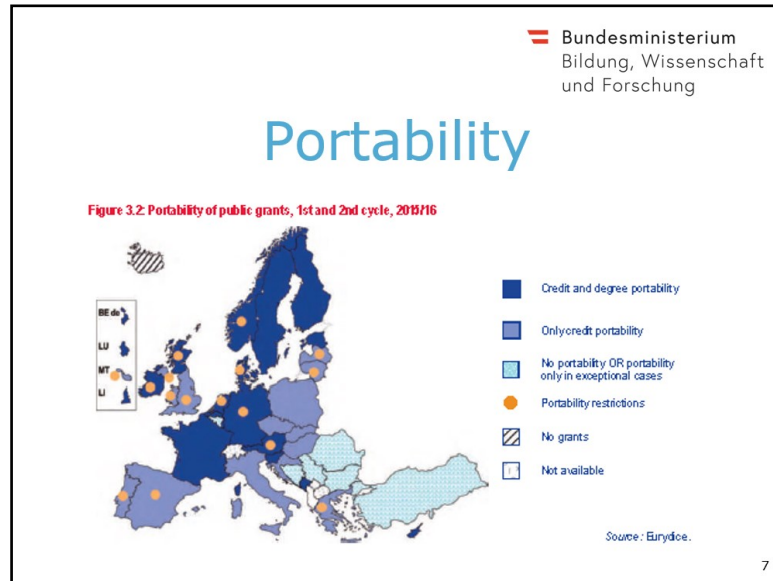
- To share information on developments and examples of good practice in relation to the portability of student grants and loans in order to ensure balanced and sustainable mechanisms to support the mobility of students

5

Portability

- To facilitate student mobility by mapping and promoting cross-border European rights concerning student support, and consequently reduce inequalities

6



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und Forschung

Compliance

- General sharing knowledge of legal systems in the respective country, which will continue to be more important as more and more students will become mobile

8

Bundesministerium
Bildung, Wissenschaft
und Forschung

Compliance

- Nessie also offers a valuable platform for exchanging information and views regarding the development of the judgments of the ECJ

9

Consequences of internationalization

- Information on the consequences of new developments in HE, for example regarding increased distance learning

10



Improving the University's Capacity for Conflict The Overlooked Field of Action of the Ombuds

Wolf Hertlein

I am very happy and grateful to have this opportunity to talk about my topic “Improving the University's Capacity for Conflict - The Overlooked Field of Action of the Ombuds” here in León. And I hope you will find it interesting, despite of the bulky title.

To anticipate the outcome of my presentation: It is a personal plea to empower people at our universities, staff and students, by offering them courses to handle their own conflicts in a better way. How to start a presentation? If you look at videos teaching how to start a presentation, you get more or less three different recommendations: 1. Start with a surprising fact. 2. Start with a story. Or 3. Start with a question.

I would like to start with a question and a story. My question is a relatively personal one: Why did you become an ombudsperson? What brought you to the role you now hold and fill with life? And I don't mean the external coincidences: the colleague addressed me, the job was advertised ... But the inner motives. What attracted you? What was your secret idea? I'm really interested in that.

Why did I become an Ombudsman? To be honest, a major reason, but not the only one, was my desire to get rid of my own conflict fears. This is certainly a crazy, but perhaps understandable decision: With a job in which I am constantly dealing with conflicts I wanted to get used to conflicts and in this way get rid of my own conflict fears. After 10 years, I can say that I am well on the way to this goal, if only through many detours.

So I started as a complaint manager at TU Darmstadt and I soon began a further education as a mediator; that was one of the best decisions of my life, and I can warmly recommend to everyone to do so, too.

Interestingly, I made an observation regarding that is not really surprising, but which surprised me at the time:

Most of the other participants had a hidden motive to make the mediator training: they were themselves conflict-reluctant and wanted to learn to cope better with their own conflicts. Of course, this works only partially because mediator training is not about coping better with one's own conflicts, but rather helping others to resolve their conflicts. But apparently on the education market, there was or is little or nothing to be found how to deal with one's own conflicts.

I understood two things, and both are not new: First, we all are bad at dealing with our own conflicts. Constructive conflict handling is not innate to us, and we have not learned it either. Second, we all suffer from this inability.

But my thesis is: We all can learn to handle conflicts well. Anyone who wants to learn this and has some patience can learn this. Unlike most other species of animals, we humans are able to reflect and change ourselves. And: we Ombuds should strive to do this. In our own interest, in the interest of our clients, for our institutions and for our fellow human beings. So in the last few years I almost inevitably came up with the idea of offering further education courses for the constructive handling of one's own conflicts. There were, however, three obstacles:

First, additional to all the things I had to do, I felt not to have the time to design and carry out such a training. Second, I had no idea what such a course might look like. Thirdly, and most important of all, as I said, I was afraid of conflict, even after my training as a mediator: How should one who has been avoiding conflicts for decades teach others to let go off their fears in an two-day course? I found that inconceivable. If I want to teach others how to deal with their conflicts, I should be able to do that myself!

Then, in 2015, I fell into a deep personal crisis, and I do not want to talk about it. But I would like to name what I have done to struggle my way out of it: I started psychoanalysis, and it is still going on. And that's an even greater experience than mediation training, which I would also very much like to recommend to everybody; However, I cannot do that completely unconditionally, because psychoanalysis is something quite different, bigger and deeper than mediation training.

During my analysis, I understood a lot of things better. For example, I understood that I am allowed to be human. As simple as it is: I am allowed to be human. And that also means necessarily being allowed to be imperfect: I am allowed to be imperfect. We all are allowed to be imperfect. We are imperfect, and it's okay! Also in handling conflicts. That was liberating for me because I did not have to be the perfect super-conflict performer anymore to allow myself to offer these courses!

In June 2018 our dear colleague Doris Kiendl from Graz / Austria, her partner, my wife and I sat together at the wonderful ENOHE gala dinner in the Playfair Library Hall of the Old College in Edinburgh. We talked about these ideas, and Doris asked me if I would be interested in doing a workshop in Graz for lecturers of universities of the province of Styria. What a question! Of course, I accepted the offer. As it turned out, it was quite a challenge for me: I had never done anything like that before. But now I had an assignment.

A jump in time: Ten days ago, my dear wife Martina and I watched again a lecture on video by Johan Galtung, the Norwegian international mediator, conflict researcher and winner of the Right Livelihood Award, held in Ludwigsburg/Germany 2014 on a mediation congress. Back then, we had the opportunity to be there and listen to him in person. To be honest, I had forgotten most of what he said then. What remained was the touching personal impression of meeting one of the brightest, most warm-hearted, most affectionate and friendliest people I had ever met.

Galtung says great and touching things in his talk, but one thing is really relevant to my presentation here: "The future of mediation is to make ourselves unnecessary".

Of course that applies equally to ombudsman work as to mediation. In addition, in his typically friendly and unpretentious manner, Galtung compares this with the task of doctors and dentists, not only to treat the sick and stuff the holes in our teeth, but also not to let such problems arise by teaching people handwashing and toothbrushing, so that they do not get sick at all.

Washing our hands and brushing our teeth is a matter of course for all of us, but we all did not learn how to argue in a cooperative and constructive way, although we need that very much.

It is basically as simple as the connection between tooth decay and tooth brushing: We Ombuds should not only handle complaints, but also begin to offer courses in handling conflicts.

Such courses would benefit everyone. Even those who do not participate, but only hear about it: They learn that conflicts are not taboo at the university, that the university is committed to handle conflicts in a cooperative and constructive way, and that we believe people can learn to do so. This will gradually change the entire culture of the university.

What did I do in my conflict-workshop in Graz? Of course I tried to design my course as professional as possible: Targeted to academic lecturers who might expect some enlightening theory, but might also want practice and at least some entertainment.

I included Friedemann Schulz von Thun's four-sides model of communication and Carl Rogers' approach of active listening, and Rudi Ballreich's and Friedrich Glasl's theory and practice of conflict handling. I integrated inspirational videos and quotes, including Brené Brown, Michael Wesch, Bobby McFerrin, Franz Kafka, Aristotle, Jim Tamm, Jennifer Lopez, Jorge Bucay and the opening sequence of the film "Love actually".

I planned to have short phases of self-reflection and designed many practical exercises with the method of Think-Pair-Share. I also incorporated what I called a "learning walk". So I designed a two-day more or less systematic course. Everything looked wonderful. At the end of January 2019, I stood in front of about 18 participants in a lecture hall in Graz, professors and lecturers of universities in Styria/Austria and rolled out my well-prepared course. A course in how to deal with conflicts is a delicate and personal matter, because conflicts are fear-filled, and this fear is often associated with shame. So for the success of the course, it was crucial that the participants were empowered to reflect and talk openly.

Therefore, I made a quite detailed introduction to clarify the structure, expectations, rules and style of the course; By doing so, I wanted to create transparency, build a stable framework of trust and confidentiality, and invite participants to clearly identify and tell their needs. In my view, an essential aspect of conflict competence. But, as we all know, "Life is what happens while you are busy making other plans" (Allen Saunders): After a few hours, the participants began to grumble: They wanted to share their personal conflicts in teaching, they wanted more practice and less theory, and they did not want to wait. I had planned this need, but completely underestimated its urgency. Fiddlesticks, no chance for my systematic agenda!

I had to overturn my agenda, introduced collegial advice as a method - one day earlier than planned - and we started over, sharing our experiences with conflicts in teaching. It was great, and exactly what I had hoped for: Participation! Lively togetherness! Lesson learned.

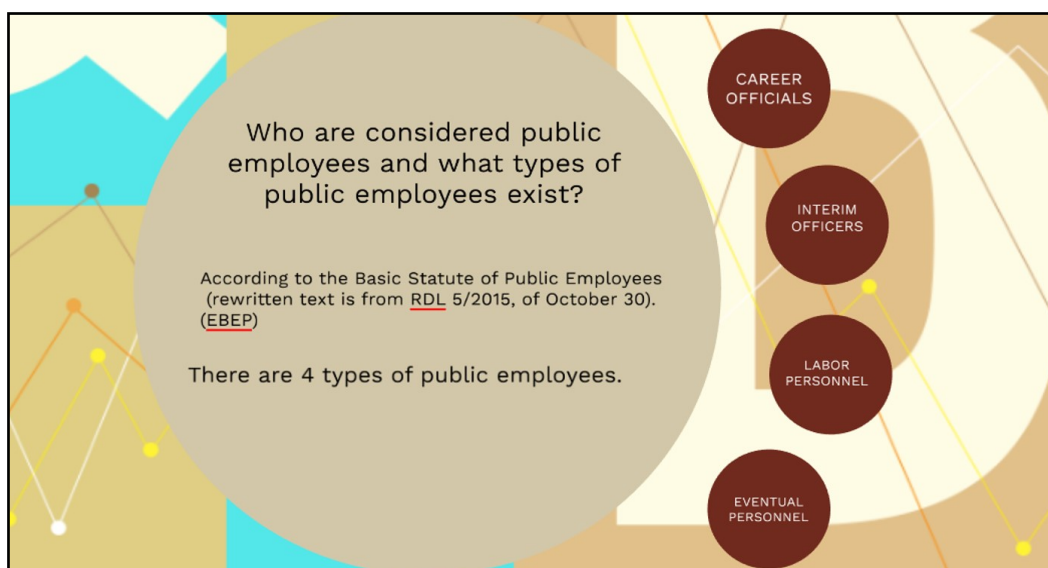
To come to an end: Again, why is it a good idea to hold courses in handling conflicts?

Our clients, our universities, all its students and staff, humanity in the whole, we all urgently need better conflict skills, because conflict handling is not innate to us and was not taught to us by our parents or teachers. But we as ombudsmen at colleges have the possibilities, the skills and the opportunity to initiate and carry out such courses.

So let us develop our roles from responsive Ombuds to proactive Ombuds! My recommendation: If you have even a small interest in offering or initiating such courses at your university, please do! It is not important to be perfect in dealing with conflicts. It is not decisive to carry out the course

Structure of staff in the Spanish public universities: Professional career (access, promotion and mobility)

M. Sánchez-Pinilla, P. Mayor-Gutiérrez, E. Olías-Ruiz



CAREER OFFICIALS

- Relationship with the Administration: legal appointment.
- Statutory relationship

INTERIM OFFICERS

For reasons of necessity and urgency, are appointed to perform functions of the Career Officials.

LABOR PERSONNEL

- Contract of work at the service of the Public Administration.
- It can be fixed, indefinite or temporary.

EVENTUAL PERSONNEL

- Legal and non-permanent appointment
- Trust functions and special advice.
- The appointment and removal are free.
- The cessation will occur, when the person who appointed him ceases.

THE PROFESSIONAL EVOLUTION

3 important phases

- ACCESS
- PROMOTION
- MOBILITY

PRINCIPLES & THYPES OF ACCESS

Access to the University, is carried out through different selective systems that guarantee the constitutional principles of **equality, merit and capacity** and collected in the EBEP and the rest of the legal system.

- Opposition through the Public Employment Offer.
- Competition -Opposition
- Merit Concurrence
- For everyone

Opposition through the Public Employment Offer.

It allows access to all citizens to the Public Administration, after passing a series of tests and exercises.

Competition-Opposition:

- Usual selective system.
- It is necessary to pass a series of tests and exercises.
- Must be added the merits.

Merit

Concurrence:
only the merits related in the CV of each candidate are valued.

- Appointment by the competent body takes place.
- Have to abide by the Constitution, and if applicable, they will also abide by the corresponding Statute of Autonomy and the rest of the Legal Order.
- Take possession of their position within the established term.

In general terms, the promotion within the Universities is not easy, except for the biggest ones, because there are not so many jobs to be able to do an RPT (Workplace Relationship), very dynamic and active.

And what is this promotion?

Horizontal Promotion

Vertical Promotion

In general terms, the promotion within the Universities is not easy, except for the biggest ones, because there are not so many jobs to be able to do an RPT (Workplace Relationship), very dynamic and active.

And what is this promotion?

Horizontal Promotion

Vertical Promotion

Horizontal Promotion

To access categories or other similar concepts without changing jobs and / or the achievement of different grades within your same category

Vertical Promotion

Consists in the ascent to another superior scale.

- **Internal Promotion**, in which the official through the competition-opposition accesses a higher scale.
- Having to pass several exams
- It is necessary determined degree and having belonged to the immediately lower scale, to the less, for 2 years.

Mobility

This mobility can be done through:

- Transfer Contest from one Organism to another of the Public Administration.
- Transfer Contest within the organism itself.
- Free Designation Contest.
- Service Commission among different agencies. In this case, both the person responsible for the official and the person responsible for the destination agency must be satisfied.
- Mobility due to gender and terrorist violence is also included in the EBEP.

Voluntary
Mobility

International
Training in Higher
Education
Institutions

Within the Carlos III University a voluntary mobility for the Official PAS, which consists of the convocation of a series of mobility procedures for specific Units / Services, to which interested parties may attend within the periods indicated in each case.

- Possibility of submitting a request for mobility to a specific service or campus, at any time of the year, which will be analyzed by the Human Resources Service with confidentiality.



In both cases, the change does not imply a change of level or category.

In addition, it has also developed several international mobility programs, in which all employees of the university can participate, such as

ERAMUS + Pskills.

There are 4 modes:

- Modality 1:** Short stays of observation or training in Higher Education Institutions in Units and / or Administrative Services, equal or similar to that of the UC3M (Benchmarking) in the countries of the E + program
- Modality 2:** Attendance at International training courses or events related to the job (Staff Mobility Weeks, ...)
- Modality 3:** Attendance at conferences and conferences in European countries.
- Modality 4:** Short stays of observation or training in Higher Education Institutions in Units and / or Admt Services, equal or similar to that of the UC3M (Benchmarking) in non-European countries.





ERASMUS + Pskills, which allows mobility between the 28 countries of the European Union plus Iceland, Liechtenstein, Norway, Turkey and the Former Yugoslav Republic of Macedonia. As well as with Africa, the Caribbean and the Pacific.

It is participating in 2 projects of International Credit Mobility (ICM): The first is a consortium with 4 universities from Russia, South Africa, Iran, Indonesia and India. The second project is at an independent level with universities in the United States and Morocco.

There is another modality of mobility that is Cooperation through stable groups formed by teachers, researchers and PAS for the realization of specific projects for the development of the most disadvantaged peoples.

This type of international mobility is increasingly interested in the PAS, as it is a way of knowing other ways of working.



ERASMUS + ICM-KA107, which allows mobility between the 28 countries of the European Union plus Iceland, Liechtenstein, Norway, Turkey and the Former Yugoslav Republic of Macedonia. As well as with Africa, the Caribbean and the Pacific.

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This type of international mobility is increasingly interested in the PAS, as it is a way of knowing other ways of working.



The reality is that there is not much relationship between us, because when the PAS has some problem or complaint there are other channels by which they put their distress, such as the Trade Unions, the Staff Board in the case of officials and the Committee of Company in the case of labor.

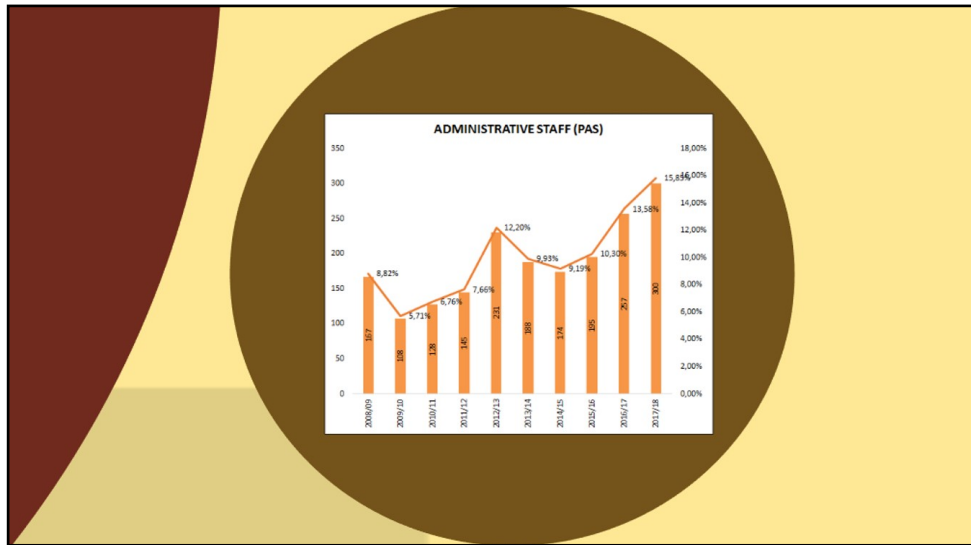
It is true that sometimes the Office of the Ombuds receives some complaints, as happened with the issue of Social Assistance given by the University to transport, in which 71 PAS sent an individual complaint to the Office of the Ombuds to protest the manner in which the aid had been distributed. But except on rare occasions, the PAS does not perceive us as an effective means to try to solve their problems.

Is true that

Graffic

If it is true that, in a private capacity, some officials consult us on issues that interest them, but prefer to remain silent, for fear of reprisals, since although the Ombuds is assured of total anonymity, they consider that as soon as the subject comes to light all the parties involved will know who it is and if the problem is of a determined official with his superior or with colleagues, they fear that this will give them more problems than benefits.

Another thing is when the issue affects a large part of the group then once they have tried to resolve it through the ordinary way, that is through their union representatives or administrative representatives and they have not succeeded, then it is sometimes they turn to the University Ombuds and this trend is increasing



The conclusion that we draw from this whole exposition is that the collective of the PAS is an important part for the development and projection of the work that is done in the Universities and sometimes the competent organs of the same ones forget that the PAS also exists and that without the good making this collective many of the achievements made would not have been possible



The Development of a Basic Course for Ombuds in the Netherlands

Paul Herfs and Stephen Querido

ENOHE-conference Leon – Spain
26 – 28 June 2019
Masterclass for Ombudspersons



Paul Herfs



Utrecht University

Which countries have training programs for ombuds?



Most countries do not have training programs for ombuds

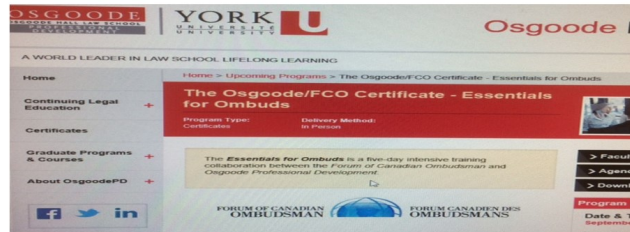
- Short inventory
- How many of the ombuds here are trained ombuds?
- If not, what training did you take?



Utrecht University

How and why did we start?

- In 2016: visit to Canadian universities
- Information about the training “Essentials for Ombuds” at Osgoode Law School in Toronto



Utrecht University

Four colleagues started preparations in developing a program for ombuds

- Problems to overcome:

Where?

For whom?

What content?

For what kind of organizations?

What costs?

Certificate?



Utrecht University

Masterclass for Ombudspersons

- No success within the Law Faculty
- Major reason: financial risks
- Welcomed at the Utrecht Summer School
- In 2019: no permission to continue the course as a Summer School.
- We were forced to offer the course as a Life Long Learning program (for professionals).



Utrecht University

How it all started

- In June 2018 we had 12 candidates.
- Average age: 50.
- In the first week of July 2018 we started a 5-day course: “Ombuds in broad perspective”
- Language of instruction: Dutch.



Ombuds at Dutch universities and the spirit of time

- Central Labour Agreement for Dutch universities:
- 3 universities will start a pilot with an ombuds for faculty and staff and/or a student ombuds
- After one year: evaluation of the ombuds services
- If evaluation is positive than all universities will appoint ombuds

In 2019 Technical University Delft, Erasmus University Rotterdam and University Maastricht started pilot ombuds for faculty and staff. University Twente and University of Amsterdam will follow later.



Ombuds at Universities of Applied Sciences (and the spirit of time)

Leaflet on Social Security for staff and faculty at Universities of Applied Sciences



Which experts were invited to give lectures?

- **Alex Brenninkmeijer** he was the National Ombudsman. Since 2014 member of the European Auditor's Office in Luxemburg. Since July 2014 he is full professor at the Law Department of Utrecht University.



- **Rob Behrens** is the Parliamentary and Health Service Ombudsman in the UK. Before that he was head of the Office of the Independent Adjudicator for Higher Education (England and Wales).



Which experts were invited to give lectures?

- **Willem Hendrik Gispen** emeritus professor in Neuro Sciences, former Dean of the Faculty of Medicine, former Rector Magnificus of Utrecht University.



- **Gerrard Boot** full professor in Labor Law at the Law Faculty University Leiden.



Which experts gave lectures?

- **Maurits Barendrecht** full professor Private Law at the University of Tilburg. He is an expert in Alternative Dispute Resolution.



- **Marian Olfers** full professor Sports and Law at the Vrije Universiteit Amsterdam. She is legal advisor to the Institute Jurisdiction and Sport.



Which experts gave lectures?

Reinier van Zutphen National Ombudsman since 2015. Before he became National Ombudsman he was a judge.



Marc Hertogh full professor Socio Legal Studies University of Groningen. His research interest lies in the lack of trust in the legal system, dispute settlement.



What was the content of the course?

- What does an ombuds do? What are essential values for ombudswork? How does an ombuds contribute to his or her organization?
- What is the role of an ombuds in different sectors like education, healthcare, government?
- Which instruments an ombuds uses? Advise, mediation, (own initiative) investigations.
- What position of an ombuds is preferred? Within or outside the institution?
- How vulnerable is an internal ombuds?



Values of ombuds

competence; unselfish; reliable; concerned; moved; useful; solid; fair; expert; effective; honesty; decency; security; passion; equality; thoroughness; equivalence; customer service; helpfulness; accuracy; impartiality; independence; legality; justice; reasonableness; open-mindedness; steadfastness; timeliness; safety; connectedness; tolerance; dignity; pragmatism; certainty; meticulousness; caring; purity



Profile of an Ombuds

Knowledge & training

Trained mediator or expert in dispute resolution
Academic level of thinking
Expert in analyzing problematic situations
Expert knowledge of laws and regulations



Profile of an Ombuds

Attitude

Not controversial and a person of good standing
Neutral operating
Uncompromising in case of exert pressure
Absolute confidentiality



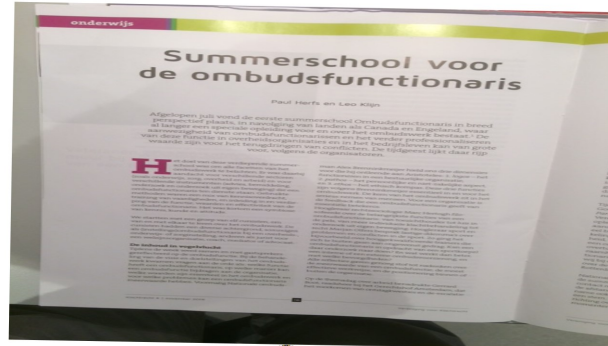
Profile of an Ombuds

Competencies

Organization sensitivity
Oral and written expression skills
Capable to work in a solo position
Being emphatic, thoughtfully, reliable
Dealing with conflicts of interest
Execution of investigations and writing reports



Publication in: Journal for Complaint handling
(nov. '18; nr. 4)



Masterclass Ombuds in broad perspective
(8 - 12 July 2019)

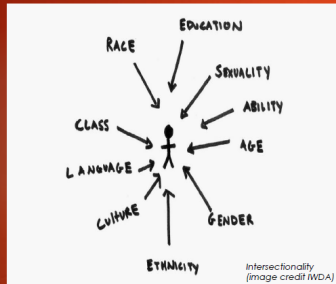


Class of
2018



**Confronting Privilege to Achieve Equitable Fairness:
An Intersectionality Approach to Ombudsing**
Natalie Sharpe and Josef Leidenfrost

**Confronting Privilege to Achieve Equitable Fairness:
An Intersectionality Approach to Ombudsing**



**ENOHE JUNE 2019
LEÓN SPAIN**

**NATALIE SHARPE, CANADA
JOSEF LEIDENFROST, AUSTRIA**

Presentation Overview

- ▶ Why do ombuds need to understand Intersectionality?
- ▶ Ombuds Role Play One (video)
- ▶ Why examine Power, Privilege and Marginalization?
- ▶ What is Dominator Culture and White Fragility?
- ▶ Activity: The Power Flower Exercise
- ▶ Debrief Power Flower Exercise
- ▶ What is needed: Diversity, Inclusion, Equity
- ▶ Becoming an Ally
- ▶ Ombuds Role Play Two
- ▶ Practicing Intersectionality and Allyship
- ▶ Further questions, time permitting

**Kimberlé William
Crenshaw**

*If we aren't intersectional,
some of us, the most
vulnerable, are going to fall
through the cracks*

https://www.azquotes.com/author/36803-Kimberle_Williams_Crenshaw



"Intersectionality" is a term created by Kimberlé Crenshaw (1989), and is rooted in Black Feminist Theory

Roleplay One - Mrs. Periwinkle and Bola

Mrs. P (ombuds) provides B (international graduate student) Mrs. P's view on how she should handle her situation with her academic-childcare-financial conflicts based on how Mrs. P handled these situations in her own past. She brushes aside what she feels is B's negativity and tells B to focus on having a positive attitude. Mrs. P does most of the talking and frustrates B who decides to give up on her studies by the end of their session. Mrs. P immediately agrees that B has now made an informed decision, and tells her how to fill out the voluntary withdrawal form.

Has Mrs. P ignored her position of privilege, and B's points of marginalization? Does Mrs. P lack an understanding of privilege?



Mrs. P Ombuds

B Graduate Student

What is Intersectionality?

- ▶ "Intersectionality is not a label or an identity, it is an **institutional practice**." Ariane Poisson (2018)
- ▶ It is a theory about oppression and provides a clear understanding of equitable fairness.
- ▶ We learn how overlapping, socially-constructed identities (sex, gender, race, class, ethnicity, disability, etc.) **can differentially impact** a client's lived experience.
- ▶ Primarily used as an activist, empowerment tool to confront one's privileges, it helps us understand forms of oppression and marginalization **that we may not see or ignore**.

Audre Lorde

There is no such thing as a single-issue struggle because we do not live single-issue lives.

Learning from the 60s. (1982)
Blackpast.org



Our clients may present multiple and complex issues that require creative, not cookie-cutter solutions.

What is the link between Privilege and Marginalization?

- ▶ Privilege - gives special rights, advantages, immunities and power/influence to a certain person or group(s).
- ▶ Marginalization - ignores, denies, disadvantages, limits rights to a certain person or group(s).
- ▶ Privilege and Marginalization build and reinforce inequitable systems that reflect inequities in our society.
- ▶ One may not see a barrier if not facing it; only those who are marginalized can see and experience this barrier. (e.g. glass ceiling)
- ▶ Those of privilege need to "listen" to those who express their marginalization to recognize each barrier.

bell hooks

Dominator culture has tried to keep us all afraid, to make us choose safety instead of risk, sameness instead of diversity. Moving through that fear, finding out what connects us, reveling in our differences; this is the process that brings us closer, that gives us a world of shared values, of meaningful community.

Teaching Community: A Pedagogy of Hope (2003)



Members of the dominant culture often frame everything from a safe, insular, protective, and conservative stance to protect their identity.

Falling into the Trap of White Fragility

- ▶ White Fragility coined by Robin diAngelo (2011) is " a state in which even a minimum amount of racial stress becomes intolerable, triggering a range of defensive moves... such as anger, fear, and guilt, and behaviours such as argumentation."
- ▶ They cannot tolerate racial stress because of the "insulated environment of racial protection that builds white expectations for racial comfort".
- ▶ Peggy McIntosh (1988): "'I was taught to see racism only in individual acts of meanness, not in invisible systems conferring dominance on my group". If I just act nice, will this change the system?



White Fragility by Robin DiAngelo in International Journal of Critical Pedagogy pp 55 – 56 Vol 3 (3) (2011) pp 54-70
picture <https://www.theguardian.com/world/2019/feb/16/white-fragility-racism-interview-robin-diangelo>

White fragility makes one feel they are being attacked even in a dominant role.

A question seldom asked: How has my life been shaped by being white?



<https://www.theguardian.com/commentisfree/2019/jan/16/racial-inequality-niceness-white-people>

Activity One: The Power Flower Exercise – 10 minutes

Rationale: The purpose of this activity is to examine discrimination as a social process for maintaining dominant identities. You will examine your social identities as individuals and as a group in relation to dominant/power social identities. Each flower, like a person, will be unique.

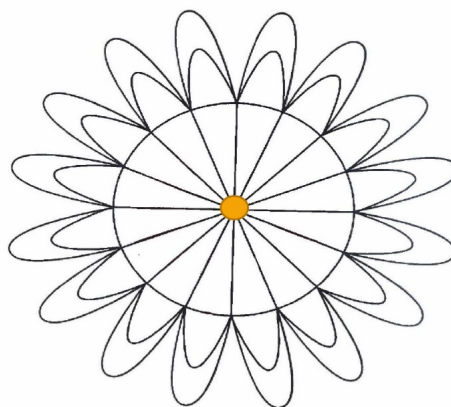
Activity:

- ▶ **FLOWER CENTER:** List dominant societal identities, e.g. Socio-Economic Status (SES), Sex, Gender Orientation, Ethnicity, etc.
- ▶ **OUTER PETALS:** List dominant social, privileged groups, e.g. Upper class, male, etc. Opinions will vary on the identities and privileges, as this exercise challenges personal world views.
- ▶ **INNER PETALS:** List your social identities. You will find some that match the dominant (privilege/power), and some do not (marginalization/oppression). Share and disclose what you identified for yourself only if you feel comfortable.

Group Discussion: A list of questions follow to examine privilege and marginalization.

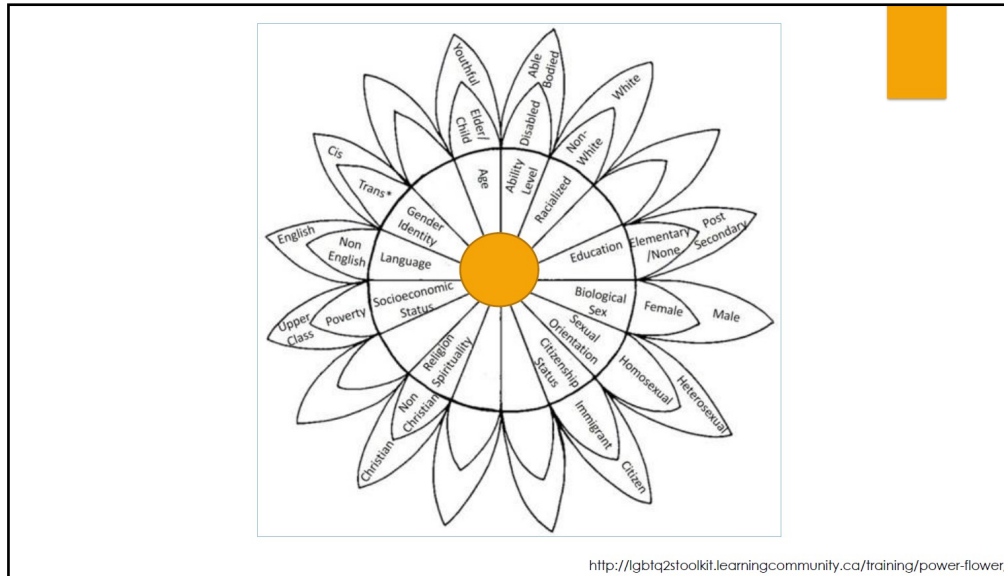
(This is an adaptation of *The Power Flower: Reflection on our Social Identities* used by EduActivist Ontario Institute of Studies in Education – OISE, Toronto. Original Source: Barb Thomas, Doris Marshall Institute. Adapted from Lee, Letters to Marcia, as cited in Arnold et al (1991) .)

The Power Flower



Adapted with permission from *Educating for a Change* by Mark Arendal, Don Burke, Carl James, D'Ann Martin, and Barb Thomas (Toronto: Doris Marshall Institute for Education and Action and Between the Lines Press, 1991).

TBB All May Be One – A Resource for Educating toward Racial Justice



Questions to consider in our group discussion

- ▶ Are many of my identities similar to the dominant ones or not? Did I identify more points of privilege or more of marginalization?
- ▶ Can I shift some of these identities easily or not? Which ones and why would I want to change them?
- ▶ Do I establish dominance of one particular identity and hide other identities if I can? If so, why?
- ▶ Do I find any relationship among the different forms of marginalization that could lead to further discrimination?
- ▶ Do I identify any of these identities as arbitrary social constructs?
- ▶ In my work, are there factors I may miss because of a perspective of privilege?
- ▶ Do I have a better understanding of privilege and marginalization now?

What do we need in our HE institutions?



Diversity = choose not sameness

Inclusion = hear all voices

Equity = remove all barriers

Adapted from: Race Matters Institute <http://viablefuturescenter.org/racemattersinstitute/about-us-2/>

“SO YOU WANT TO
BE AN ALLY.”

- Lamont, A. Guide to Allyship.

Being an **ally** is about disrupting oppressive spaces by educating others on the realities and histories of marginalized people.¹

Being an Ally

1. Check your motives (make sure this is not ego driven).
2. Begin your learning by immersing yourself in their histories and world view.
3. Act! This requires humility and ongoing self reflection.


INDIGENOUS
ALLY
TOOLKIT

¹Adapted from: Montreal Urban Aboriginal Community Strategy Network
https://physiotherapy.ca/sites/default/files/indigenous_ally_toolkit_en.pdf

Role Play 2 - Ms. Bola and Mr. Mannerheim

Mr. M (ombuds) invites Ms. B (graduate student) to tell her story, and gains a better understanding of her situation. He probes more carefully for information, her background, and demonstrates empathy for her family situation. He provides a clear link to an immediate source of help, and focuses on resolving the immediate issues at hand, exploring many options, and inviting her to more sessions. Mr. M listened more than he spoke.

Is Mr. M conscious of his privilege and Ms. B's points of marginalization? How does he demonstrate that consciousness?




Ms. B Graduate Student Mr. M Ombuds

Maya Angelou

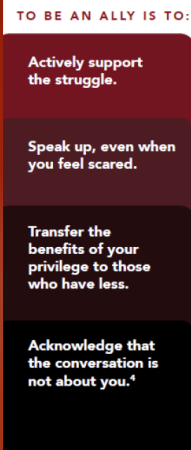
Out of the huts of history's shame I rise
 Up from a past that's rooted in pain I rise
 I'm a black ocean, leaping and wide,
 Welling and swelling I bear in the tide.
 Leaving behind nights of terror and fear I rise
 Into a daybreak that's wonderfully clear I rise
 Bringing the gifts that my ancestors gave,
 I am the dream of the hope and the slave.
 I rise, I rise, I rise

And Still I Rise (1978)



"I've learned that people will forget what you said, people will forget what you did, but **people will never forget how you made them feel....**"

How we as Ombuds make our clients FEEL is critical to the work we do. Relational and equitable fairness are integral our ombuds practice.



TO BE AN ALLY IS TO:

- Actively support the struggle.
- Speak up, even when you feel scared.
- Transfer the benefits of your privilege to those who have less.
- Acknowledge that the conversation is not about you.*

Your Case: Being an Ally and Changing Systemic Inequities

- ▶ Share a case where examining privilege and marginalization may have helped in finding a better resolution.
- ▶ How would you be an ally to ensure equitable fairness without bias?
- ▶ Working with the client...
- ▶ Working with those in power...
- ▶ Future education workshops and/or policy recommendations.....

Adapted from: Montreal Urban Aboriginal Community Strategy Network
https://physiotherapy.ca/sites/default/files/indigenous_ally_toolkit_en.pdf

Practicing Intersectionality: Some ways to begin

- ✓ Offer a safe and welcoming environment. Focus on environmental design and location of office. Check for physical and other forms of institutional barriers.
- ✓ Develop a spirit of inquiry, using skills to acquire information in non-intrusive ways, not just questioning.
- ✓ Be proactive by listening to our clients' personal narratives to learn more about their lived experiences and social location), e.g., "Tell me more about your...."
- ✓ Be attune to the cues in the student's context. e.g. what is your experience of being an international student?
- ✓ Be aware of habits we use to fill in the blanks, e.g. finishing sentences based on our stereotypes and limited experiences; jumping in on moments of silence.
- ✓ Cultivate a cognitive lens; keep up with the learning as things change. Information is not static; their circumstances may change as well.
- ✓ Collaborate on building policy recommendations that protect diversity, promote inclusion, and ensure equity. Approach their concerns with direct honesty. This can lead to the building of Communities of Practice.
- ✓ Be intentional in practicing intersectionality to achieve equitable fairness. It might seem difficult and awkward as it takes lots of practice! It is a shift – a new paradigm that challenges, confronts and eliminates barriers.

Acknowledgements



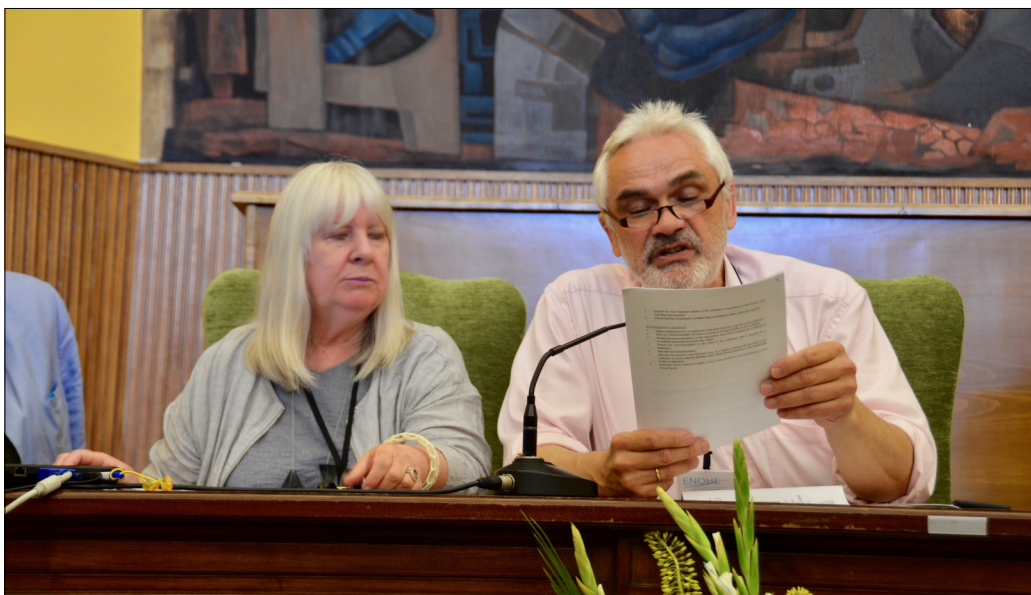
- ▶ Thanks to Remonia Stoddart-Morrison (Bola) , Undergraduate Ombuds, Office of the Student Ombuds, and Dr. Brent Epperson (Mr. Mannerheim) Graduate Ombudsperson, for their role plays, and Alexandria Hammond (videographer), Undergraduate Ombuds Intern, University of Alberta, Edmonton, Alberta
- ▶ Thanks to Carter Macdonald, Ombuds, Camosun College, Victoria, B.C. Canada for his information on Allyship.
- ▶ Thanks to Mercedes Sharpe-Zayas, Workforce Planning Coordinator for the Parkdale People's Economy, City of Toronto, and Co-Director of Communications for MUJER, a grassroots Latinx (x expresses alternative gender like they) feminist organization, Toronto for commentary and guidance. Mercedes has extensive training and facilitator experience in privilege and marginalization workshops.

Resources & Other References

- ▶ Indigenous Ally Toolkit. Montreal Urban Aboriginal Community Strategy Network https://physiotherapy.ca/sites/default/files/indigenous_ally_toolkit_en.pdf
- ▶ The Urgency of Intersectionality <https://www.youtube.com/watch?v=akOe5-UzQ2o&t=976s>
- ▶ Robin DiAngelo discusses White Fragility <https://www.youtube.com/watch?v=45ey4jgxeU>
- ▶ Deconstructing White Privilege - <https://www.youtube.com/watch?v=Dwlx3KQer54>
- ▶ Peggy McIntosh and White Privilege: Unpacking the Invisible Knapsack - https://www.winnipeg.ca/clerks/boards/citizenequity/pdfs/white_privilege.pdf
- ▶ Dreams Delayed by Dr. Frank Truitt - <https://www.youtube.com/watch?v=cUzm08x01NE&t=377s>

Resources & References

- ▶ Ariane Poisson, *Practicing Intersectionality: Against the colonization of Black thought in white feminist discourse* [https://medium.com/@arianepoisson/practicing-intersectionality-against-the-colonization-of-black-thought-in-white-feminist-discourse-fa4db9ef96b8\(2018\)](https://medium.com/@arianepoisson/practicing-intersectionality-against-the-colonization-of-black-thought-in-white-feminist-discourse-fa4db9ef96b8(2018))
- ▶ *The Power Flower: Reflection on our Social Identities* EduActivist Ontario Institute of Studies in Education (OISE) Toronto. Original Source: Barb Thomas, Doris Marshall Institute. Adapted from Lee, Letters to Marcia, as cited in Arnold, et al (1991)
- ▶ *Exploring my Power and Privilege Toolkit 2* Canadian Centre for Diversity and Inclusion <http://lgbtq2stoolkit.learningcommunity.ca/wp/wp-content/uploads/2014/12/flower-power-exercise.pdf>
- ▶ Race Matters Institute site <http://viablefuturescenter.org/racemattersinstitute/about-us-2/>
- ▶ Intersectionality Image Cover: <https://gender.cgjar.org/grit-intersectionality-african-research/>
- ▶ Lee Mun Wah *The Secret to Changing the World* Ted xExpression College <https://www.youtube.com/watch?v=Hp5SNpCtiWk>



Is small (really always) beautiful?
On different ways of complaint handling in large and not quite so large institutions
Wolfram Aigner, Anna Cybulko, Josef Leidenfrost, Felicity Mitchell



UNIwersYTET
WARszawSKI

**Is small (really always) beautiful?
On different ways of complaint
handling in large and not quite so
large institutions**

*Anna Cybulko, Ombudsman of the
University of Warsaw*

15th ENOHE Conference 26-28 June 2019

University of Warsaw:

- Founded in 1816
- Consists of around 55.000 students, 8.000 employees
- Three parallel structures: administrative staff/academics/students
- Encompasses 20 faculties, 26 educational-scientific units, 8 other units.
- Position of ombudsman (first in Poland) since 2011.



Responsibilities and essential duties of academic ombudsman

The ombudsman is neither an advocate for any individual nor the organization, but rather is an advocate for fairness, who acts as a source of information and referral and aids in answering individual/s questions and assists in the resolution of concerns and critical situations.

Source: Generic Academic Ombudsman Position Description IOA

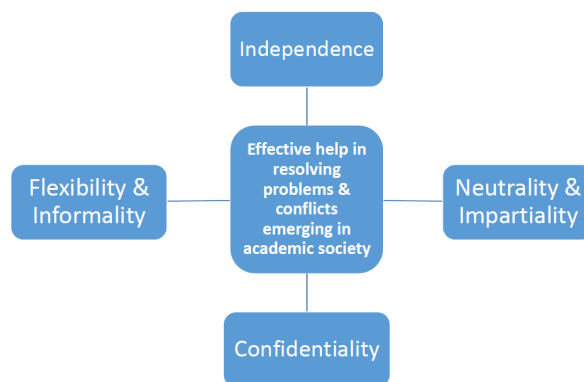
Ombudsman's assistance

- ❖ **Help in analyzing the problem and generating options of solutions.**
- ❖ **Assisting in conflict resolution:** diagnosing the problem and determining its resolution
- ❖ **Mediation** in conflict situation
- ❖ **Providing proper information** on procedures and legal regulations applicable at the University of Warsaw/in particular case
- ❖ **Assisting in obtaining information and clarifying the case in proper unit.**

If the inquiry is not within the range of Ombudsman's competences, s/he **directs the interested person to proper institution.**



Main principles



Number of cases reported in 2018

Number of cases reported to Ombudsman: 196

Undertaken actions: 157 cases

➤ 146 cases reported in 2018

➤ 11 cases continued since 2017

108 cases (55 %) were reported by students

12 cases (6%) were reported by PhD students

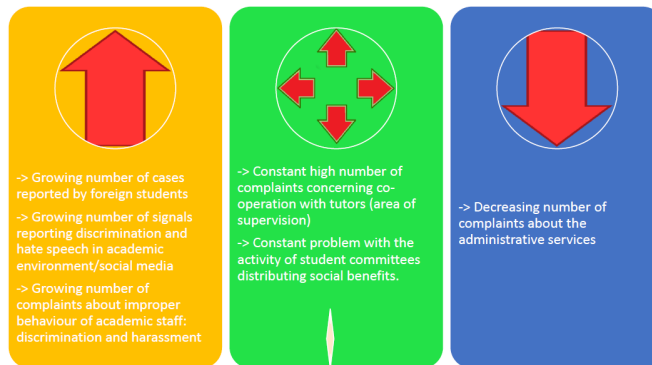


Types of complaints

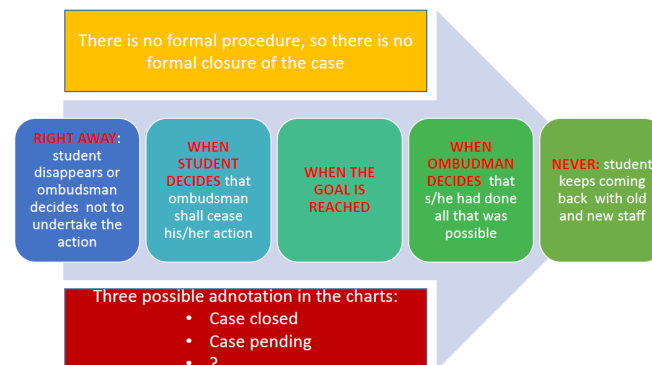
CONFLICTS & COMMUNICATION DIFFICULTIES	ORGANIZATION & THE COURSE OF STUDIES	FINANCIAL ISSUES	ETHICAL ISSUES
<ul style="list-style-type: none"> • Unfair treatment • Discrimination • Bullying & harassment • Conflicts with tutors & Lecturers • Conflicts in dormitories • Conflicts with administrative staff 	<ul style="list-style-type: none"> • Changes in the curriculum of the studies • Organization of the courses • Credits and exams • PE requirements • Work assessment • Problems with documentation • Removals from the student roster 	<ul style="list-style-type: none"> • Scholarships • Social benefits • Tuition and fees • Additional payments 	<ul style="list-style-type: none"> • Academic misconduct • Plagiarism



Students complaints in 2018 - overview



Closing the case



Ombudsman work - outcome

- Individual intervention: settling the case or resolving the conflict
- Transmitting good practices
- Lobbying for the necessary systematic changes (anti-mobbing procedure, Gender Equality Plan, ethical code, etc.)
- Annual reports: chance for systematic change or individual feedback?



Problems at the University? Look inside!



Case studies

„(Preference for) business English”
curriculum 2nd year of bachelor studies, Faculty of Economics

(Too?) High expectations
student – tutor problem at the final stage of PhD, Faculty of Biology



Merits & limits of the Polish system

	MERITS	LIMITS
INDEPENDENCE	no direct pressure from other units or the central level	lack of direct support from other units and the central level
INFORMALITY & FLEXIBILITY	•finding creative, out-of-the-box solutions •Taking care of interpersonal relationship	•no tools to discipline, •no power of decision making • no pressure, just (less effective) persuasion
INDIVIDUAL TREATMENT	tailor-made solutions	Individual solutions do not necessarily sum-up to global change
CONFIDENTIALITY	•Creates safe space •encourages students to make use of the institution •Secures real independence of the ombudsman	Unability to act without the of the person reporting the case (even when it seems necessary)
NO LEGAL LIABILITY OF THE OFFICE	??	??



CONTACT

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Tel. + 48 (22) 55 27 214, + 48 882 15 22 35

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

E-mail: ombudsman@uw.edu.pl

Tel. + 48 (22) 55 27 813

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

Prepared by Anna Cybulko, Ombudsman of University of Warsaw



office of the
independent
adjudicator

Is small (really always) beautiful?

15th European Network for Ombuds in Higher Education
Conference 26-28 June 2019

Felicity Mitchell
Independent Adjudicator



Who we are



- We run the **student complaints Scheme** for England and Wales
- **Compulsory membership** – >800 higher education providers
- We are **independent & free** to students/trainees
 - Company not limited by guarantee; charity
- We are an **alternative to the courts** – EU ADR directive

What we do

- We **review complaints**
 - Independently, impartially and transparently
- We make **Recommendations** to put things right
 - Remedies for students and changes to practice
- We **share learning**
 - To help improve policies and practice in HE

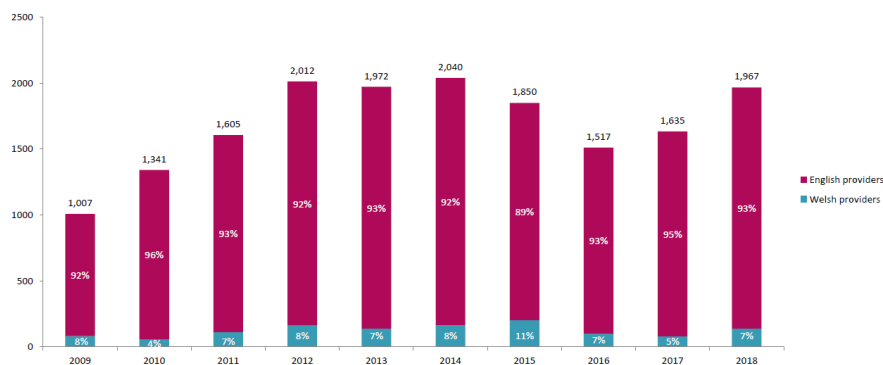
Our priorities

- To review student complaints independently, fairly and effectively.
- To share learning from complaints with higher education providers, student representative bodies, students and others, to help improve policies and practices and the student experience.
- To work effectively with others and influence policy and practice in the wider regulatory framework for higher education and in the ombuds sector.
- To continually develop our organisation so that we can do our work well

12/09/2019

www.oiahe.org.uk

Number of complaints received per year



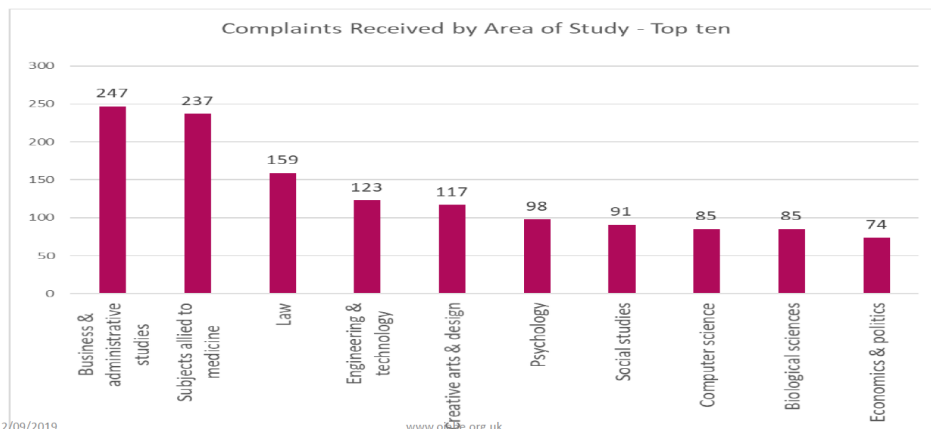
Complaints we can look at

- We can review complaints from **students** and **former students** (not applicants)
- We can look at anything the provider has **done** or **failed to do**, common areas of complaint include:
 - academic appeals
 - extenuating circumstances
 - teaching and facilities
 - financial matters
 - disciplinary matters
 - academic misconduct (including plagiarism)
 - bullying and harassment
 - fitness to practise
 - discrimination

Complaints we can't look at...

- Applications for **admission**
- The provider's **academic judgment**
 - **But we can look at procedures and the decision making process**
- Student **employment** matters
- Provider is **not a member** of our Scheme
- Matter has been **subject of legal proceedings**
- Already considered by **another ADR body**.

Complaints received – area of study



Process

- Student completes internal processes – COP letter
- Time limit: 12 months
- Student completes complaint form (on-line portal)
- Triage – can we look at it?
- Weighting – which team?
- Quality control – Casework Quality Group


Our review

- We **review**: normally focus on the provider's **final decision**
- Can we **settle** it?
- We decide whether the complaint is **Justified, Partly Justified** or **Not Justified** – **Complaint Outcome**

Putting things right - Recommendations

- **Student focused**: aim to put the student back in the position they were in before whatever they complained about happened
- **Good Practice**: aim to improve policies and practices at the provider

Support for students

 office of the independent adjudicator


Q
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STUDENTS
STUDENT ADVISERS
PROVIDERS
ABOUT US
RESOURCES AND PUBLICATIONS

REVIEWING COMPLAINTS


Home // About us // Reviewing complaints

Many student complaints are resolved through higher education providers' own processes. But when a student is unhappy with the outcome of these processes, it is important that they have access to independent, impartial review. This is what we do. Our case studies show the sort of cases we receive and their outcomes. We can recommend a range of remedies to put things right, both for the individual student and to improve practice.


IN THIS SECTION



Who can complain to us?
Learn more about who can complain to us and what they can complain about.



What happens when a student complains to us?
Learn more about how we deal with complaints, and what happens once a complaint is made.



What you can expect from us when we review a complaint
What you can expect from us when we are reviewing complaints.

Sharing learning from complaints

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OUTREACH AND EVENTS

Home // About us // Sharing learning // Outreach and events

2019 Outreach Programme

We run an outreach programme which includes visits, webinars and workshops.

All of our webinars and workshops are open to participants from providers that are members of our Scheme and from student representative bodies. They are a good opportunity to share thoughts and experiences with colleagues from other providers and student representative bodies, as well as with us.

If you have any queries please see our FAQs page or email workshops@oiahe.org.uk

Request a visit

If your higher education provider or student representative body would like a visit from us, you can make a request by emailing outreach@oiahe.org.uk

Request a speaker for your event

If your organisation would like one of our staff to speak at your event, please email outreach@oiahe.org.uk

Outreach mailing list

If you would like to be added to our outreach mailing list, please email workshops@oiahe.org.uk




Outreach FAQs

Frequently Asked Questions about our events, workshops and webinars.



12/09/2019 www.oiahe.org.uk

The Good Practice Framework

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Good practice framework

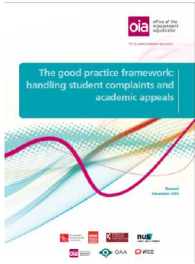
Handling complaints and academic appeals

Supporting disabled students

Disciplinary procedures

Delivering learning opportunities with others

Fitness to practise



Judicial review



- Decisions and process are subject to judicial review – high court
- Around 100 cases since 2005
- About 15% granted permission to proceed
- 3 students successful (we reconsidered complaint or provider settled)
- 5 cases in Court of Appeal

Publishing summaries



- **Case summaries** – by theme - on website and in Annual Report
- **Public interest cases** – naming higher education provider - on website
- Publication of **non-compliance** – provider has not complied with Recommendations - in Annual Report

Case study (1) Ms A



- Part time distance learner with several disabilities and complex support needs
- Complaint about funding, reasonable adjustments, support through processes, graduation ceremony, and handling of complaint: **Justified:**
 - Apology
 - £35,700 financial compensation; + £18,500 distress and inconvenience
 - Good practice recommendations

Case study (2) Ms B



- Student on Graduate Diploma in Law – 2 year
- Registered for “top-up” year to convert to LLB degree
- Awarded unclassified degree
 - provider does not classify degrees for students on top-up route
 - provider did not explain this to student in advance
- **Settled:** provider agreed to consider her mark profile and awarded a first-class degree.

12/09/2019

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How to contact us



Website: www.oiahe.org.uk

Telephone: 0118 959 9813

General email queries: enquiries@oiahe.org.uk

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Office of the Independent Adjudicator



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Is small (really always) beautiful?

Complaint Handling at the Office of the Austrian Student Ombudsman and at the Office of the Student Ombudsman at the University of Linz

(in absentiam) Wolfram Aigner / Josef Leidenfrost
ENOHE Annual Conference León 2019



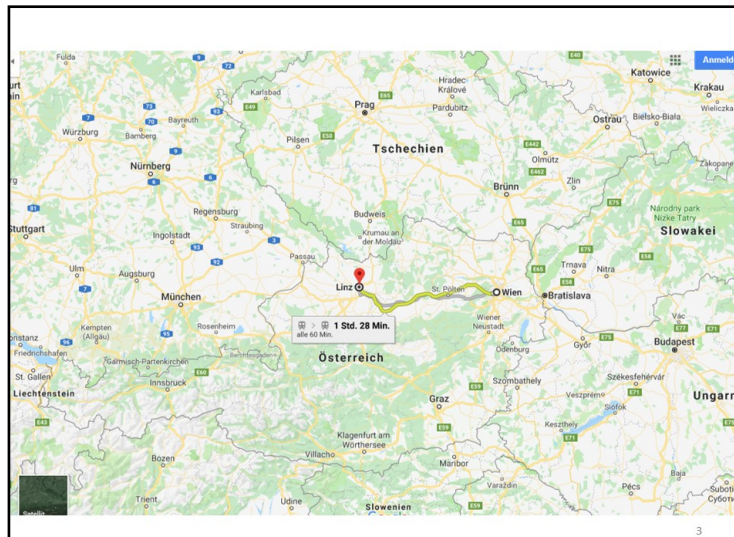
1

About “small is beautiful”

- HEIs in Austria and their students are either catered for by local ombudspersons or by the Austrian Student Ombudsman at the Higher Education Ministry
- main concerns for both are the same **jurisdictional challenges** within the handling of individual cases as they come up, but different approaches, different tools
- **Interpretations of the law might differ** (widely) “in the provinces” and “in the capital”
- The Austrian academic conflict management system applies the so-called “**Innsbruck Descriptors**” in handling the incoming issues



2



3

About the speakers



(in absentiam) Wolfram Aigner: born 1955, Graduate of English, History and Law of Vienna and Linz Universities; University Assistant at the University of Economics Vienna 1979-1985; Desk Officer at the Legal Department of the Federal Ministry of Science and Research 1991-1994; Director of Studies at the Faculty of Law at JKU Linz 1994-2016, since 2017 ombudsman for at the JKU.



Josef Leidenfrost: Graduate of contemporary history (University of Vienna); MA in mediation. TV journalist in the early 1980s, adviser to three ministers at the Austrian Ministry of Higher Education since 1988, topics: academic internationalization, scholarship programs, students' rights and duties, issue (complaint) management. Austrian Student Ombudsman since 2001. Co-founder of the European Network of Ombudsmen in Higher Education (ENOHE)



4

University of Linz (“small”!)



5

University of Linz: Facts and Figures



- founded: 1966
- number of faculties: 4
- number of students: about 20.000
- number of staff: scientific 2.000, administrative 1.000
- international cooperation: about 150



6

University of Linz: Complaint Handling 1

- Working Group on Equal Opportunities
 - § 42. (1) The senate of each university shall establish a working group on equal opportunities responsible **for combating gender discrimination as well as discrimination on the basis of ethnicity, religion or conviction, age, or sexual orientation by university governing bodies and for advising and supporting the university's members and governing bodies in connection with these issues.**



7

University of Linz: Complaint Handling 2

- Arbitration Board
 - § 43. (1) An arbitration board shall be established at every university. Its duties shall include:
 - **1. mediating in disputes between university members;**
 - (2) Matters which are the subject of legal proceedings, and performance evaluations shall be excluded from investigation by the arbitration board.
 - (3) In the performance of its duties, the arbitration board shall try to reach an agreement between the parties to disputes.
 - (4) All university bodies and members shall be obliged to furnish the arbitration board with information on matters investigated by it, and to communicate with it.



8

University of Linz: Complaint Handling 3a



[STUDIUM](#) [CAMPUS](#) [DIE JKU](#) [FORSCHUNG](#) [NEWS & EVENTS](#)





Lehr- und Studienorganisation

Ombudsstelle für Studierende.
Ombudsstelle für Studierende

Zentrale Anlaufstelle bei Problemen im Lehr- oder Verwaltungsbetrieb der Johannes Kepler Universität Linz

Die Ombudsstelle für Studierende ist die zentrale Anlaufstelle für Studierende mit Beschwerden des Lehr- und Verwaltungsbetriebs (z. B. Zulassungs- oder Anerkennungsangelegenheiten) der JKU betreffend.

Der Ombudsmann bemüht sich um die Vermittlung und die Lösung von Konflikten zwischen Studierenden und der Universitätsverwaltung. Er berätet in Angelegenheiten von Studierendenbeschwerden die Entscheidungsgrundlagen für den Vizekanzler für Lehre und Studierende vor.

OMBUDESTELLE FÜR STUDIERENDE

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9

University of Linz: Complaint Handling 3b

- **Student Ombudsman**
 - can be addressed by students who want to complain about problems within teaching and administration
 - tries to solve problems in a cooperative way; no jurisdictional powers: advice, intervention
 - on study law issues he prepares decisions for the Vice Rector for Studies
 - local ombudsman has better (intimate) knowledge of conditions / power constellations sur place

Office of the Austrian Student Ombudsman ("beautiful"?)



Austrian Student Ombudsman: Facts and Figures

- first established in 1997, enshrined by law 2012
- 8 full time equivalents
- extra-hierarchical "localization"
- recommendations, no binding decisions
- annual reports to the minister and to the parliament

Annual Report 2017 / 18 of the Austrian Student Ombudsman



Tätigkeitsbericht
der Ombudsstelle für Studierende an
den Bundesminister für
Bildung, Wissenschaft und Forschung
und an den Nationalrat
2017 / 18

Ergelegt am 13. Dezember 2018 gemäß § 17 (1) des Bundesgesetzes über die zentrale
Schulbehörde und die Zentralbehörde für die Landes- und Landesober- und Landes-
Austria HC 020 - 0500 - (Ausgabe 14.03.2017) 4/17

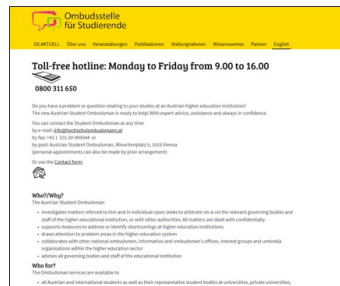
473 issues

45 % raised by men, 55% by women
13 % solved, 70 % information given
10 % no jurisdiction to deal with the matter,
7 % not possible to find a solution

ten most frequently issues

- 140 conditions relating to courses of study (29 %)
- 82 admissions to a course of study (17 %)
- 66 student financial aid (13 %)
- 50 other issues (10 %)
- 41 tuition fees (7 %)
- 23 recognition of examinations & course work (5 %)
- 15 academic degrees (3 %)
- 13 financial aid and grants (2 %)
- 13 academic work (2 %)
- 9 disability, illness (1 %)

Office of the Austrian Student Ombudsman



...has a greater general survey, does not necessarily know all the (relevant) details on the institutional level...

Austrian Student Ombudsman (Higher Education Quality Assurance Act 2011): Enshrined by law

- § 31. (1) An office that is not bound by any instructions and provides ombudsman-information and services for students at higher education institutions shall be established at the Federal Ministry of Science and Research. ...
- (4) In order to fulfill its duties, the ombudsman is entitled to obtain personal data and other information from the respective organs and members of institutions dealing with student topics. **They are obliged to provide the ombudsman with information in the matters designated by it.**
- (5) The ombudsman may provide **advice to the organs and members of institutions** dealing with student topics. ...
- (7) **The student ombudsman shall annually prepare a report on its activities...** The report for the preceding academic year shall be submitted to the competent Federal Minister and the National Council by 15 December of each year at the latest. **The report shall be published.**

Students... (and/or their parents)

- appeal to different institutions:
 - to the federal president (!)
 - to the national ombudsman
 - to the federal minister of higher education
 - to provincial governors
 - to MPs
 - to the rectors/presidents of HEIs
 - **to the local HE ombudsmen (e.g. Linz)**
 - **to the HE ombudsman at the ministry (ASOM)**
 - **to both or all of them (in this order)**



16

Joint (Individual) Cases: Two Examples

Admission to medical studies:

international student seeking admission for medical studies was originally rejected by the admission department on grounds of incomplete documentation; **both OM presented the issue and its special aspects to the Vice Rector, the student finally was admitted**

Supervision within a PhD programme:

a PhD student had to look for a new supervisor after his original supervisor had left the institution (due to health reasons), no substitution could be found; the case is still pending. The ASOM had (already) issued a recommendation in his annual report, that there should be **more concrete regulations about safeguarding the rights of PhD students**



17

Network of Austrian HE Ombudsmen

1)

The informal Network of Austrian Ombudsmen in Higher Education (for students, for study law, for protecting and ensuring good scientific practice) and similar bodies comprises institutions of higher education and research in the Austrian higher education area and research area, working in the fields of advisory services, complaint-, diversity-, information-, conflict-, crisis-, quality- and improvement management.

...

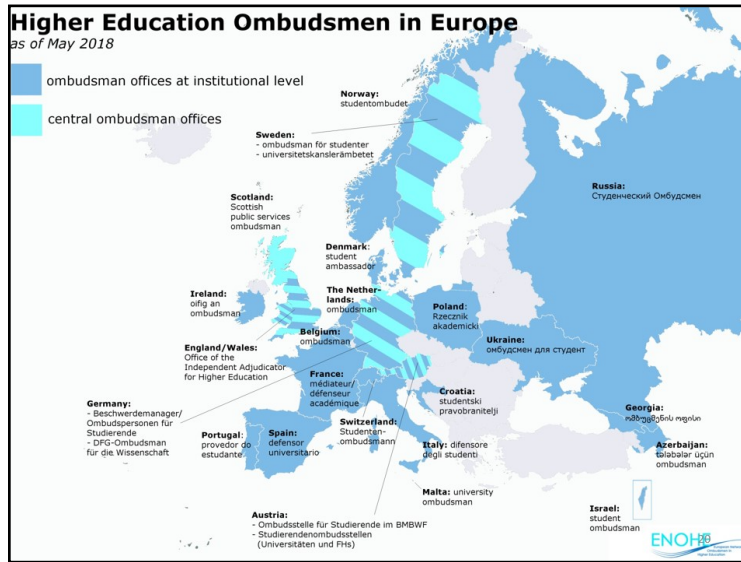
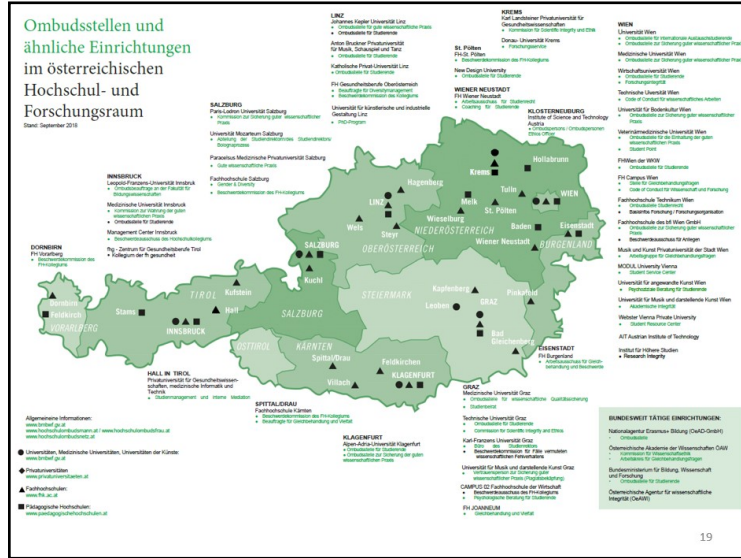
3)

The purpose of the Network is to provide a forum to enable participants to engage in Austria-wide networking and the sharing of professional experiences in the aforementioned areas of activity, by, inter alia:

- Supporting decision-makers and members of staff at institutions of higher education and research institutions with the establishment and professionalization of appropriate bodies
- Contributing to the sharing of knowledge, insights and experience in the aforementioned areas of work and to the extension of powers
- Initiating, monitoring and promoting developments in the aforementioned areas of work across institutional boundaries
- Maintaining close contact and cooperating with international networks (in particular ENOHE, the European Network of Ombudsmen in Higher Education and ENRIQ, the European Network of Research Integrity Offices) and with transnational projects




18




“Innsbruck Descriptors” (2015)

- **Initiators**
 - Initiatives to set up an ombudsman office are taken by:
- **Terminology, Legal Basis and Framework Conditions**
 - Terminology
 - Legal Basis and Framework Conditions
- **Remit of Ombudsmen in Higher Education**
 - For students, academic and staff members
 - For Selected Areas such as...
- **Ideal Person**
 - Drawing up a Job Profile
 - Identification Process
 - Profile
- **Type of issues and how to handle them**
 - Types of Issues
 - Procedure for Dealing with Issues



JKU
JOHANNES KEPLER
UNIVERSITÄT LINZ



Ombudsstelle
für Studierende

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An Ombudsman “in the field”



Ombudsstelle
für Studierende

JKU
JOHANNES KEPLER
UNIVERSITÄT LINZ

22

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JKU
JOHANNES KEPLER
UNIVERSITÄT LINZ

Ombudsstelle
für Studierende


23



From the past to the future, through the present, with an Ombuds Spanish perspective

Marta Elena Alonso de la Varga and Emilio Olías Ruiz

Wednesday 26 June – Friday 28 June 2018, Universidad de León, Spain



**“From the past to the future,
through the present, with an
Ombuds Spanish perspective”**


Marta Elena Alonso de la Varga (*)
Paulino César Pardo Prieto (*)
Emilio Olías Ruiz ()**
María del Mar Sánchez Pinilla (**)
Paz Mayor (**)

(*) Universidad de León, Spain
(**) Universidad Carlos III de Madrid, Spain

15th European Network for Ombuds
in Higher Education conference

WE ARE

WE DO



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universidad de León
Defensor de la Comunidad Universitaria
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Campus de Vegazana s/n 24071-León España
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2

Outline

- Context General Information
- Ombuds Actions in Spain, 2008 - 2018

3

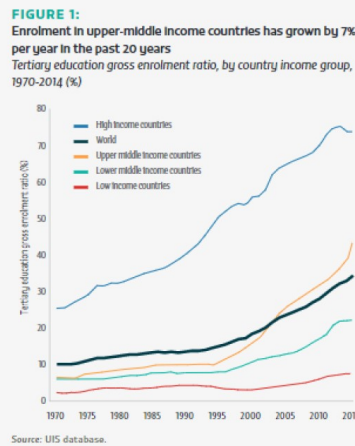
Context General Information

GOOD NEWS
SPANISH UNIVERSITIES IN FIGURES
UNEMPLOYMENT AND HIGHER EDUCATION
AGING AND ...

4



no one behind



Good news to start!

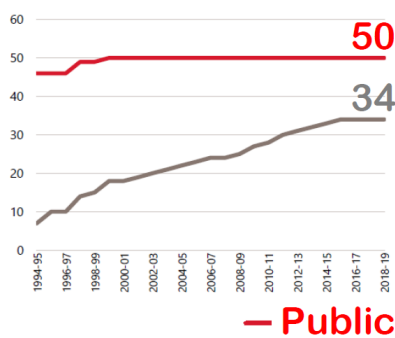
Source: Six ways to ensure higher education leaves no one behind, UNESCO 2017

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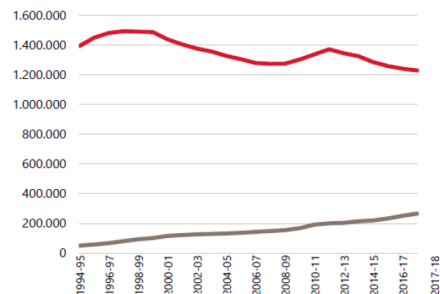
Universities in Spain

Evolution of public and private universities. Courses 1994-1995 to 2018-2019

a) Number of **Public** + Private = 84

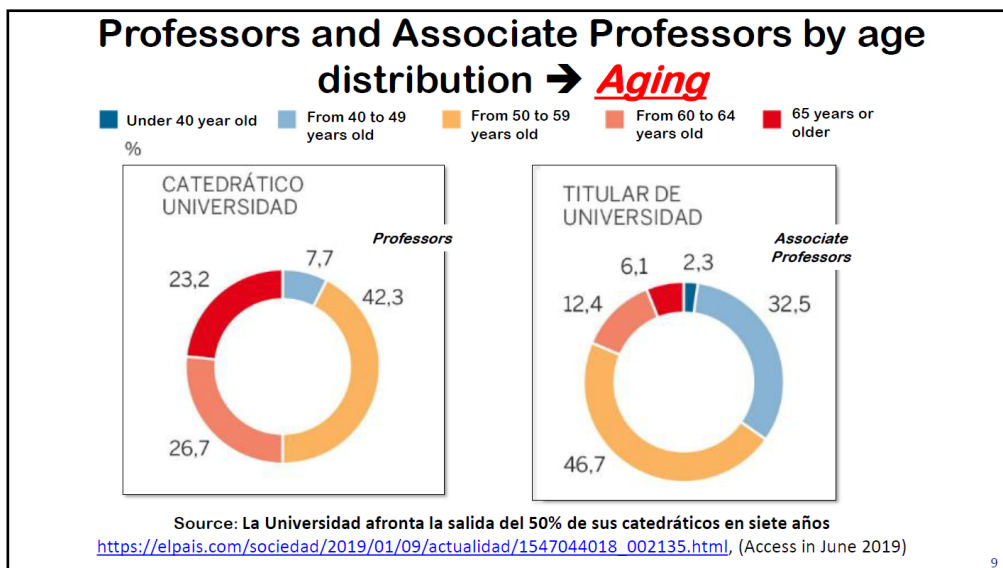
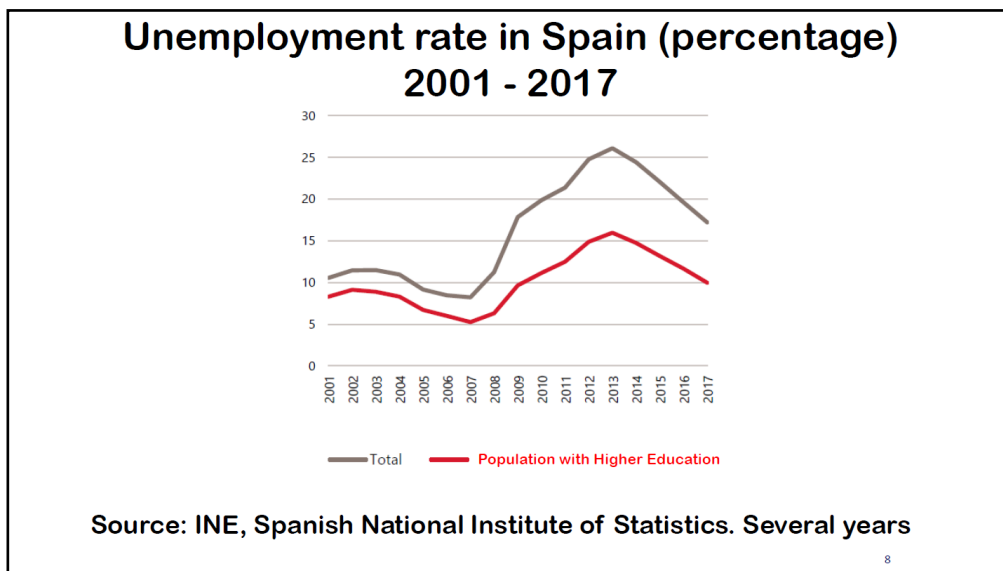
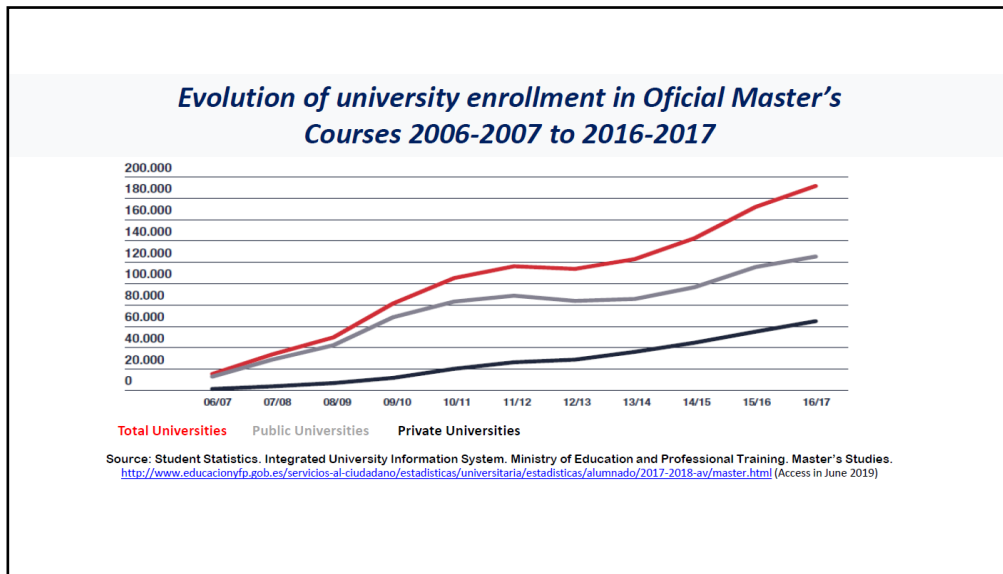


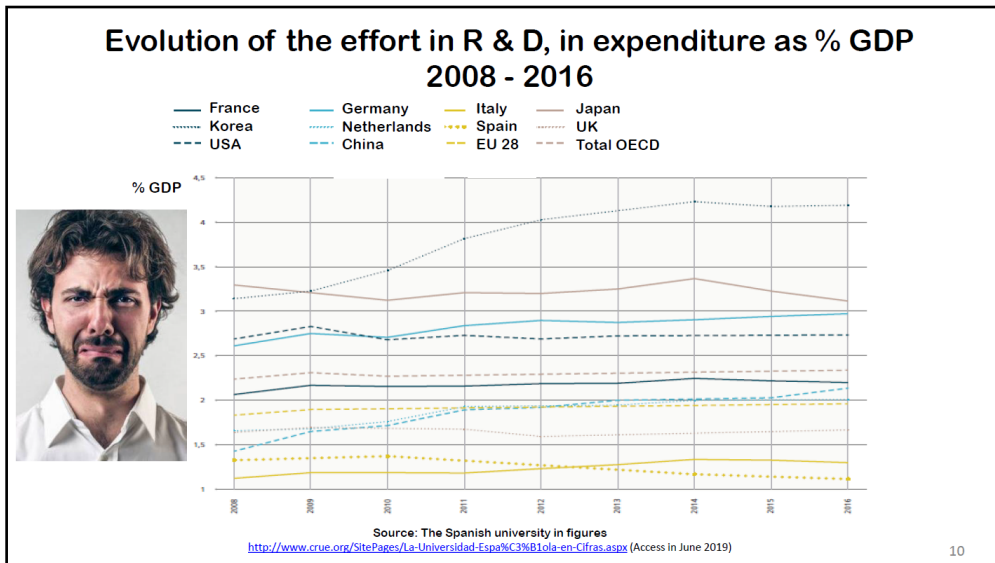
b) Enrolment of Undergraduate and Master students



Sources: 1.-Ministry of Science, Innovation and Universities (2018) 2.- Valencian Institute of Economic Research, IVIE http://dx.medra.org/10.12842/RANKINGS_SP_ISSUE_2017 (Access in June 2019) 3.- Own preparation.

6





10

Ombuds Positive Attitude!



Cosiendo la vela, Sewing the Sail (1896), Cabanyal, Valencia
 Joaquin Sorolla y Bastida

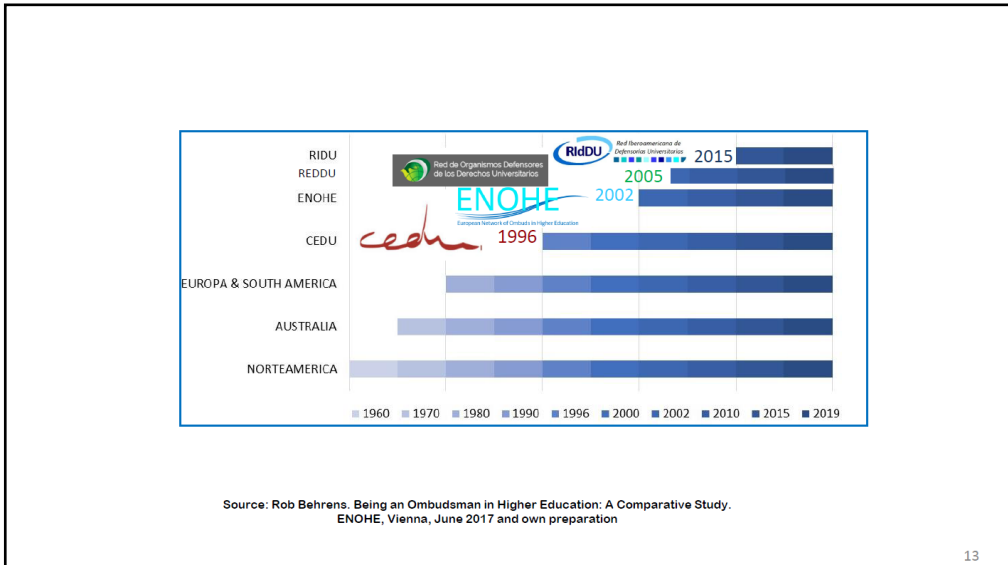
Galleria Internazionale d'Arte Moderna di Ca'Pesaro, Venezia

11

Ombuds Actions in Spain 2008 - 2018

**WITH THE PARTICIPATION OF 26 PUBLIC AND
PRIVATE UNIVERSITIES, MEMBERS OF THE
SPANISH STATE CONFERENCE OF UNIVERSITY
DEFENDERS
(CEDU)**

12



13

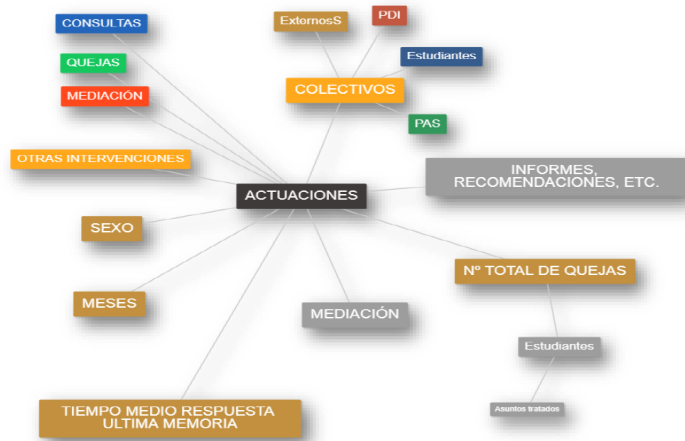


Methodology

The image shows a spreadsheet interface. The top part is a large grid with columns for years (2007-2010) and rows for various categories. Below the grid is a summary table with the following structure:

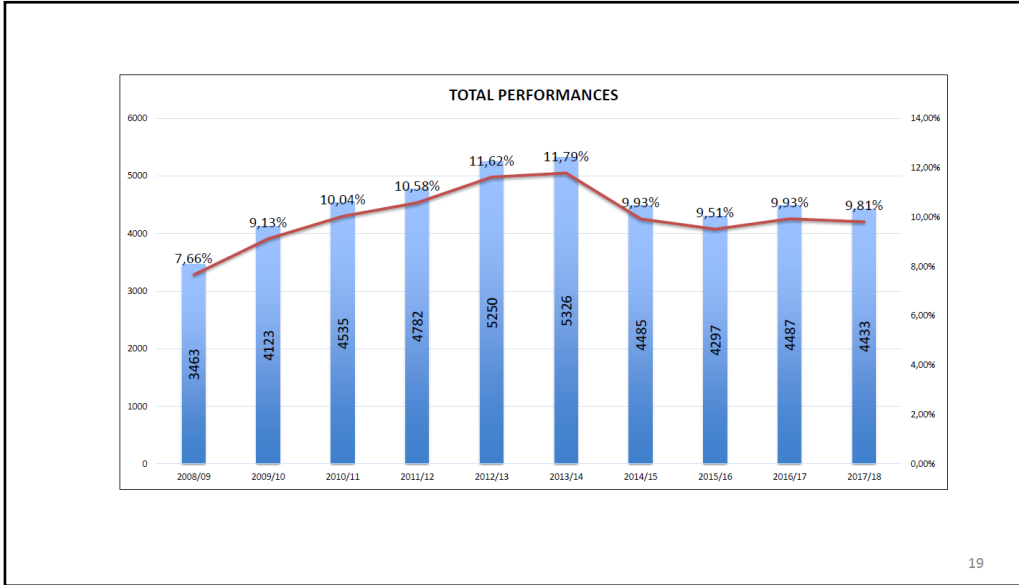
	A	B	C	D	E	F	G	H	I	J	K	L
2	TIPO DE ORGANISMO:		PUBLICO		PRIVADO							
3	FORMAS DE ACTUACION:		DE OFICIO		PARTE INTERESADA		OTROS					
4	Número de actuaciones		Tipo de actuaciones				Actuaciones por colectivo			Actuaciones por género		
5			Consulta	Mediación	Queja	Otros	Estudiante	Pas	Pdi	Externos	Femenino	Masculino
6	2008/09											
7	2009/10											

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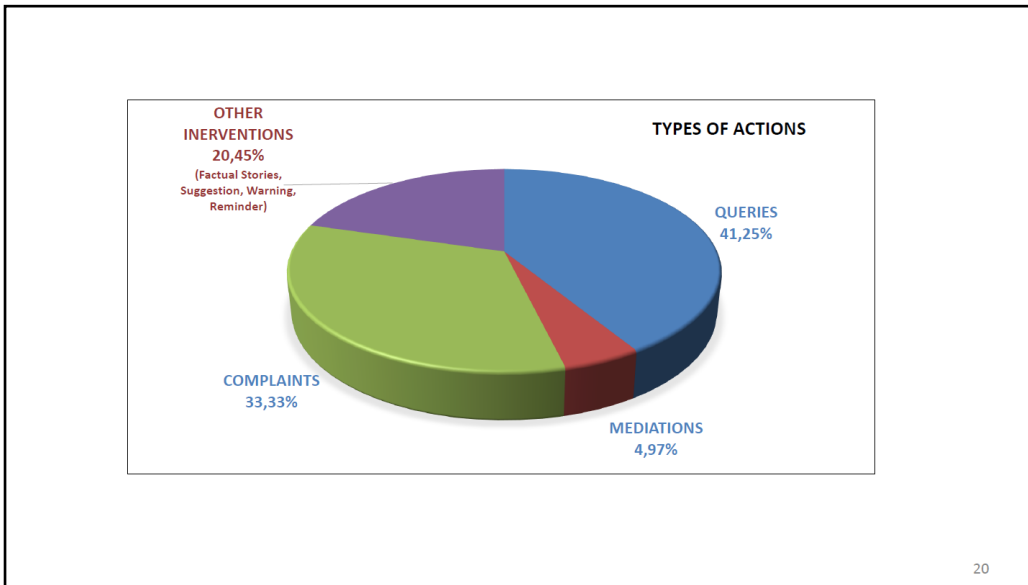


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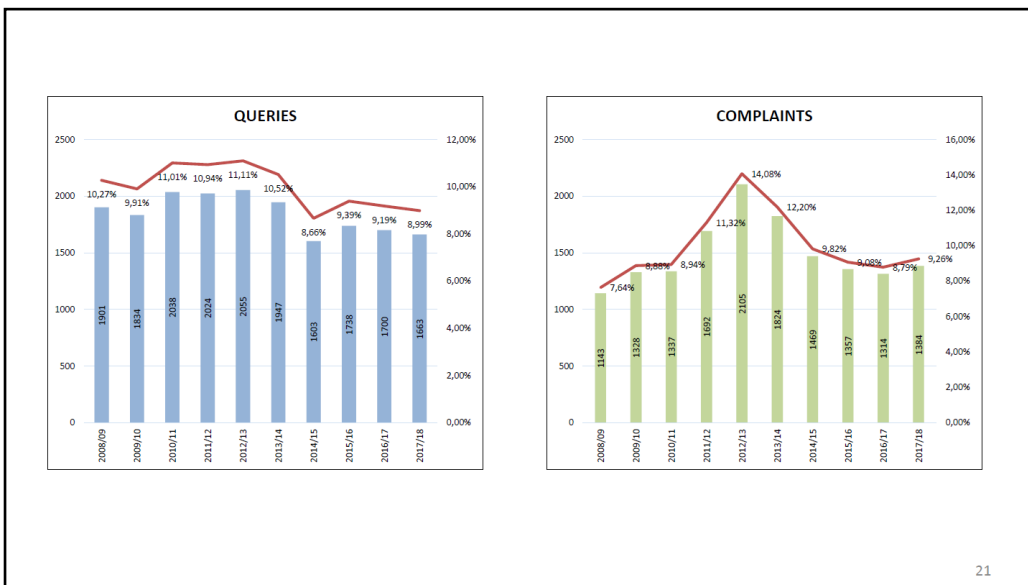




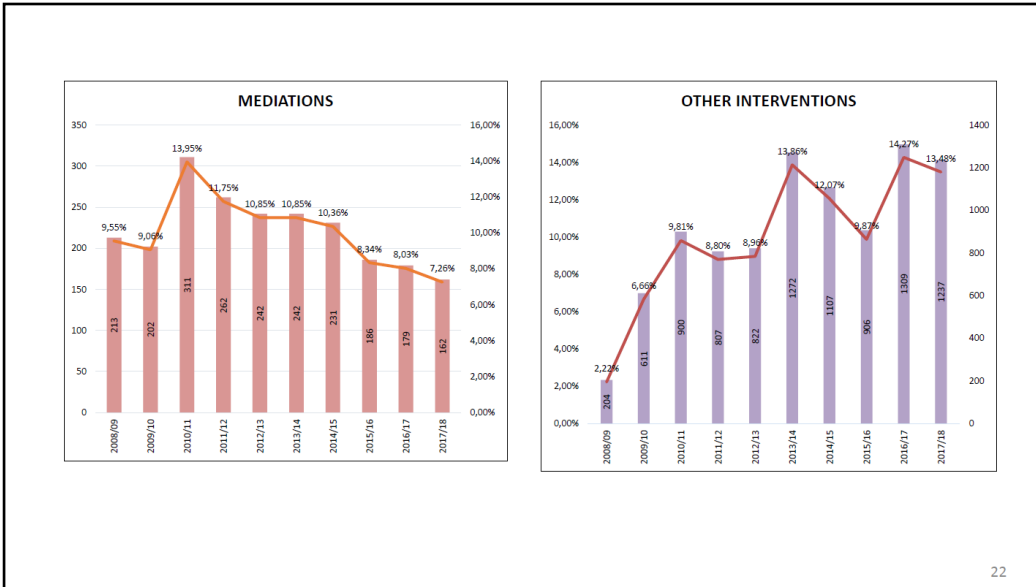
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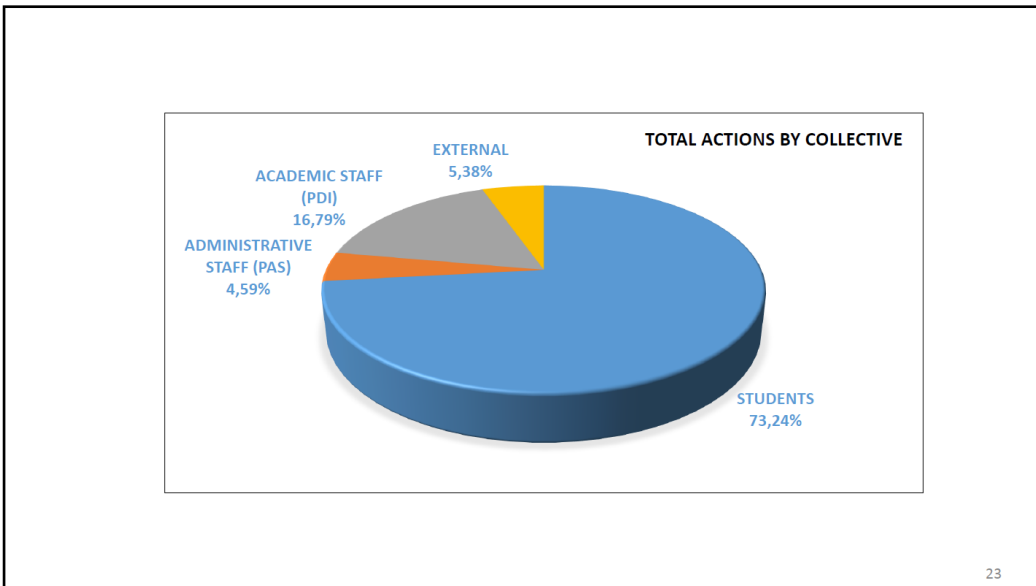
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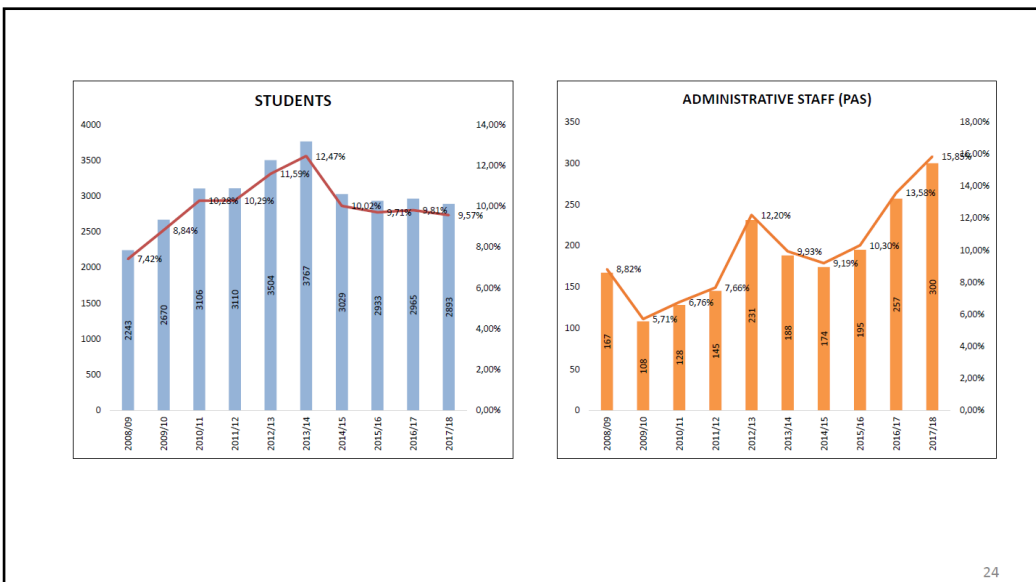
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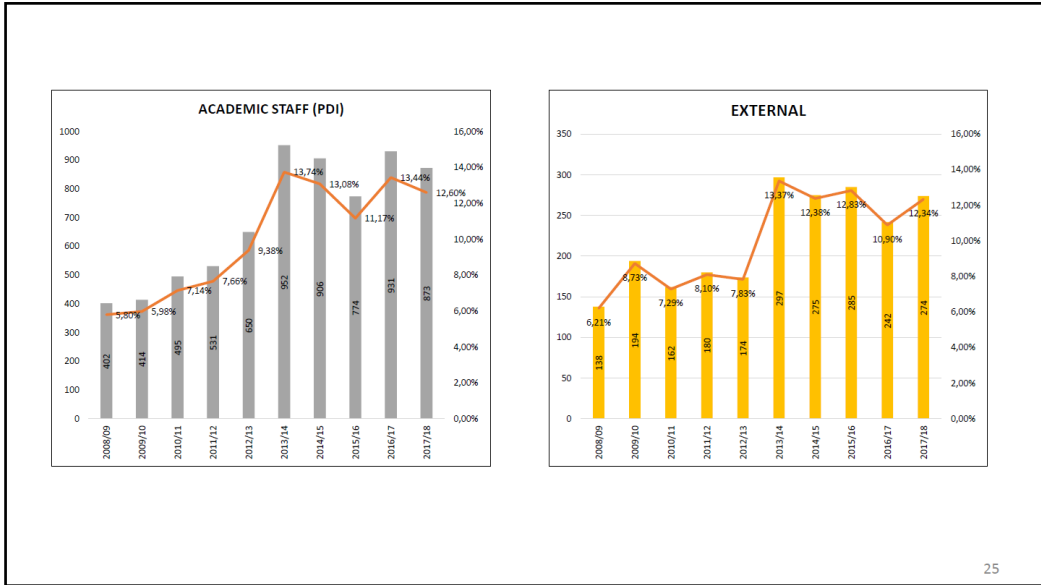
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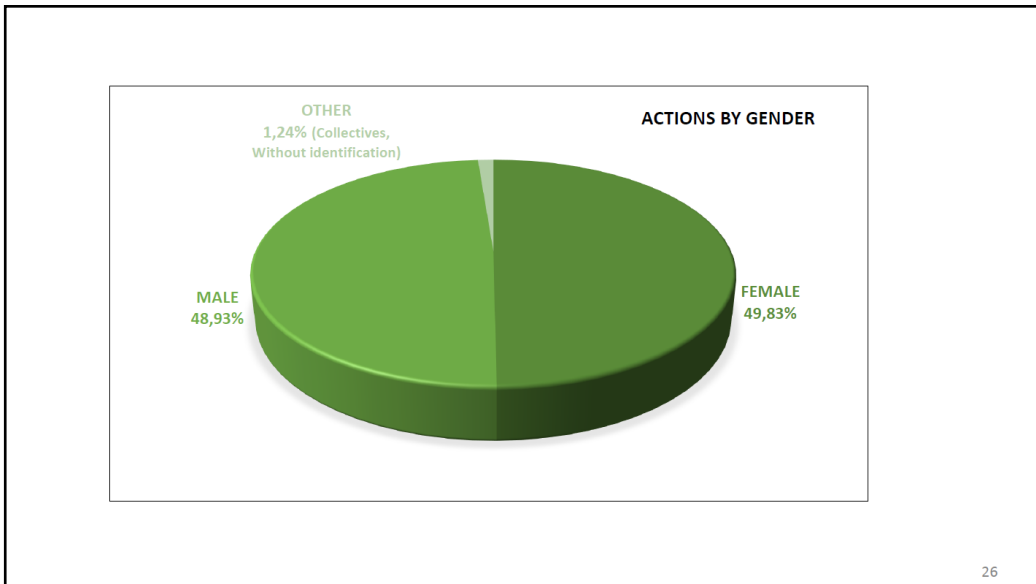
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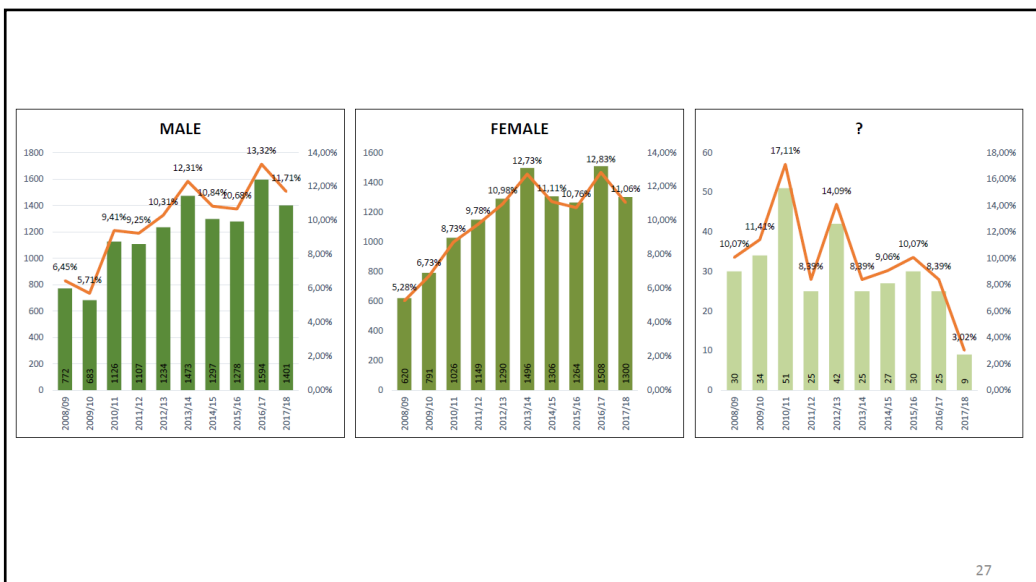
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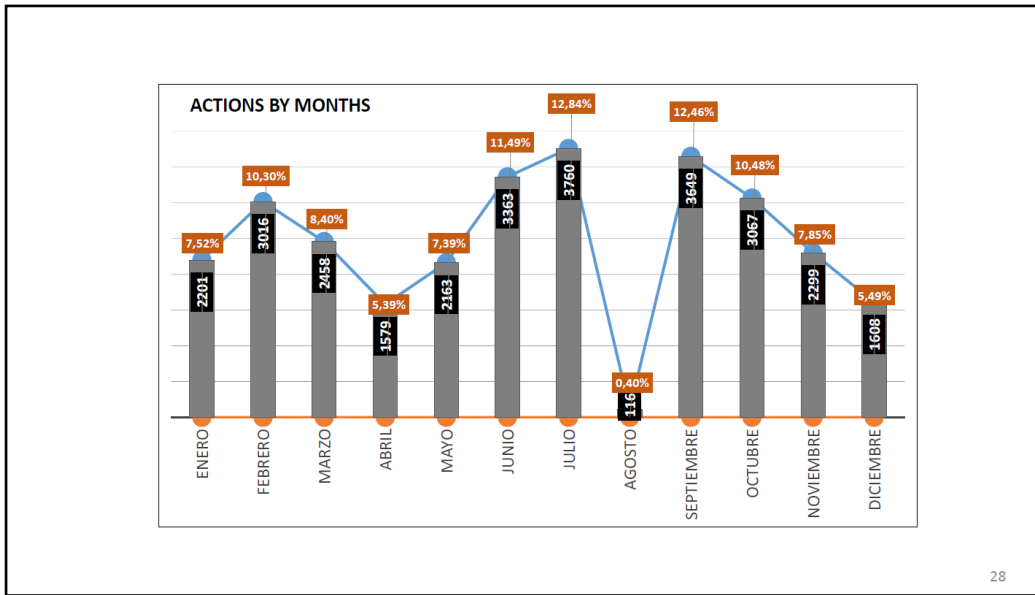
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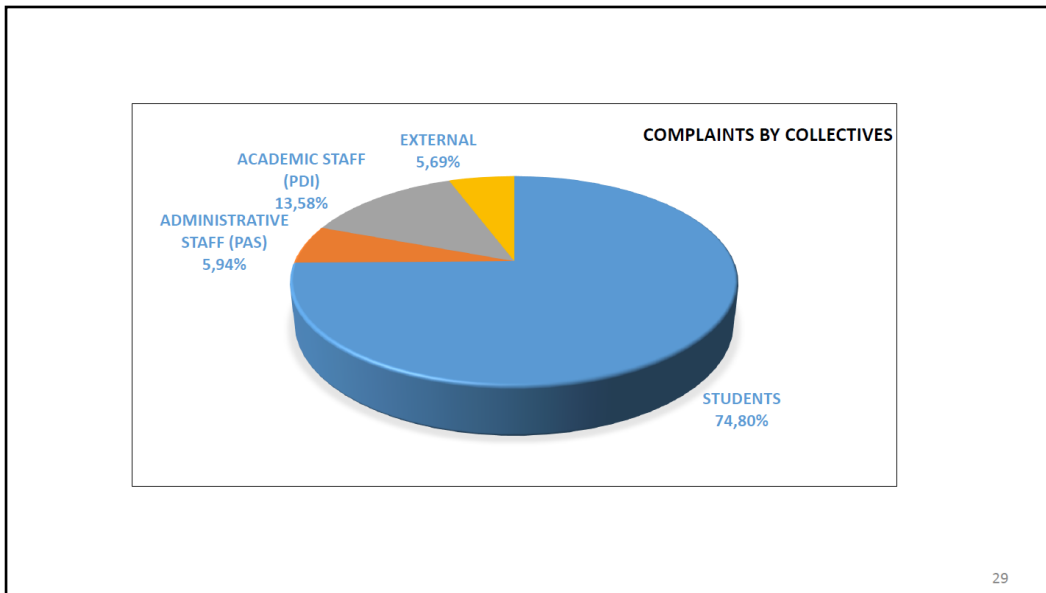
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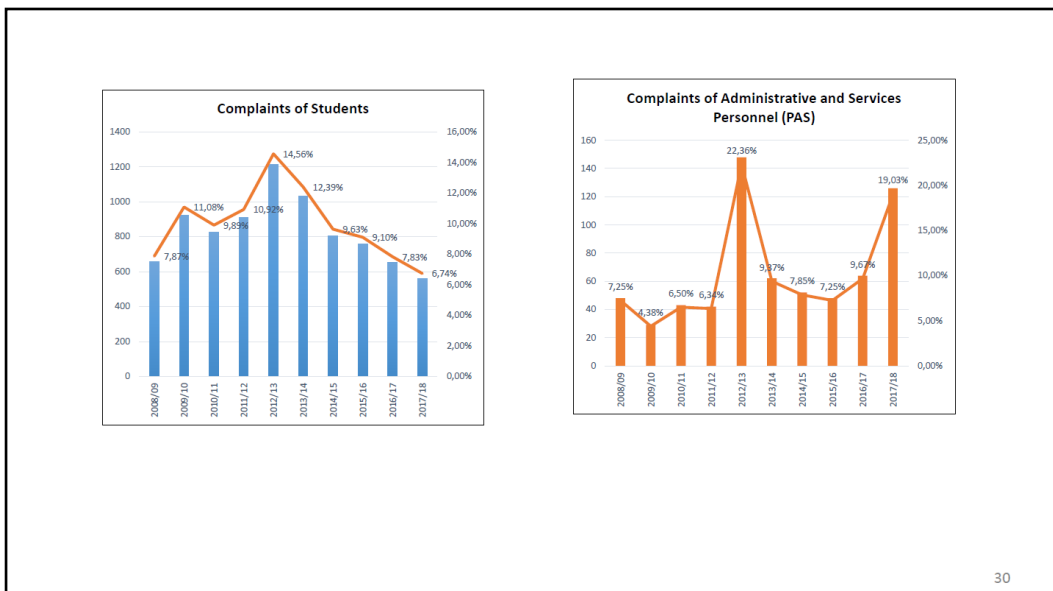
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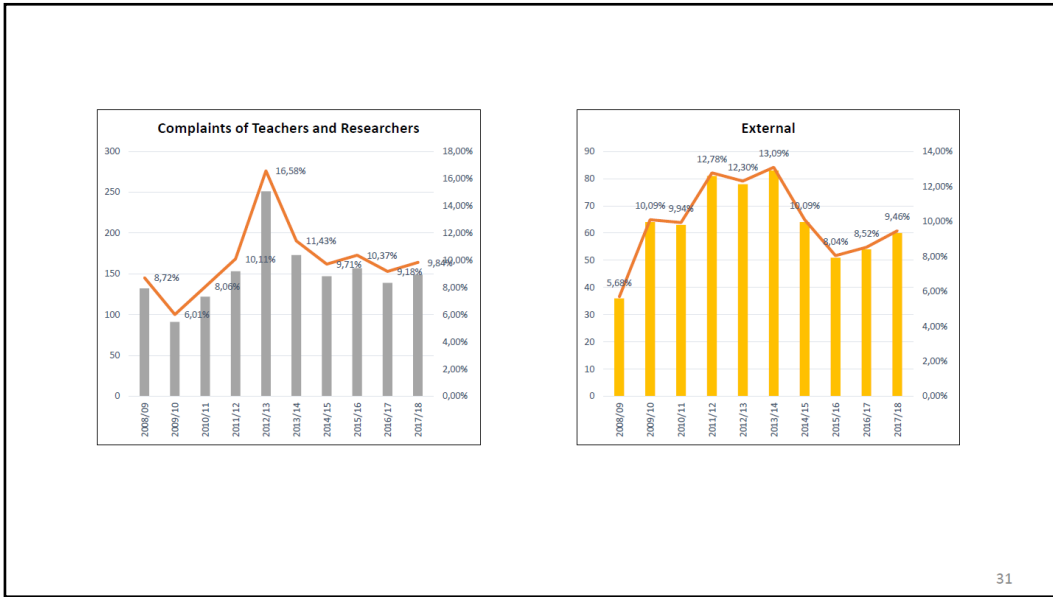
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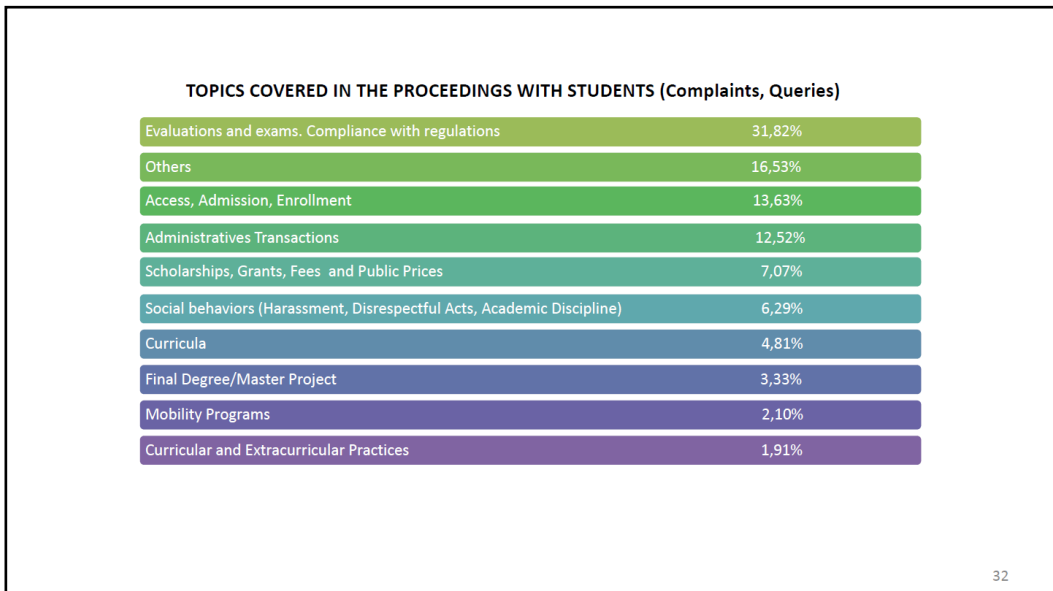
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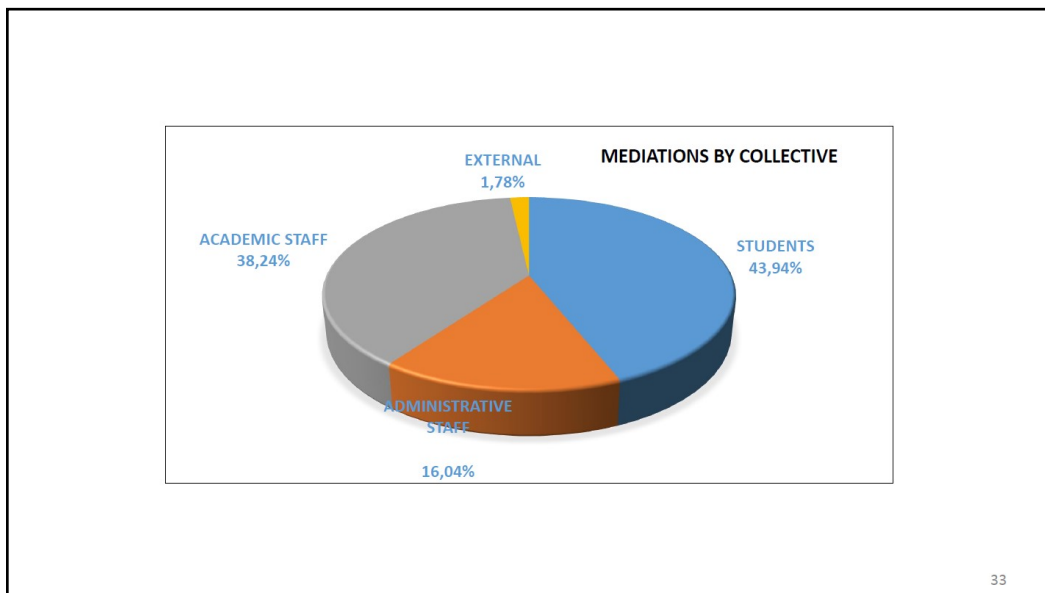
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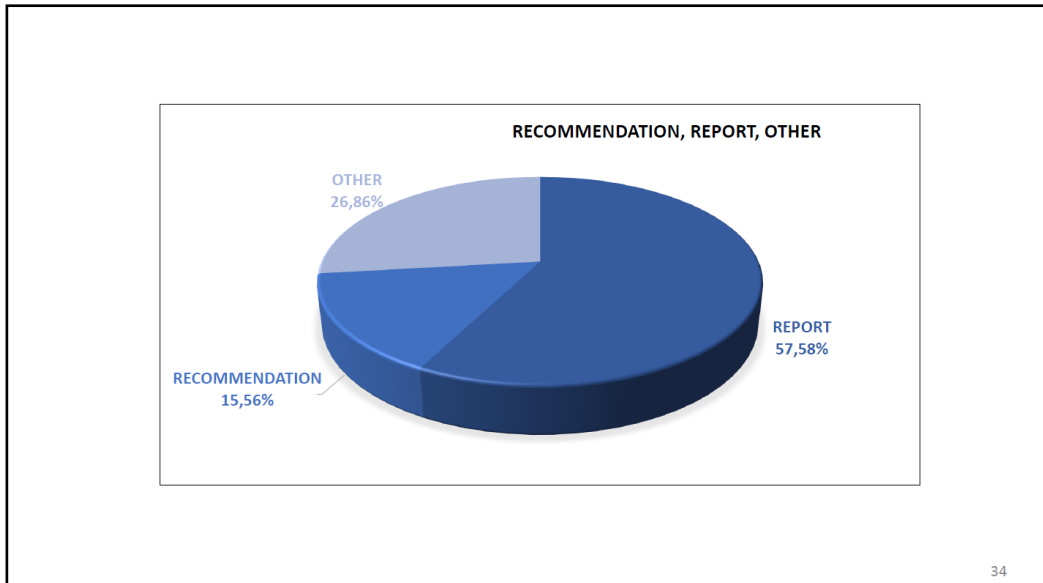
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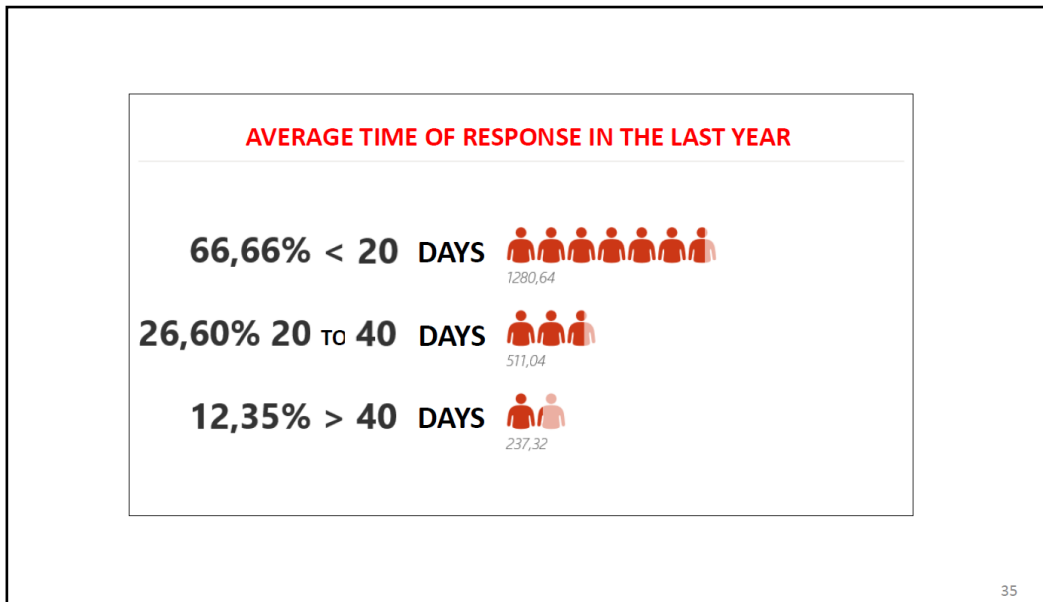
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33



34



35

Positive evaluation of the University OMBUDS in a performance with a result of SUCCESS (1/4)

The action taken as a result of the complaint presented by a **doctor researcher**, in which he denounced that the University only allowed them to collaborate in teaching up to a maximum of 60 hours per year, while the Spanish Ministry of Economy and Competitiveness allowed the research staff included in the programs "Juan de la Cierva" and "Ramón y Cajal" will collaborate up to 80 hours per year.

Following the recommendations made to the competent Vice President, the Governing Council approved the modification of the PDI Regulations to **allow research staff with the doctor degree to collaborate up to a maximum of 80 hours per year in teaching.**

Report of a student of PAU (University Entrance Exam) on some facts related to the favoring treatment of a teacher (assistant professor at the University and teacher in a High School) towards another student of his High School, when evaluating the exams of PAU in a subject. The student took the maximum mark (10 out of 10), as the teacher supposedly said he would do in case he had to evaluate an exam of a student at his institute.

Positive assessment in relation to situations of **harassment** (between teachers, students, teacher-student) in which, thanks to the advice and intervention of the Ombuds, the people involved **denounce** this situation, thus initiating the procedures established by the University.

36

Positive evaluation of the University OMBUDS in a performance with a result of SUCCESS (2/4)

A person from the Administration and Services Staff (PAS) filed a complaint of **work-related harassment** towards their Head of Service (HS), due to the fact that the HS did not incorporate the person into the work team and that HS did not entrust the person with the tasks corresponding to his level. The Occupational Risks Commission saw no sign of harassment and suggested to the Ombuds the intervention to reach a mediation between the workers.

After a long process of mediation (5 months), **an agreement was reached** in which the basic criteria of their professional activity were established according to their destination and their qualification. The mediation was carried out with the Head of Service and the corresponding Vice President, with the collaboration of the University Manager.

Discrepancy between teacher and students of a subject of Degree:

Students complaint about a procedure and evaluation criteria that do not appear as such in the course information.

After submitting the disagreement to the Dean and the Department's Directorate, the profesor and students accept the proposal of a mediation by the Ombuds.

The mediation is carried out and the **agreement is reached after significant mutual assignments.**

37

Positive evaluation of the University OMBUDS in a performance with a result of SUCCESS (3/4)

A member of the PAS requested our advice and, finally, intervention because he was **denied the recognition of an online course**. He initiated a grievance procedure that concluded with a negative resolution to the appeal presented to the President of the University. It was then that he requested our intervention, which resulted in a recommendation explaining the reasons why he was right and that it was not taken into account either. The worker went to the Court, using the recommendation made by the Ombuds, and that is where they ended up giving him the reason. That is to say, the University has been forced judicially to recognize this online course, when **it would have been less expensive to attend to the arguments, corroborated in the judicial Branch, wielded by the Ombuds.**

A student is denied a Ministry scholarship to study. This student, the previous year, had suffered the death of two relatives in first grade, which causes him a depression. Also, on those same dates, his father lost his job. As a result, the student was unable to overcome the credits required in the scholarship call. From the Ombuds Office, he was helped to process an existing scholarship at the University, "Grant of help to special situations that have occurred", which was granted, as well as to process the allegations to the Ministry of Education, presenting reports, medical certificates and death certificates. The Ministry ended up resolving in favor of the student, who did not have to return the corresponding part of the scholarship. **What is relevant in this case is that the Ombuds provides a personalized support to the students in their claims that, given the personal circumstances described, requires a certain empathy and that no other service of the University can offer.**

38

Positive evaluation of the University OMBUDS in a performance with a result of SUCCESS (4/4)

A student of a degree who is **not allowed to enroll in any subject of the fourth year** as a result of having a second course pending subject, comes to the Office of the Ombuds. It is verified that this is because the Center is applying the rules of permanence, which requires students who wish to access a higher course to enroll all pending subjects in previous courses. However, these students could not enroll one of the subjects pending third year for not having passed a key subject of the previous year. As a result, there was an effect that was not sought by the regulations, which, in addition, **disproportionately limited the right to progression in university studies**. For this reason he proposed to the Vice-Rectorate of the Degree a different interpretation of the rules of permanence, and recommended that the application for registration of these people be admitted even if they had a previous subject without registering. **The affected students were finally enrolled in the fourth year and were able to continue their studies.**

A University leaves us the results of its actions during the two years in which the current Ombuds was acting:

- Year 2017: **Favorable results 63%**, Unfavorable 30% and Unspecified 7%.
- Year 2018: **Favorable results 72%** and unfavorable 28%

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Tips and Traps for New Ombuds – The Sherriff or The Lone Ranger?

Franco Parrella

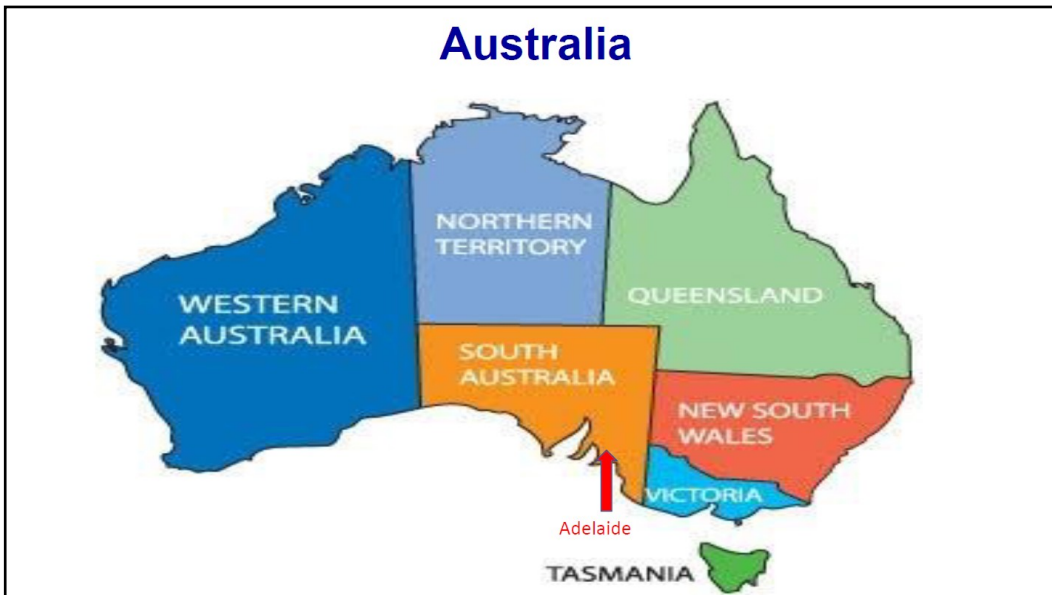



University of
South Australia

**Tips and Traps
for New Ombuds..**
*(Consejos y trampas para nuevos
Defensores de los Estudiantes)*

The Sheriff or the Lone Ranger?
(El Sheriff o el Llanero Solitario)

Presented by Franco Parrella, Student Ombud
European Network of Ombudsmen in Higher Education
Conference Leon, June 2019



Snapshot : University of South Australia (UniSA)

- One of 39 universities in Australia
- Largest and 'youngest' of the three universities in South Australia
- 2019 First half year
 - Approx 30 000 Students (Headcount)
 - Approx 5000 International Students (17%)
 - Approx 3000 Staff (Headcount – 42% Academic, 58% Professional)
- 6 campuses (4 metropolitan + 2 regional centres)
- Net Assets \$1.2 billion (AUD) *
- Operating revenue \$0.6 billion (AUD) *

* Figures as at 2017

History of Student Ombudsman roles in Australia and South Australia

- **1965** Australian National University (Canberra) establishes Dean of Students role (wider area of responsibilities, complaints, advice, wellbeing)
- **1977** University of New England was the first Australian university to establish an Ombudsman role
- **2002** UniSA established the Student Ombud role. It remains the only South Australian university to have such a role
- **Of the 39 Australian universities – (approximately 7 have specific Ombudsman roles, 4 have Deans of Students, others have a myriad of roles such as Managers of Complaints/Grievance Resolution units)**



The Student Ombud's Role at UniSA

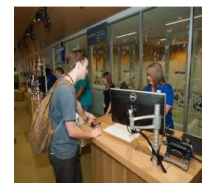


- Provides a free, confidential and impartial dispute resolution service for students
- Acts as an 'Advocate for Fairness' not for UniSA nor the individual student
- Is the last 'port of call' **not** the first port of call
- Has responsive and educative/proactive responsibilities
- Identifies key trends, reports and makes recommendations for improvements
- Proporciona un servicio gratuito, confidencial e imparcial para la resolución de disputas para estudiantes
- Actúa como un 'defensor de la justicia'
- Es el último 'puerto de llamada' no el 'primer puerto de llamada'
- Tiene responsabilidades responsivas y educativas / proactivas.
- Identifica tendencias clave, informa y hace recomendaciones para mejoras



The Student Ombud cannot / non puede

- Override a decision of the University
- Provide an emergency counselling service
- Represent the University
- Act as the individual student's representative
- Attend meetings as the support person
- Come up with a solution alone
- Anular una decisión de la universidad.
- Proporcionar un servicio de asesoramiento de emergencia.
- Representar la universidad
- Actuar como representante individual del alumno.
- Asistir a las reuniones como persona de apoyo.
- Encuentra una solución da solo



Types of Academic and Non-Academic matters

- Teaching and Learning / Academic Admin - **Administración Académica**
- Fees and Finance - **Honorarios y Finanzas**
- Enrolment and Preclusions - **Inscripción y preclusiones**
- People and behavioural problems (alleged discrimination, harassment, bullying) - **Personas y problemas de conducta**
- Placements – consistency in responses to problems on placements
- Personal issues that impact on academic progress- **Problemas personales**
- Communications and Administration - **Comunicaciones y Administración**



Examples of recommendations made

- Changes to Assessment policies and procedures
- Student Fees and Loans
- Enrolment Policy and My Enrolment
- Placements and Work Integrated Learning
- Sexual Assault and Sexual Harassment Policy and Procedures
- 'Two Year' Reminder recommendations



The Approach

- Preparing to undertake the role
- Upon commencement
- Some early observations
- Top 5 Tips
- Top 5 Traps
- **Preparándose para asumir la posición**
- **Al comienzo**
- **Algunas observaciones**
- **Los 5 mejores consejos**
- **Top 5 trampas**



The first few months

Pre – commencement

1. Examination of legal advice upon establishment of the role
2. Research previously undertaken Rob Behrens' paper *Being an Ombudsman in Higher Education - (A Comparative Study)* June 2017 very useful
3. Examining counterpart universities approach to the role and/or similar positions

Upon commencement

1. 50 listening appointments with stakeholders - internally and externally
2. Building relationship with student advocacy service
3. Needless to say familiarisation with existing student administrative protocols, processes, past cases/matters
4. Familiarisation with processes and relationship building with 'External' Review bodies



Ongoing and emerging challenges/opportunities

- Balance between 'ease of raising a complaint' versus 'it can't be as easy as ordering a pizza!'
- Increasingly automated 'v' personalised communications
- Placements / Work Integrated Learning
- Fitness to Practice / Fitness to Study
- Personal issues such as Mental Health and impact on studies
- Options for students raising concerns / complaints (UniSA online)
- Better delineation between Appeal rights and Complaints avenues
- Adequate education/training to understand policy obligations
- Discretionary powers, identifying them and the use of them



Tips for (new) Ombuds

- Become very clear on the role, its scope and purpose as well as its limitations - if there is not already a clear 'Charter of Service', develop one.
- If there is not already one in place, create some form of 'Advisory Group' to check your thinking on more complex matters.
- Listen to understand, not necessarily to plan or prepare your response. This will in the end help with better assessments of matters.
- Actively seek some feedback on the type of service you are providing.
- Don't wear the Sheriff badge and don't come into work on a white horse either!



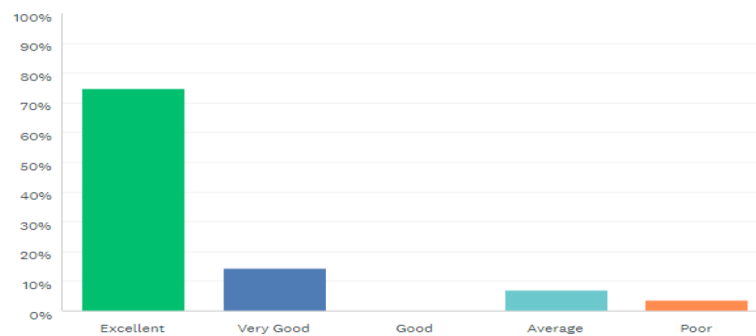
Traps for (new) Ombuds

- Accessibility does not mean constant availability, think carefully before you give out your mobile number.
- A student's parent is just that. They have only heard one side of the story.
- Informality is great, until of course things escalate - keep a good, confidential, document trail.
- Completely accepting the last person's (you spoke with) version of a matter.
- If you do think you're the Sheriff or the Lone Ranger, you should consider an acting career!



Student Feedback for Student Ombud

Overall, how would you rate the quality of your customer service experience with the Student Ombud?



Tips: 'Difficult behaviours' ≠ 'Lacking in substance'

- All individuals need to be treated with fairness and respect.
- All matters are considered on their merits.
- Unreasonable complainant conduct does not preclude there being a valid issue.
- The substance of a complaint dictates the level of resources dedicated to it, not a complainant's demands or behaviour.
- Staff safety and well-being are paramount when dealing with unreasonable complainant conduct.
- Anger is an understandable and, to some degree, an acceptable emotion... as long as it is not expressed through aggression or violence.
- Decisions to change or restrict a student's access to services as a result of their behaviour, should only be made in line with relevant policy and management authority



What I ask of University Staff

1. Cooperation with requests for assistance
 - a) Any documentary evidence to support their view
 - b) Their rationale for decision(s) made
2. Help me understand how the process has been followed and why the decision is fair
3. Preparedness to consider any recommendations made for
 - a) Negotiated / conciliated outcomes
 - b) Preparing for possible external appeals



Procedurally - What I look for

'Complaints' versus 'Appeal' mechanisms

1. Has the University adequately explained the differences / outlined the options between the two?
2. Is there a more appropriate avenue to resolve the matter

Procedural Fairness

1. Has the student received a 'fair hearing' before a decision is made
2. How has impartiality been considered – no interest in the outcome, no conflicting duty and open to persuasion
3. Disclose any critical issues or adverse information so student has sufficient information to understand the issue/decision
4. Give affected student(s) reasonable opportunity to respond
5. Reasonable ways and time to present information and arguments
6. Properly consider any submissions
7. Record of actions taken and information collected and considered



Communicating outcomes - What I look for

1. Has the University's communications with the student promoted fairness, accountability and openness, subject to legal requirements
2. Has the student been advised of the outcome ASAP
3. Clear reasons for the decision, specifically addressing issues raised
4. Content of the reason (**more for formal complaints**)
 - a) The decision and the decision maker's name and authority
 - b) Procedures followed
 - c) Findings on material facts
 - d) Information on which finding is based
 - e) Relevant policies considered
5. Provide information about internal or external review options



El Student Ombud non es el Sheriff ni el Lone Ranger



University of
South Australia

Q and A



The Recent and Rapid Development of the Ombuds for Students in Norway – A Glance at the Past and some Reflections on what Lies Ahead

Marianne Høva Rustberggard



UiO : Studentombudet
www.studentombudet.no

The Recent and Rapid Development of Ombuds for Students in Norway

A glance at the Past, and Reflections on what lies Ahead



Ombud for Students at the University of Oslo,
Marianne Høva Rustberggard, LL.M., B.A.

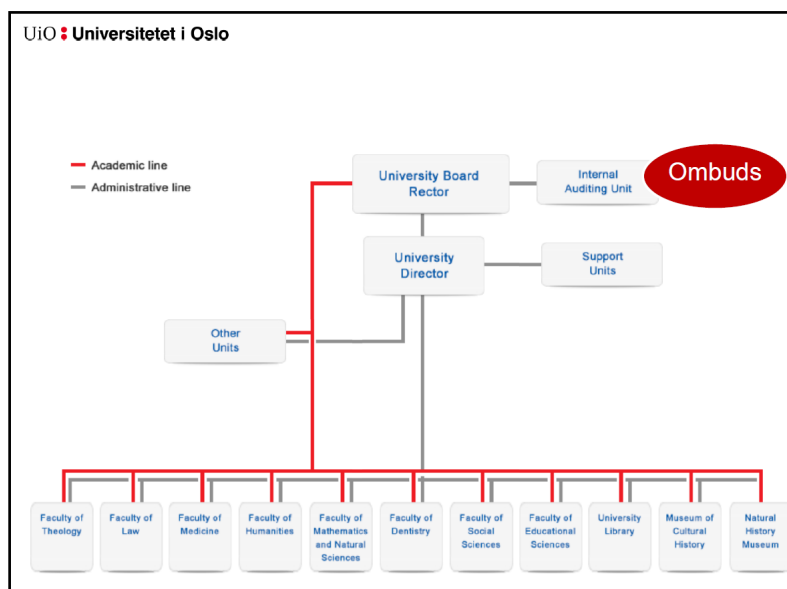
UiO : Universitetet i Oslo

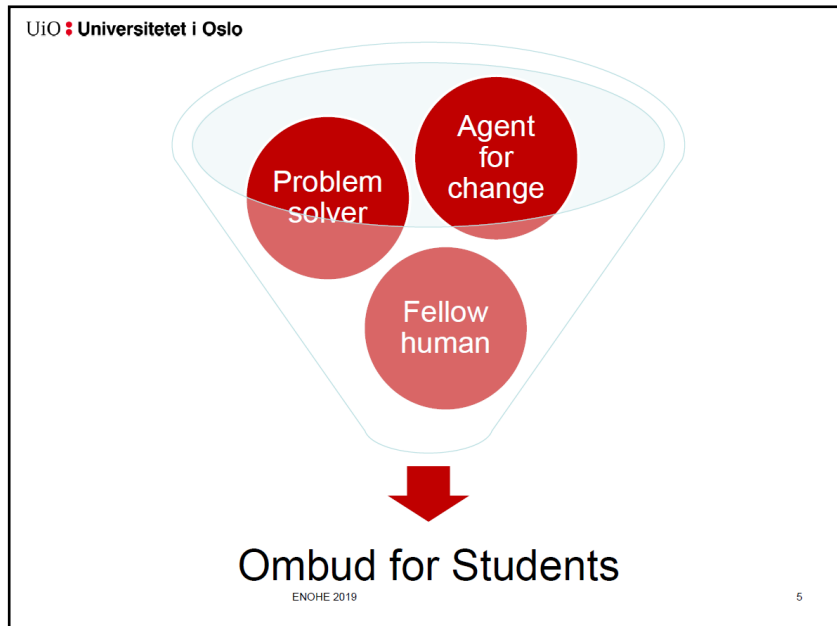
Our office

- ❖ February 1, 2013
- ❖ Two employees (1,6 positions)
- ❖ 28 000 students
- ❖ Public university
- ❖ Report to the Rector and the Board
- ❖ Since January 1, 2019, also Norwegian School of Sport Sciences (29 200 students)

Foto: Anders Lien, UiO

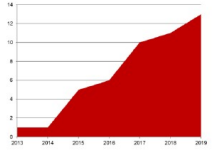

ENOHE 2019 3





UiO : Universitetet i Oslo

1. What happened in the 50's?
 - 1.1. Process, pros and cons, concept
2. The Recent and Rapid Development since 2013
 - 2.1. Process, pros and cons, concept
 - 2.2. Status today
3. Reflections on what lies ahead

ENOHE 2019

6

THE OMBUDS CONCEPT

As presented to the Studentting at the University of Oslo in 1958, and to the National Union of Students in Norway in 1960.

- Military issues
- Student funding
- Student housing
- Tax return
- Other practical, but difficult issues
- Source of information

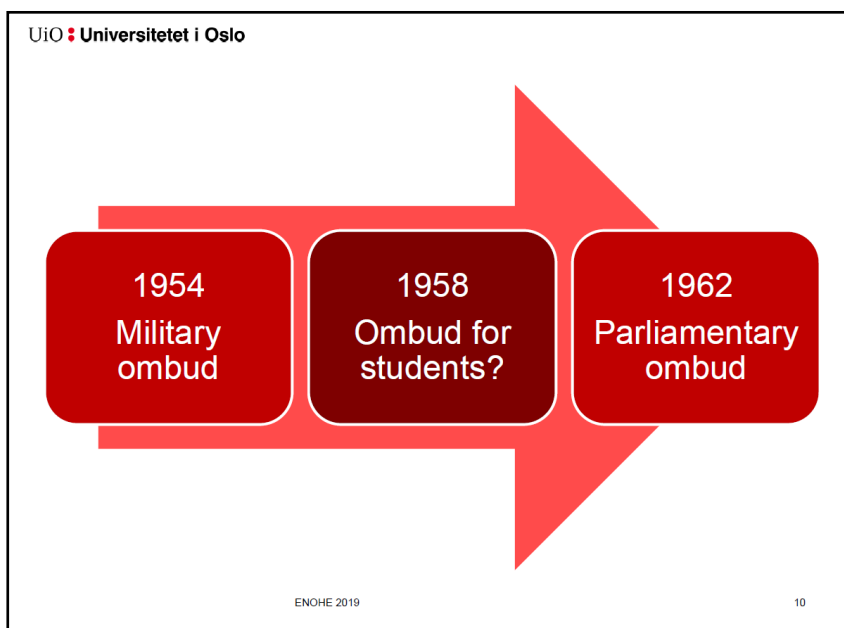
ENOHE 2019

1958: Proposed in the Student Parliament at the University of Oslo

1960: A new debate in the Student Parliament at the University of Oslo

<p>PROS</p> <ul style="list-style-type: none"> • Sweden • Capacity of student trustees locally and nationally • Quality of the answers from student trustees • Lack of continuity • Increasing number of students • Lack of public relations service • Difficult to navigate 	<p>CONS</p> <ul style="list-style-type: none"> • Lack of statistics implying a need • Too expensive • Fear of not enough authority • Hasty proposal (1958) • Not relevant to get help with military issues • The need is covered
--	---

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UiO : Universitetet i Oslo

Universitas February 22, 2012



TALMODIG: Når man venter på noe godt, venter man ikke forgjeves. 54 år etter at det først ble foreslått blir kanskje endelig Gunvald Gussgards forslag en realitet.

Ventetiden er over, Gunvald!

I 1958 foreslo han å opprette et studentombud. 54 år senere blir Gunvalds ønske trolig realisert.

ENOHE 2019

Foto: Aurora Hannisdal

11

THE OMBUDS CONCEPT

As presented to the leadership at the University of Oslo

- Independent resource to safeguard student rights
- Solving issues
- Quality assurance system
- Academic misconduct
- Speak up

LOCALLY

PROS

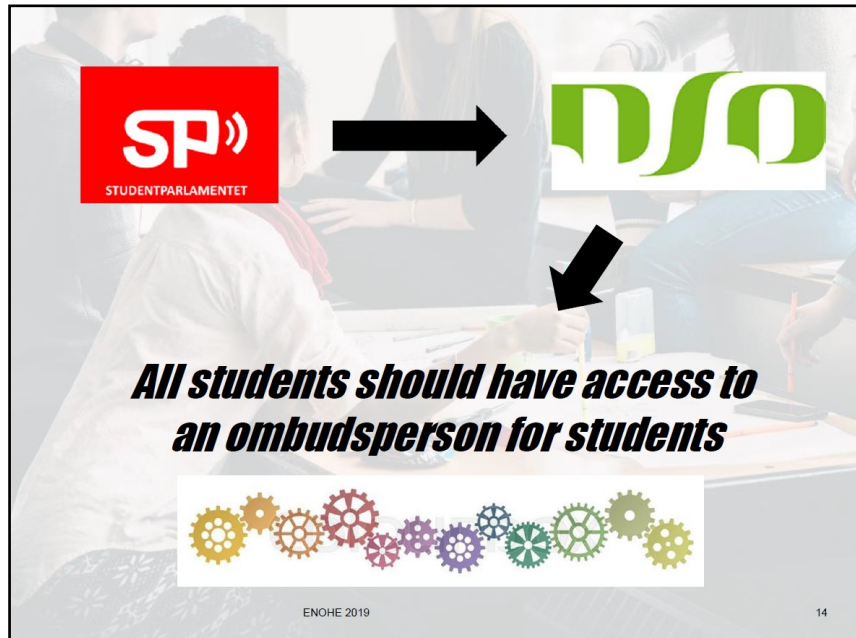
- Sweden
- Capacity of student trustees
- Lack of continuity
- Difficult to navigate

CONS

- This is the job of the student trustees
- Money should be used on more support for the student parliament and councils


ENOHE 2019

13




SP STUDENTPARLAMENTET → **NSO**

All students should have access to an ombudsperson for students

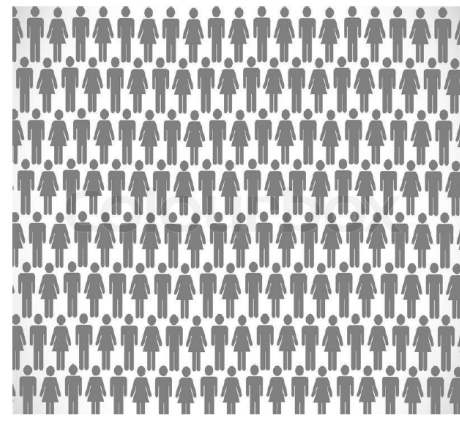


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UiO : Universitetet i Oslo



Norsk studentorganisasjon



«Ombud for students should be mandatory by law.»

April 2016


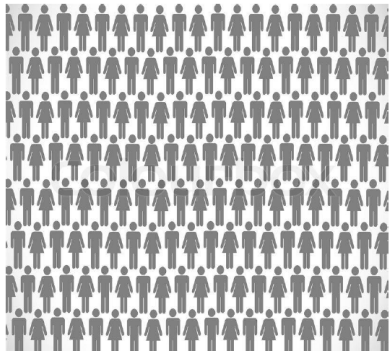

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NATIONALLY

PROS	CONS
<ul style="list-style-type: none">• Equal offer to every student• Experience showed a need	<ul style="list-style-type: none">• Autonomy• Already happening• Politicians considering themselves to be ombuds for students

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April, 2017

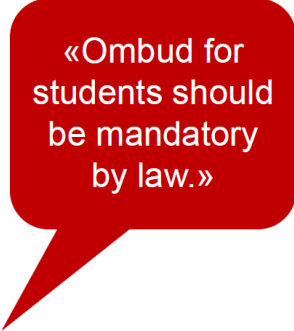
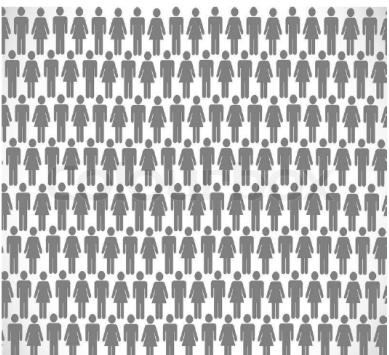

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#METOO

ENOHE 2019 18

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«Ombud for students should be mandatory by law.»

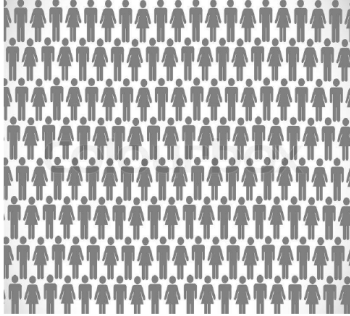
March 1, 2018

ENOHE 2019 19

UiO : Universitetet i Oslo







«All students shall have access to an ombud for students. The ombuds cannot be instructed, and are bound by a duty of confidentiality.»



June 4, 2019

ENOHE 2019 20

UiO : Universitetet i Oslo

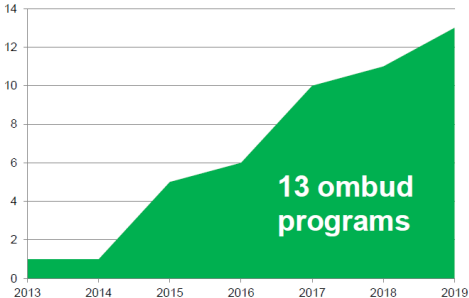
1. Mentioned 2016-2017 
2. Proposed in Stortinget in 2017 
3. Proposed in Stortinget 2018 
4. Billed passed 2019 

ENOHE 2019 21

UiO : Universitetet i Oslo

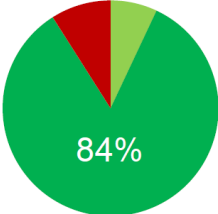
Status today

ombuds



13 ombud programs

% student population covered by ombuds



84%

ENOHE 2019 22

Some reflections on the future

1. Measuring instruments between universities
2. Pieces in a political play
3. Are we expected to «deliver» on #metoo-issues?

Who are we working for now?

Thanks to:

Historian Daniel Heggelid Rugaas
The National archives of Norway
The archives of the Student Newspaper «Universitas»
The Museum of University History at UiO



Twitter: @Studentombudet
www.studentombudet.no



Grievances Concerning Pure Academic Matters Part 2

Daniel More

Dear Marrienne, colleagues I'd rather call you friends and dear guests, Good afternoon.

I am delighted to participate in this conference. I'm grateful for the opportunity given to me to continue my last year discussion on the question: How should an ombudsperson act when confronted with grievances concerning academic matters?

Some remarks about the role and powers of the ombudsperson in general and concerning academic matters in particular

Many of the grievances submitted to the ombudsperson, concern academic matters. Students are often unsatisfied with their instructors. They are critical about their teaching ability, methodology and techniques, and often disagree with the manner in which the instructors evaluate their academic performances. In some case, they even claim that the instructors were unfair and even vindictive.

Usually the universities regard academic matters as falling within their prerogative domain. They oppose outside interference with academic decisions and are supervising such decisions by various university committees. The policies and practices of such committees are often regarded by the students as too rigid and formal, rather than neutral and objective.

There is no universal bill of students rights and responsibilities. In some countries e.g. in Romania, there is a comprehensive law which deals with students' rights and responsibilities. One of these rights is the right to submit grievances and expect recourse for arbitrary and capricious decision making and the right to appeal grades before a committee. The instructor who issued the grade may not sit on this committee and the students are protected from retribution when making a complaint. In most countries, however, the material and procedural rights of students can be found in a sporadic legislative acts, court decisions, university regulations or can be deduced from the general human rights. See for example: the right to protection from arbitrary or capricious decision making, the right to have institutions follow their own rules as such rules may be considered binding contracts, the right to privacy in higher education and to privacy of student records, the right to approve release of student information, the right of notice prior to information disclosures.

There is no universal agreement as to the nature, role and scope of operation of the university ombudsperson. In some countries e.g. Israel the ombudsperson was constituted by primary legislation. Section 22 of the Student Rights Law 2007, states that every post-secondary academic institution in Israel should have an ombudsperson. Every student is entitled to submit a complaint to such ombudsperson, if he believes that his rights under this Law were infringed. The students can also complain on any improper treatment on behalf of the academic or administrative staff of the institution. The ombudsperson is obliged to examine each complaint and notify the student or candidate on the conclusions of such examination. The ombudsperson can send his recommendations regarding the complaint to any person in the institution who is authorized in this matter, and he should report every year to the head of the institution, on the manner in which complaints were treated during the year.

The ombudsperson is an independent, neutral and objective entity. He is neither a representative of the institution nor a representative of the students. He must answer only to his own conscience and rely on his knowledge, professional tools, experience, expertise, common sense and sense of justice.

The ombudsperson has neither the purse nor the sword, hence, he cannot impose his will on any university authority. Nevertheless, he should voice his view on the matter. For my part, I can attest that the great majority of my recommendations have been adopted by the University authorities and some of them have effected changes in the University's practices and even in its regulations.

The ombudsperson should operate both firmly and humbly. He must remember that he does not manage the university and he should be careful not to threaten the authority of the heads of the institute and must respect academic freedom. Hence, he should not interfere with policy decisions, unless they are illegal and/or unduly infringe students' rights.

The university ombudsperson should be equipped with knowledge about the university's administration, procedures and policies. He should master the university regulation and be versed in the basic laws and regulations pertaining to students.

The university ombudsperson should not avoid academic matters and should treat grievances on such matters with great scrutiny. Nevertheless, he should be very careful in dealing with such matters. The ombudsperson is not an appellate body. He does not have the formal powers to examine such matters. Yet there are types of cases which call for the ombudsperson's involvement e.g. in academic decisions that infringed the complainant's basic rights as a student, such as the right to be heard in matters concerning his studies. Academic decisions should be understandable and should stipulate the reasons underlying them. When facing clearly unreasonable decisions, the ombudsperson should discuss the matter with the relevant professors, expressing his reservations and he should not hesitate if necessary to also express his views to the relevant dean or even to the Rector of the University, in extreme circumstances.

Examinations

To demonstrate the broad scope of academic decisions that can and sometimes even should be dealt also by the university's ombudsperson, I'll focus this discussion on cases associated with examinations, grading and appeals.

Examinations are an integral part of higher education. Students rights concerning examinations are generally regulated by specific university regulations. In some countries however, some of these rights are regulated in primary and subordinated legislation (e.g. section 15 of the Israeli Student Rights Law 2007, see Appendix).

Time constraints compel me to focus on grading and that bring us to the first case

Case 1

An excellent group of students studying in a prestigious program which combines different fields of studies, including computer sciences, took two courses in the school of mathematics, taught by the same teacher. Their performances in both courses were graded exceptionally low. About two third of the group failed in two attempts and the average grade was very low. The grades of the group were distinctly lower in comparison to their averages in other courses, and also in comparison to the grades of other students in the same program who studied the same courses with other teachers and even in comparison to the grades assigned by the same teacher in those courses over the last 5 years in which on average roughly 14% of the students failed each year (while in the applicable year about 67% of the students failed the course).

What went wrong? What are the possible explanations for the irregularity in the grading of those course during that year?

There are various possible explanations:

Reasons relating to the specific students in that class. The teacher might argue that these students are not as gifted or as committed as other student he had taught. It seems that such an explanation is hardly convincing. We deal with excellent students with similar backgrounds and similar performances in other courses as the students whose grades in former years were significantly higher. While we can expect low performance in comparison to a specific over-performing year, it's seems highly unlikely to expect such a difference in comparison to a sample of 5 years.

Reasons pertain to the teacher. Perhaps he failed to teach the courses properly or to use the required teaching methods that were appropriate to those students. When many students fail, it might testify also to the existence of some failure on the part of the teacher. In light of the fact that this teacher had assigned formerly regular grades with no complaints, it seems that this sort of explanation is very problematic.

Reasons connected to the examination itself. Perhaps the examination was too tough, with a degree of difficulty far higher than former examinations or it was too complicated or unclear in comparison with former examinations. In addition, it is possible to justify the failure in other reasons such as rare cases in which the physical conditions in the examination room were intolerable.

Reasons relating to the grading process. Perhaps the teacher had delegated his grading authority to an inexperienced teaching assistant and failed to supervise his work appropriately. Sometimes teachers grade examinations in a very generous way for instance to gain popularity among their students. Some other teachers go the opposite way and grade the examination in a stingy way for various reasons such as an indication that their course is tough and should be taken seriously. Theoretically it is even possible to consider the specific state of mind of the teacher while assigning the grades. Perhaps he was completely distracted because of personal reason etc. After an instructor grades 30 examinations, fairness can become secondary to exhaustion.

In another case that has recently reached my office, 103 students in a class consisted of 105 students failed in the examination. Obviously, it is not the normal grading one can expect in a regular course. In this case the faculty agreed to allow the students to take another examination after a few days.

In order to promote some sort of uniformity and consistency in the grading process, universities often require instructors to use systems which is called in different names such as “range” or “the bell curve” or “average” whose purpose is to ensure that the grades will conform to a certain range. Thus, for instance when two teachers teach similar courses, the average grade of the students will be similar in both courses with no substantial differences between the grades assigned by each teacher. No teacher has a fundamental right to hand in random or skewed grades or to pretend that 95% of his students are better (or worse) than average. He has no fundamental right to teach without following the university’s grading procedures. Each faculty may decide for itself how to allocate the authority to assign grades within its faculty. Institutions have the responsibility of preserving quality in grade representations and comparability between classes and prevent grade inflation. Departments may change grades issued by teachers, which are not in line with grading policies or are unfair or unreasonable.

The grading power entrusted to the instructor is tremendous. Grades have a considerable impact on educational and career decisions of students and may even influence entire life trajectories. Few failures in a certain course, even of otherwise a good student, might lead to his dismissal from the university, for academic reasons. In the health care field, disagreements over clinical skills assessments can actually result in student dismissal from the program. Low grades might jeopardize a students’ plan to continue studying for higher degrees and cut his endeavor to pursue an academic career and also may diminish his chances to find a desired working place.

I’ll take a short break from the analysis of this case for briefly describing one of the cases I handle in the health care field. A young student who studied in the nursing school did very well in her studies in the university but was almost a total failure in the clinical courses. She took an obligatory clinical course which took place in one of the major hospitals. She was consistently late and was not able to follow the required timetable, hence failing the course. The school of nursing gave her a second chance. She worked intensively in another major hospital under the supervision of a very experienced nurse. This nurse was very critical of that student. She told the student that she does not function adequately as a nurse and that her grade will be very low, nevertheless, she intended not to fail her. The nurse wrote an extremely harsh report. She criticized the student for her failure to meet timetables, for instance patients were waiting in vain for their medication. It took her too much time to study their cases in the computer and give them the medication without delay. Her hygienic habits to put it mildly, were below the norm expected of a nurse. In addition, she failed to establish a rapport with the patients. The report reached the chief nurse who headed the clinical studies in the hospital and she strongly objected to the grade of “pass” and actually ordered the supervising nurse to change the grade to “fail”, even “echoing fail”.

What do you think the ombudsperson should do in such a case?

I've consulted my wife who is also a lawyer. She asked me are you sure you want this student to be a nurse? She may endanger life of patients?

On the other hand, it seemed very problematic to kosher the decision made by the head of the clinical studies who have not seen the student in action, especially given the report of the supervising nurse, who decided to pass the student despite her negative report.

I've met with the head of the school of medical professions and asked her to suggest to me a solution that will allow this student who will not be a nurse to receive her academic degree that will eventually help her find a good living in a different profession.

In the meanwhile, the student became impatient and sued the university. Obviously I left the case with the legal department of the university.

There are two possible approaches for the higher education for the determination of the scope of teachers' authority. One approach gives a broad meaning to the notion of "academic freedom" in drawing the boundaries of the teacher academic powers. Under this approach, So far as we are concerned with academic matters, the teacher is almighty. No one can interfere with his academic judgment or decisions. The teacher is the person who evaluates the performances of the students, grades their examinations and at times changes the grade. Neither chairs nor deans can require an instructor to change a properly assigned course grade. Issues of disagreement about whether, for example a given essay was worth, say, a B or an A is decided solely by the individual instructor in charge. A grade should be changed only with the consent of the instructor of the course and with the approval of the appropriate chief Academic office or Dean.

The second approach enables certain degree of interference in the teacher's decisions either in advance or in retrospect. We live in an era of relative rather than absolute rights. The teacher, as any other professional, is subject to some sort of scrutiny and supervision and he is not almighty even in the pure academic sphere. The teacher is not allowed to consider foreign considerations in grading, and he cannot abuse his powers. The teacher is human hence he is prone to make mistakes, e.g. in counting the grades for the various parts of the examination. It is definitely justified to demand the correction of such mistakes. Under this approach even the teacher's power to correct his mistakes is not unlimited. Some faculties have a grading correction committee which decides whether to allow such corrections. Thus, such a committee is likely to refuse correction based on an error of judgment on the part of the teacher. You cannot allow such a correction if it is likely that a similar error of judgment was made with regard to other examinations including ones that the grading was not challenged by the students. The instructor may not change the grade unless he certifies in writing that it was incorrect as a result of a mechanical computation or transcription error. A grade may not be changes as a result of a reevaluation of a student's work.

The boundaries between the teacher's authority and the university's power to interfere with academic decision making are pretty blurred. In some universities there were cases of totally irregular grading that caused, the head of the department or the dean or the provost or the chairperson of the teaching committee of the faculty to approach the teacher and ask him to reevaluate the grades. In some of those cases the teacher agreed to do so and even correct the grades e.g. by using a factor adding points according to some formula. In other cases, however, the teacher rejected the interference and even resigned.

In the Appendix, I'll survey some American cases in which the teacher's authority to determine the grades has been challenged. The American experience on this matter is not a clear and cut one.

In our case, following the protest of the students, the exact sciences faculty decided to allow students who failed the exam, but received a grade of at least 40 to restudy this course taught, with the same teacher in the following semester in another faculty. These students were not required to attend the lectures, but they were required to fulfill all the assignments required in this course.

Is it appropriate to determine in a faculty's regulation or practice that the student will be charged for the cost of an unsuccessful appeal?

Is it appropriate to determine in a faculty's regulation or practice that the student has the right to appeal the grade provided that he'll do it in the occasion in which the corrected examination is revealed to him?

Is it appropriate to determine in a faculty's regulation or practice, that there will be no appeals in cases of oral examinations?

Is it appropriate to determine in a faculty's regulation or practice that the instructor will justify his decision notwithstanding the result of the appeal?

Is it appropriate to determine in a faculty's regulation or practice that the instructor is empowered to read the entire examination even in a case that the student appealed against the grade was solely on a specific portion of the examination?

The last question mentioned above refers to an actual paragraph in the regulations of the faculty of engineering. The faculty of engineering interpreted this paragraph which allows the instructor to read all parts of the examination, as indicating that while reviewing the appeal, the instructor can reexamine the entire answers of the appellant including parts that were not included in the appeal. Consequently, the instructor has the prerogative to lower the grade rather than raising it. I think this interpretation is totally wrong. The fact that the instructor is allowed to read the entire examination does not give him any authority to lower the original grade. Perhaps it allows him or her to use the parts of the examination that were not included in the appeal, to reinforce a decision to dismiss the appeal.

Indeed, in some in faculties' regulations in Tel Aviv University, one can find an express authorization for the instructor to lower the grade in case of an appeal. The very existence of such regulations teaches us that in the absence of such express regulations e.g. in the regulations of the faculty of engineering, there is no authority to lower grades as a result of an appeal.

Moreover, it seems to me that at least under the Israeli law, those express regulations authorizing lowering grades in the appeal process should not be followed. Apparently, the purpose of section 15 of the Student Rights Law 2007 which recognizes the right of the student to appeal a grade is to enable the student to contest the evaluation of the grade by the instructor. It certainly does not intend to encourage him or her not to appeal, let alone, deterring him from submitting an appeal. Enabling the instructor to deduct points and lower the grade is likely to deter students from submitting justified appeals. Given the unfortunate fact that the decision in the appeal will be made by the instructor who assigned the grade, a regulation which allows the instructor to lower the grade seems to be ill advised. The instructor is not likely to be too happy, that the student criticizes his judgment and may wish to deter students from submitting such appeals, and may be tempted not only to dismiss appeals but also to lower grades, especially in the absence of any real supervision of the instructor decision making.

Furthermore, if the instructor decides to lower the grade, he actually admits that he made a mistake in the initial review of the examination. It is not the student mistake but rather the instructor mistake. It is quite probable that similar mistakes were made by the instructor in the review of grades in the case of other students. Is it the right thing to do to 'punish' the student who made the appeal and lower his grade and leave the grades of those students that were similarly situated but did not appeal intact?

Usually the regulations determine that the decision in the appeal is final. In such cases, a decision in the appeal process to lower the grade breaches section 15 of the Student Rights Law, since the student is unable to bring an appeal on the new grade.

Appendix

Student Rights Law 2007

Section 2 “The purpose of this law is to provide principles for the rights of the Israeli citizen and the Israeli resident to accessibility to higher education and principles for student’s rights from a commitment of the Israeli society to these rights and to equal opportunities in higher education.

Goal Section 2: Every Israeli citizen or Israeli resident has the right for equal opportunities in admission to higher education. Institution.

.....

Prohibition of discrimination: Section 4 (a) An institution shall not discriminate against candidates or students for ethnic or origin or socio economic backgrounds or for reasons of religion, nationality, sex or living place in any one of those:

Registration and admission to the institute

Admission to studying fields;

Admission to special courses of study

(b) The existence of separate institutions to different courses of study for men and women for religious reasons or for the advancement of certain groups in the population and administering easier admission conditions according to section 9 (b) will not constitute a discrimination according to this section.

(c) The registration forms shall not impose a duty to give information about the state of origin of the candidate or his parents, religion or nationality. It is possible however to receive such information in a separate page, if the candidate agrees to give it. And also for the purpose of admission to separate courses of studies for men and women for religious reasons or for special courses of study for the goal of the advancement of certain groups in the population or for the purpose of administering easier admission conditions in accordance with section 9 (b).

.....

Admission conditions Section 9 (a) There will be no discrimination among candidates in the admission conditions. These conditions will be according to the criteria provided by the institution for the field of study and the study courses...

(b) despite section 9 (a) an institution can ease the admission conditions for the purpose of the advancement of the accessibility of candidates that belong to certain factions in the population, including for socio-economic reasons.

....

The provision of information on the part of a candidate 11 (a): A candidate if required by the institution to do so, shall provide to the institution any document and any other data needed for the admission process, subject to section 4(c)

(b) An institution shall not use documents and data, mentioned in section 11 (a) aside from the use required for the purpose of the admission of the candidate to the institution or any other use approved by the candidate.

.....

Examinations and assignments 15: (a) an institution shall publish the dates of every final examination in the various courses, near the time of the registration to the coursed and notify the students about any changes in these dates.

(b) First degree students entitled to be examined twice in any examination, including in basic courses, in the year the course was taught, notwithstanding the former performance of the student in prior exams, and under the same conditions without infringing the student's rights and in accordance with the institution regulations.....

(b1) section (b) will also applied to graduate students...

(c) : An institution shall allow every student to study all examinations or assignments written by him, after the grading of them and the publication of these grades and the student is entitled to receive a copy of these examinations or assignments after paying the fee required.

(d): A student is entitled to appeal the grade of the examination or assignment, provided that he studied the examination or assignment before submitting the appeal.

.....

Students' ombudsperson Section 22: "Any high education institution should have a students' ombudsman; every candidate to be a student in the institution and every student in the institution is entitled to bring a complaint to the students' ombudsperson or to any other body in the institution, authorized to clarify complaints. If she or he believes that her or his rights according to this Law were infringed, including rights concerning disciplinary proceedings or, she or he feels she or he was not treated in a proper way by the academic or administrative staff of the institution.

The students' ombudsperson will verify and examine each complaint and reports his findings to the complainant and he may submit his recommendations concerning the complaint to any authorized body in the institution. The students' ombudsperson should report every year to the head of the institution of his activities concerning the complaints".

American cases on assigning grades in higher education:

. In *Settle v. Dickson County School Board* 53F. 3d 152 (6th Cir. 1995) the federal court said: "Grades must be given by teachers in the classroom, just as cases are decided in the courtroom...teachers therefore must be given broad discretion to give grades"

Assigning grades is part of a professor's academic responsibilities and does not fall into the realm of administrative prerogatives.

In *Board of Curators of the University of Missouri v. Horowitz* 435 U.S. 78 (1978) The Supreme Court upheld a faculty decision to dismiss a medical student from school. The court opined that: "(l)ike the decision of an individual professor as to the proper grade for a student in his course, the determination of whether to dismiss a student for academic reasons requires and expert evaluation of cumulative information and is not readily adapted to the procedural tools of judicial or administrative decision making"

In *Parate v. Isibor* 868 F.2d 821 (6th Cir 1986) Parate sued the University when his contract to teach was not renewed because he refused to change a student's grade from B to A. The court found that the university violated the First Amendment: "An individual professor may not be compelled by university officials to change a grade that the professor previously assigned to the student. in *Brown v. Armenti* 247 F. 3d 69 (3rd Cir. 2001) however, the Third Circuit rejected the Parate decision because it offered an unrealistic view of the university-professor relationship. The president of the university ordered the professor to change a student's grade from an F to an incomplete. Brown failed a graduate student in a clinical education course, alleging that she attended only three of fifteen classes. The court concluded that a public university professor does not have a First Amendment right to expression via the school's grade assignment procedures". Because grading is pedagogic, the assignment of the grade is subsumed under the university's freedom to determine how a course is to be taught". Similarly, In *Ochsner v. Board of Trustees of Wash Community College* 811).

2d 985 (Wash Ct. App (1991) a professor calculated grades according to a written policy that was based, in part, on attendance. The professor failed a student as a result of excessive absenteeism. Evidence indicated that the professor failed to apply the attendance policy evenly and the court found a factual dispute regarding whether the grade assigned was arbitrary and capricious.

Some courts have focused not on the rights of the individual instructor to assign the grades of their students, but rather on the rights of the faculty so far as grading is concerned. Grading is the prerogative of the faculty and is based upon a student's performance against a clearly articulated set of assignments, expectations and standards. The faculty had the responsibility for the assignment of grades and no grade may be assigned or changes without faculty authorization. The review of the student complaint over a grade should be performed by the faculty, under procedures adopted by the faculty and any resulting change in grade should be made by faculty authorization. These principles have been approved by the courts.

In *Regents of the University of Michigan v. Ewing* 474 U.S. 214 (1985) the court asserted: "When judges are asked to review the substance of a genuinely academic decision...they should show great respect for the faculty's professional judgment. Plainly, they may not override it unless it is such a substantial departure from accepted academic norms as to demonstrate that the person or committee responsible did not actually exercise professional judgment".

In *Eureka Teachers Ass'n v. Board of Educ.* 244 Cal.Rptr. 240 (Cal App 1988) the court asserted: "Bad faith against a professional is a serious challenge to the teacher's integrity and professional reputation".

in *Sylvester v. Texas Southern University* 957 F. Supp. 944 (S.D. Tex. 1997) "(w)hile it is true that the assignment of a test grade is a purely academic evaluation, Sylvester is entitled to due process in that evaluation" Here the faculty embodied arbitrary government. The court changed the student's grade to "pass".

Engagement with Service Users

Rob Behrens



Engagement with service users

Rob Behrens CBE
 Parliamentary and Health Service Ombudsman,
 United Kingdom
 15th ENOHE Annual Conference, León Spain
 26-28 June 2019



On arrival in 2017

- Classic, national Ombuds. resolving cases since 1967.
- Ombudsman is Crown appointment, reporting to UK Parliament, not Ministers
- 120,000 inquiries, 30,000 complaints, 3,000 investigations.
- 400+ staff in London and Manchester



2



But....

- Criticism over dealing with cases involving child deaths.
- Confusion about core function
- 24 per cent budget cut
- Resignation of the two senior leaders in 2016-17
- Loss of complainant trust
- Poor staff morale
- Brexit causing delay over Ombuds reform



3



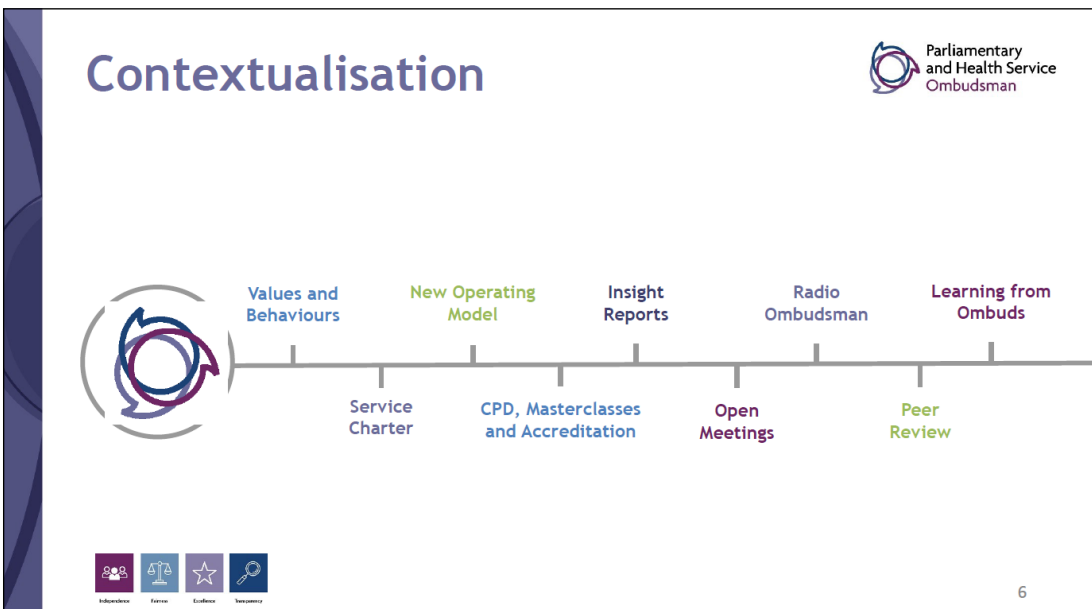
Engagement and adjustment

Inclusive leadership means:

- Conversation neither charismatic nor hierarchical
- Leaders at all levels. Teamwork and recognition for colleagues
- Transformational and Value-led
- Choose your team but recruit on merit (Nolan Rules)
- Recognize that conflict is endemic and healthy (within limits)
- Leaders look out as well as in
- And leaders do not always follow



5



New Strategic Plan 2018-2021





Objective 1

To improve the quality of our service, while remaining independent, impartial and fair



Objective 2

To increase the transparency and impact of our casework



Objective 3

To work in partnership to improve public services, especially frontline complaint handling






7

Strategic Plan - Commitments





2018-19

Objective 1

- Embed our new operating model
- Build on our staff training programme

Objective 2

- Publish quarterly data about the health complaints we receive
- Publish more information about our findings

Objective 3

- Build on and strengthen existing external relationships, while developing new partnerships



2019-20

Objective 1

- Pilot the use of mediation and other early resolution methods
- Introduce changes following our governance review

Objective 2

- Publish our first annual report on the complaints we receive about the health system
- Deliver an online solution that facilitates publishing more casework

Objective 3

- Work with our partners to develop and publish a number of new tools and training
- Begin to roll out tools and training materials



2020-21

Objective 1

- Begin accreditation of caseworkers
- Build the approach from our pilots into our training and accreditation programme

Objective 2

- Complete our plans to publish much more of our casework online

Objective 3

- Roll out of those tools and training approaches we find work best
- Explore how we can share the experiences we have had delivering Our strategy 2018-21 with ombudsmen colleagues

8

Reinventing Our Values








9


Our values	Working the PHSO way	How we do it
Independence	Doing the right thing	Being open, honest and authentic Listening to understand
	Showing integrity	Being ethical and accountable Being professional and a role model
Fairness	Taking ownership and responsibility	Being proactive and taking the initiative Fostering trust and empowering others
	Respecting every individual	Being approachable and considerate Embracing equality and diversity
Transparency	Communicating clearly and openly	Being collaborative Inspiring confidence in our actions and decisions
	Working together	Being thorough and outcome focused Maximising value and minimising waste
Excellence	Learning and improving	Developing our expertise and learning continuously Being open to feedback and change
	Achieving results	Delivering on our commitments and making it happen Aiming for high quality and achieving standards







10





Process and Professional Development



Introduce new case-handling framework:


- Reducing the number of stages in the process to reduce handling times
- One case handler per case
- **Increased direct communication with complaints**
- Commission Clinical Advice review
- Abolish specialist teams for health and parliamentary cases
- Generate specialist advisers and web-page
- Supported by role-ready training



11

Professional Skills Programme



Scoping and risk

- Getting to the heart of the complaint
- Distilling into tight scope
- Assessing risk

Investigative skills

- Planning & sourcing evidence
- Interviewing skills
- Reasoning, analysis & decision-making




Communication

- Managing conversations & interactions
- Report writing & communicating complex issues


Recommendations, learning & remedy

- Identifying the unremedied injustice
- Making outcome-based recommendations & proportionate remedy

“Professional Skills training has made me want to put everything I have learned into practice and be the best caseworker I can be”


12

 Parliamentary and Health Service Ombudsman

Developmental Programme

- Vicarious Trauma

 - Know, notice, understand, & manage the impact of casework
- Equality, Diversity & Inclusion

 - 3 versions for leaders, managers, and team members
- Introduction to Casework

 - A workshop for non-ops staff to understand and support the Operation
- HR Foundations

 - HR related policy and procedure workshop for all line managers

76.5 % of operational managers agree that since training they have seen an overall improvement in their teams skills and understanding

13

 Parliamentary and Health Service Ombudsman

Accreditation of Senior Caseworkers

Advanced Certificate in Professional Practice

Unit 1

Communication, assessment and scoping

Unit 2

Investigation: planning, evidence gathering and analysis

Unit 3

Recommendations and remedy



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 Parliamentary and Health Service Ombudsman

Transparency in Case-work

 Parliamentary and Health Service Ombudsman

Maintaining momentum: driving improvements in mental health care

 Parliamentary and Health Service Ombudsman

Ignoring the alarms: How NHS eating disorder services are failing patients

 Parliamentary and Health Service Ombudsman

Blowing the whistle: an investigation into the Care Quality Commission's regulation of the Fit and Proper Persons Requirement

 Parliamentary and Health Service Ombudsman

Missed opportunities: What lessons can be learned from failings at the North Essex Partnership University NHS Foundation Trust





15

Working with Service Users and Stakeholders

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

A candid discussion with photographer, father and patient safety campaigner Scott Morrish about how the NHS can create a just, learning culture and what the Ombudsman needs to do to improve its service. You can also [read the transcript](#) for this podcast or [download a pdf](#) (340 KB).

Visiting Hospitals and Trusts



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Working with Service Users and Stakeholders

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

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

"Please make trustworthiness your obsession." Scott Morrish, November 2017

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Our Service Charter

We make final decisions on complaints that have not been resolved by the NHS in England, UK government departments and some other UK public organisations.

Our Service Charter explains what you can expect from us when you ask us to look into a complaint. This is to give you confidence in our service. It also explains what we need from you in return.



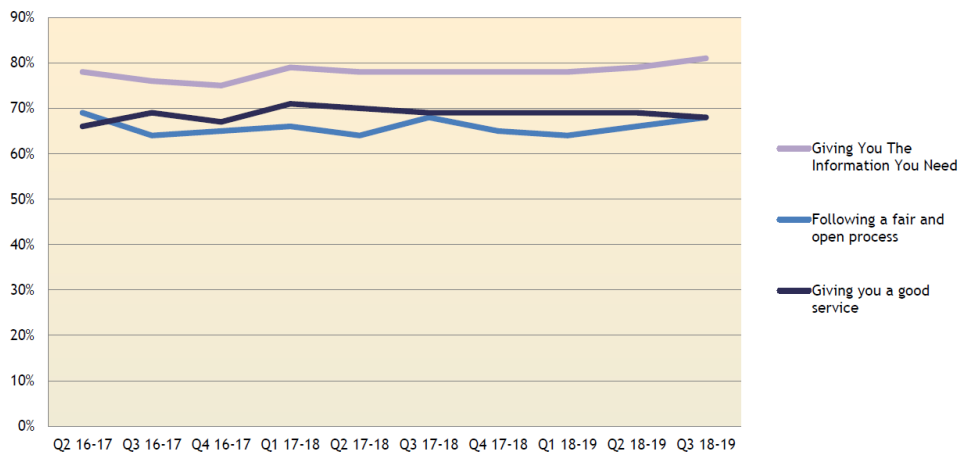
18

Our Service Charter Performance in 2018-19

Commitment	Complainant Satisfaction		
	Q1	Q2	Q3
Giving you the information you need			
We will explain our role and what we can and cannot do	78%	79%	80%
We will explain how we handle complaints and what information we need from you	80%	79%	81%
We will direct you to someone who can help with your complaint if we are unable to, where possible	74%	80%	79%
We will keep you regularly updated on our progress with your complaint	78%	79%	84%
Following a fair and open process			
We will listen to you to make sure we understand your complaint	67%	74%	73%
We will explain the specific concerns we will be looking into	83%	85%	90%
We will explain how we will do our work	71%	81%	76%
We will gather all the information we need before we make our decision	47%	46%	47%
We will share facts with you, and discuss with you what we are seeing	61%	69%	70%
We will explain our decision and recommendations, and how we reached them	57%	51%	50%
Giving you a good service			
We will treat you with courtesy and respect	89%	91%	89%
We will give you a final decision on your complaint as soon as we can	54%	48%	52%
We will make sure our service is easily accessible to you and give you support and help if you need it	65%	68%	63%

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Complainant Satisfaction with our Service Charter: 2016-19



20




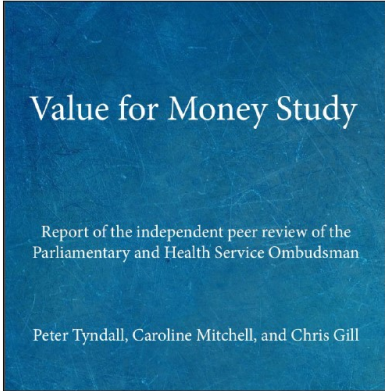
“Being treated badly is not a reason for behaving badly.”


Advocate Thuli Madonsela

21





Using Independent Peer Review







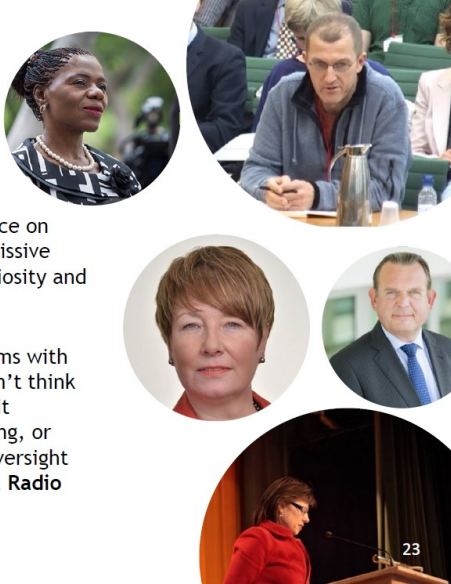
“The organisation is moving out of ‘critical care’ and into ‘recovery’”
Value for Money Study on PHSO, 2018










22

Learning From International Ombuds and Citizen Campaigners


- “Yes, I think there was, to start with, an over-reliance on what the organisations were saying and a more dismissive approach perhaps to my concerns. A real lack of curiosity and scrutiny. Fundamentally, the logic within which the Ombudsman responded was a flawed logic.
- It was saying, ‘Although we accept there are problems with the way Joshua’s care has been investigated, we don’t think there would be a worthwhile outcome in looking at it because things like medical records have gone missing, or because we think other organisations will have an oversight of the changes that are needed.’” **James Titcombe, Radio Ombudsman**

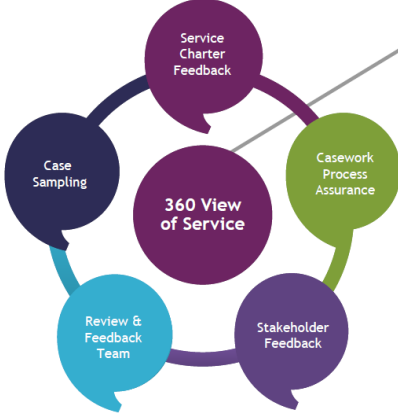













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Quality assurance






24



Accountability


Internal (PHSO Staff)

- Ombudsman has a clear vision for the future - 87 % (+34%)
- I have clear understanding of PHSO objectives - 90% (+21%)
- Development activities in last year have helped me to improve performance - 55% (+21%)

External (Parliament)

- “Whilst nobody doubts the complex nature of the Ombudsman’s role, there has been a need to rebuild public trust and ensure the service is up to scratch.
- Our report finds that this process is underway. For this, the Ombudsman and PHSO are to be commended. We need to guard against complacency, but we are increasingly confident that...the PHSO is putting its recent challenges behind it as far as it can.”

Public Administration and Constitutional Affairs Committee, March 2019


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Thank you

 **Website**
www.ombudsman.org.uk

 **Helpline**
0345 015 4033
8.30am - 5.30pm Monday to Friday

 **E-mail**
Rob.Behrens@ombudsman.org.uk

 @PHSOmbudsman

 Parliamentary and Health Service Ombudsman

 Radio Ombudsman Podcast


26



We want more complaints!

Jean Grier

WE WANT MORE COMPLAINTS!

Jean Grier
Investigations Manager
The University of Edinburgh
United Kingdom



THE UNIVERSITY *of* EDINBURGH

'The trouble with most of us is that we would rather be ruined by praise than saved by criticism.'

(Norman Vincent Peale)

Evolution of complaint handling at a large UK university 2012-2019

- Old procedures
- New procedures
- Key differences
- Pre-launch concerns
- 'Hearts and minds'
- Where are we now?

Key statistics, then and now

2012

- Student numbers – 33k
- Procedure – 5 stages
- Informal complaints? – no idea
- Formal complaints – 36
- Formal upheld – 20+?

2018

- Student numbers – 44k
- Procedure – 2 stages
- Stage 1 complaints – 850
- Stage 2 complaints – 8
- Stage 2 upheld - 1

Summary

- Student numbers up
- Informal complaint numbers up
- Formal complaint numbers down
- Formal 'upholds' down
- 'Learning from...' up
- Good news or bad news?

How have we done it?

- Briefing
- Briefing
- Briefing
- More briefing
- Support
- Cake

Initial attitudes

- 'we don't want to record complaints, it will make us look bad'
- 'we don't have time for bureaucracy like this'
- 'advertising the new procedure will increase complaint numbers'
- 'we already have too many complaints'
- 'if we just turn it down at Stage 1, you can take over and deal with it for us'

Hearts and minds – and a bit of a shove

- 'if we just turn it down at Stage 1, you can take over and deal with it for us'

Where are we now?

- This academic year – Stage 1 - 1000?
- Stage 2* – 6?
- Upheld? – 1?

We can handle this – bring them on

- We want more complaints!
- We want more cake!

• [image removed]

THANK YOU!

Jean.Grier@ed.ac.uk

Jean Grier, Investigations Manager, The University of Edinburgh, UK



THE UNIVERSITY *of* EDINBURGH



The Innsbruck Descriptors 2015: A Reality Check 2019 with Insights from Spain and Canada

Marta Alonso de la Varga, Nora Farrell, Paulino César Pardo Prieto, Natalie Sharpe

**The Innsbruck Descriptors 2015:
A Reality Check 2019 with Insights
from Spain and Canada**

Speakers: Marta Alonso de la Varga (University of León, Spain), Paulino César Pardo Prieto (University of León, Spain), Natalie Sharpe (President of the Association of Canadian College and University Ombudspersons)

June 2019

THE CANADIAN SCENE

Structure of the Canadian HE System

- In Canada HE is under **provincial** jurisdiction. Without a national integrated education system, we lack a national ombuds scheme; hence, the importance of our professional association, ACCUO.
- Our highly **decentralized** education system has 13 different HE jurisdictions in 10 Canadian provinces and 3 northern territories.
- There is a lot of **institutional variation**, so priorities and funding will vary with one setting a freeze on HE; another not.
- Public funding **varies** at universities, usually at 40 to 50%. Alberta is the highest at 70% but this can change with political elections.
- However, there is central **federal funding for HE research**. These are the largest grants in Canada: humanities and social sciences (SHERC); sciences (NSERC); and health sciences (CHRS).
- There are HE ombuds in 5 of the 10 provinces; 0 in the territories.

To address the paucity of HE offices, ACCUO is sending a letter to all HE institutions focused on the value that a HE ombuds will bring to their institution.

HE Ombuds Offices ▲

British Columbia, Alberta, Ontario, Quebec, New Brunswick

25% Universities and 5% Colleges have ombuds

Offices closed ▲

Terms for HE ombudsman in Canada

- English institutions: ombudsperson, ombudsman, ombuds, ombuddy (email, colloquial)
- French-speaking institutions (Quebec): La Protectrice Universitaire, L'ombudsman des étudiantes, l'ombudsman, ombudsman, coordonneés
- Quasi-ombuds role: Arbiter of Student Issues (Vancouver Community College)
- Advocacy role: Student Advocate at U of Manitoba covers many of the ombuds functions

HE ombuds growth (and decline) in Canada



Creation of HE Ombuds in Canada



Creation of an ombuds office is idiosyncratic, and dependent on community relations.



As noted in Innsbruck: Descriptors reasons for creation vary from personal to political to structural.



Personal: The University of Alberta's ombuds was created as a result of a citizen's letter to the University President, asking that something similar be created after the Provincial Ombudsman of Alberta.



Political: Student and civil unrest during the 1960s and 1970s: Simon Fraser University Students' Union created 1st ombuds in NA 1965 (a unionized position); and others appeared during social movements, including: Students for Democratic Union Movement; Civil Rights; Human Rights (Women, Gay, Disability, American Indian/Red). For example, Concordia ombuds created after "Computer Riot" over allegations of racism against Black students NB: The International Ombuds Institute focusing on human rights was established in 1978 at U of Alberta (now housed in Vienna).



The creation of many offices was influenced by strong student unions, today about 40% of these offices are jointly funded by student unions & university.



Structural: Organizational or corporate ombuds-like structure, some reporting to President or Board of Governors.

Legal Basis and Framework Conditions

- Vary in autonomy and independence; Ryerson and Ottawa ombuds are independent organizational units and have independent budgets and separate reporting relationships, more typical of classical ombuds.
- Some report to an Advisory Board (allowing for independence) but are paid by University or SU or both.
- Some are more like organizational or institutional ombuds tied to hierarchies such as the President, Board of Governors, Dean of Students, Human Resources, Student Union and dependent on funding cuts of institution and student association.
- Provincial Ombudsman: B.C. and Ontario ombuds cover higher education but refer clients to their universities and cover institutions without ombuds.
- Other Provincial Ombudsman usually cover areas not within HE ombuds jurisdiction, such as government student loans and special needs bursaries.

- *"Having both university-based and provincial ombudspersons to respond to complaints offers a good balance, said Dr. Farrell. Universities are complex institutions and it's beneficial to have local ombudspersons who are already familiar with their structure; a provincial ombudsperson has the benefit of a large staff, more resources and expertise in dealing with complaints on various topics. Plus, the provincial ombudsperson has a wider scope that may allow them to identify systemic issues affecting more than one university, said McMaster's Ms. Brendon."* (Nora Farrell, Ryerson U Ombuds; Carolyn Brendon, McMaster U Ombuds, in "Provincial and University Ombuds Promote Accountability on Campus" Sneh Duggal, March 18, 2018
<https://www.universityaffairs.ca/news/news-article/provincial-university-ombuds-promote-accountability-campus/>

Balance in Provincial and Institutional HE Ombuds

Institutional Variations/ Mandates

- CLASSICAL MODEL – more of a watchdog; visited as a last resort, after all university processes have been exhausted.
- HYBRID MODEL – client visits at the beginning of a conflict or at any time during the process. Hybrid ombuds offer informal resolution methods to coach and empower clients.
- Structure and mandate depend on how office was created and its evolution within the institution: e.g., student or faculty or administrative initiative, or a combination.
- Ombuds offices serve different constituents: faculty, administration and students; faculty only; students only (majority).
- Ombuds office survival is dependent on strength of independent mandate but must be flexible/adaptable to meet needs of the institution. However, this should not compromise its founding principles and standards of practice. (Ryerson Ottawa universities have strong mandates to protect their independence and funding.)

- ACCUO/AOUCC is a bilingual association
- Through the 1980s to developed a **community of practice** with American HE ombuds
- **1st HE Ombuds association in North America** to formally establish in 1983
- **Adopted its first constitution in 1990**, along with its 1st president
- Created a list: **serve to promote ombuds networking** on institutional policies and best practices across Canada; offered member information toolkits and Terms of Reference
- **Launched its first website in the 1990s**; revised in 2017
- **Adopted Professional Standards of Practice in 2012**
- Last annual conference was in 2012; since then, joint biennial conferences with the Forum of Canadian Ombudsman, and occasional **joint conferences with ENOHE**
- **Regional ACCUO Networks** across Canada provide more local support and communication
- **Communications Committee** provides outreach to regional institutions and informs all Canadian HE institutions on the value of HE ombuds
- **International Committee** expands professional links to HE ombuds associations: USA, Europe, Mexico, Australia, South Africa
- **Members research and present papers** at ENOHE, IOA, CCCUO/Cal Caucus and REDDU
- ACCUO's membership in 2019 was 56 ombuds (voting members) and/or student advocates and conflict practitioners (Associate members)

ACCUO/AOUCC
highlights:
1983 - 2019

Terms of Reference

- *Terms of reference (ToRs) are an essential tool for determining the office's jurisdiction, reporting and funding structure and for clarifying the implementation of ombuds essential principles and characteristics such as independence, impartiality, confidentiality, access to all decision-makers, information and files, investigative powers, record keeping, etc. (accuo.ca)*
 Samples of strong TOR are included on ACCUO website.
- *ACCUO's Standards of Practice and FCO's Statement of Ethical Principles identify the elements that are essential to ombuds practice. (ibid)*

ACCUO
Standards of Practice

ACCUO adopted Professional Standards of Practice in 2012.

- **Independence, Impartiality, Confidentiality and Accessibility** were adopted in 2012 for all voting members to "*reflect the unique nature of the work of ombudspersons in post-secondary institutions in Canada. They build on the principles outlined in the ACCUO constitution*" and promote "*the understanding of the role and function of the office of the ombudsperson and illustrate its added value within post-secondary institutions.*" (accuo.ca)
- "*These standards provide a point of reference for practicing ombudspersons and staff of the office of the ombudsperson. They also serve as a guide for the establishment of policies and procedures in ombudsperson offices, while taking into account distinct institutional contexts.*" (ibid)
- "*With a focus on fairness, equity and respect, the ombudsperson builds capacity to help the institution be accountable to its own value and mission statements. In working with individuals, the ombudsperson facilitates fair resolutions that build trust and fortify the relationship between individual and institution.*" (ibid)

Competencies/ Ideal Candidate/ Professional Development

- Education/Work experience (University minimum bachelor's degree; law and alternative dispute resolution training; communications, conflict management, HR administration, HE teaching); some institutions require law degrees, eg. Que & Ont
- Competencies/ Skills: "... must demonstrate strong reasoning and intelligence including emotional and social intelligence. The ombudsperson relies on a combination of related skills (written and verbal communication, capacity to acquire, analyze and manage large amounts of information, investigation, coaching, conflict resolution, facilitation), a wide knowledge base (principles of natural justice, the governance/administrative structure of a postsecondary institution, organizational culture and power structures, human rights and diversity issues, employment, privacy, etc.) and personal qualities (integrity, independence, judgment, an ability to work effectively with all members of the postsecondary institution's community, assertiveness and diplomacy)." (accuo.ca Ombuds toolkit)
- "Ombudspersons are expected to take advantage of professional development opportunities to broaden and deepen their understanding in those areas. ACCUO offers regular regional and national meetings and conferences." (ibid)
- Training: Osgoode /Forum of Canadian Ombudsman Essentials for Ombuds Certificate Training (1 wk) offered in English and French at least once a year.
- Specializations: Ombuds for Faculty or Staff only; Ombuds for Students only; Ombuds for all staff and students; graduate ombudsperson; undergraduate ombudsperson; term ombuds interns

Focus on Fairness



- Canadian HE ombuds focus on 4 kinds of fairness in their work with clients:
- Procedural (proper notification, voice, and unbiased decision-maker - due process)
- Substantive (decision shows how it was decided and reasons are sufficient - due process)
- Relational (treated with respect)
- Equitable (allow a level playing field for marginalized and vulnerable populations)

- Help clients navigate complex administrative processes
- Teach important communication skills through coaching, and conflict resolution training; orientation presentations on ombuds role
- Try alternative modes of resolution such as mediation, shuttled diplomacy, restorative justice
- Try to provide clients with a holistic perspective of their situation, and other parties' perspectives, when searching for viable solutions
- Find gaps in policy and look for systemic inequities; make recommendations for systemic change
- Focus on transparency and accountability of the institutions through lens of fairness in informal and formal resolutions

A Day in the Life of a Canadian HE Ombuds

Informality Guided by Standards of Practice (SOPs)

- There is a great deal of informality in the work we do. The ombuds may help the client in numerous ways, eg. *“assistance in analyzing problems, reframing issues, developing options and evaluating appropriate courses of action.”* accuo.ca (SoPs 5.3)
- We *“provide coaching or feedback to help the party address/resolve issues.”* (SoPs 5.4)
- The ombuds may intervene by conducting *“an investigation or engage in conflict resolution.”* (SoPs 6.2)
- We *“may employ conflict resolution processes, including but not limited to fact finding, third-party intervention, shuttle diplomacy and mediation”.* (SoPs 6.4)

Casework, Issues of HE Ombuds

- Workload: 150 – 1500 clients per year dependent on size of institution and mandate of office
- Student clients' issues: academic standing (grade appeals, low academic standing, exam concerns, application and readmission); academic and research integrity issues such as plagiarism, cheating, misrepresentation, falsification of research data; and conflicts with professor or supervisor or interpersonal; discrimination and harassment and sexual violence complaints; authorship and copyright issues; fees; fines; etc.
- Faculty/Administration: working conditions; conflict with supervisor; etc. (cannot walk into tenure disputes)

Advice, Inquiries, Investigations and Recommendations

- Advice and Recommendations on policy inequities, whether intended or not, due to gaps and omissions
- Look for systemic inequities as client populations become more diverse, including marginalized populations that have been barred or socio-economically denied higher education currently and in previous decades
- Provide annual report on statistics
- Educate on best practices
- Make recommendations for timely action, individual and institutional accountability

Challenges for Canadian HE Ombuds

- Ombud's presence is **arbitrary and precarious**, depending on the will of those driving and supporting it within the institution.
- **Weak or insufficient mandate** may lead to "*interference and obstruction...*", and potential elimination of ombuds without a strong mandate (Behrens:2017:1)
- **Nature and insecurity of funding** may lead to vulnerability when there are funding constraints and funding is tied to the institution/association (less public funding since the 1990s).
- **Size of institution and region** may have an impact: ombuds offices are mainly in large urban regions; however, few are located in isolated regions where marginalized populations are in need of more support.
- **Isolation of the position, small office, unclear Terms of Reference, lack of visibility/understanding of role** may create vulnerability, loneliness, alienation, and loss of support.
- **A rogue ombudsman may destroy decades of good work.** Hence, "*HE ombudsman need to develop the professional nature of their activity to ensure commonality in qualifications, competency, and continuing professional development.*" (ibid:1)

Resources

- Membership information on ACCUO accuo.ca
- ACCUO/AOUCC Standards of Practice 2012 accuo.ca
- Martine Conway, "Celebrating Ombuds in Higher Education: 1983 – 2013" <http://accuo.ca/wp-content/uploads/2017/07/ACCUO30En.pdf>
- Lucie Allaire and Natalie Sharpe, Why an Ombudsperson is Essential on Every Campus • Part 1 and 2, FCO/ACCUO Conference, Vancouver, 2013
- Kristen Robillard and Natalie Sharpe, "Calm in the Midst of a Storm of Student Complaints: Adopting Standards of Practice to Navigate Safely in Difficult Times", ENOHE Conference, Oxford University, England 2013
- Behrens, Robert 2017 "Being an Ombudsman in Higher Education: A Comparative Study for the European Network of Ombudsman in Higher Education, June 2017 ENOHE Press (Survey of 60 HE ombudsman in 18 countries) www.enohe.net/wp-content/uploads/2017/06/Being-an-ombudsman.pdf

The Principles of Good Complaints Handling and Sharing Good/Best Practice

Felicity Mitchel, Rosemary Agnew, Siobhan Hohls



The principles of good complaints handling: sharing best/good practice

Rosemary Agnew
SPSO

Felicity Mitchell
OIA

ENOHE Conference, 28 June 2019



Why this session?



- Focus on the underlying principles of good complaints handling
- Uniformity of approach could be useful for ENOHE members
- Opportunity to share best/good practice
 - learning from complaints
 - managing challenging behaviour



Who we are and what we do



Office of the Independent Adjudicator for Higher Education (OIA)

1. We run the **student complaints Scheme** for England and Wales (HEA 2004)
 - **Compulsory membership** – >800 higher education providers
 - We are **independent & free** to students/trainees
 - Company not limited by guarantee; charity
 - We are an **alternative to the courts** – EU ADR directive
2. Specific powers and responsibilities
 - We **review complaints** and make **Recommendations** to put things right
 - We **share learning** – visits, workshops, webinars, Good Practice Framework



Who we are and what we do



Scottish Public Services Ombudsman (SPSO)

1. We are the final stage for complaints about public services in Scotland **including universities** (SPSO 2002)
 - We accept complaints from **members of the public** and are **free and independent**
 - There are over 4000 organisations within our **jurisdiction**, 15 of which are universities
 - Universities are some of the **largest** organisations within jurisdiction
2. Specific powers and responsibilities:
 - We **review** complaints and make **recommendations** to put things right
 - We publish **mandatory** complaints handling procedures
 - We **monitor** and **support** best practice in complaints handling



What SPSO and OIA can/can't look at




	OIA	SPSO
Complaints from students	Yes	Yes
Complaints from former students	Yes	Yes
Complaints about applications/admissions	No	Yes (procedure only)
Academic appeals	Yes	Yes (procedure only)
Academic judgment, teaching quality, final grades	No	No
Disciplinary and fitness to practise	Yes	Yes (procedure only)




What SPSO and OIA can/can't look at




	OIA	SPSO
Discrimination	Yes	Yes
Contractual matters	Yes	Some
Services like welfare, accommodation, support	Yes	Yes
Student employment	No	No
Complaint subject of legal proceedings	No	No




Complaint journey




<p style="text-align: center;">OIA</p> <ul style="list-style-type: none"> • Higher education provider <ul style="list-style-type: none"> • Early Resolution • Formal appeal/complaint • Review • OIA Review <ul style="list-style-type: none"> • Can we review it? • Review or Settlement • Complaint Outcome & recommendations • Compliance 	<p style="text-align: center;">SPSO</p> <ul style="list-style-type: none"> • University: <ul style="list-style-type: none"> • Stage 1 - frontline resolution • Stage 2 - investigation • SPSO review: <ul style="list-style-type: none"> • Can and should we accept? • Resolution or investigation • Decision and • Follow-up recommendations
--	--




Good complaints handling principles



<ul style="list-style-type: none"> • Accessibility • Fairness • Confidentiality • Clarity 	<ul style="list-style-type: none"> • Independence • Early resolution • Timeliness • Using complaints for improvement
---	--



Outcomes



SPSO recommendations are often about:

- Academic:
 - Appeals
 - Exam results
 - Degree classification
- Poor complaints handling
- Procedural unfairness

Apologise

Review policy/
procedure

Improve advice and guidance to students

Address and respond to all complaints raised



Outcomes



OIA recommendations:

- Practical remedies to return the student to the position they were in before e.g.
 - Re-run an unfair or flawed process
 - Offer reassessment or re-mark work
 - Apologise
- Financial remedies e.g.
 - Distress and inconvenience
 - Refund tuition fees
 - Financial losses – expenses, lost bursary, lost earnings
- Good practice recommendations e.g.
 - Change procedures/regulations/process
 - Staff training



Common trends



- Managing challenging behaviour
- Complainants with mental health issues
- Complaints about disciplinary procedures
- Mitigating circumstances



Discussions



- Sharing best/good practice
- Over to you!





Learning from complaints



Discuss:

- How does your organisation learn from complaints?
- What works well?
- What does not work so well?



Top tips: learning from complaints



- Listen!
- Don't be defensive
- Don't rush to find blame – look for solution
- Where did it go wrong, not whose fault is it?
- Ask student what they think would stop it happening again?
- Decide what to do – then do it!




Managing challenging behaviour



Tell us about a time where you've had to manage challenging behaviour:

- What was it?
- What did you do?



Top tips: managing challenging behaviour



- Manage expectations
- Frame behaviour – “helping us to review your complaint”
- Avoid judgemental terms – eg “unacceptable behaviour”
- Be flexible – but decide how flexible you can be and stick to it
- Have a policy and make staff aware of it






OIA tools and resources












- Good Practice Framework
- Putting things right
- Briefing notes
- Case summaries
- Outreach and events





Outreach and events
Find out more about our upcoming workshops, events, provider visits, speaking engagements and webinars.



SPSO tools and resources






- Quality assurance tool
- Training courses
- Decision-making tool
- Apology guidance
- SPSO findings
- Complaints improvement framework

Acción Proactiva Ombudsman de los Estudiantes

Pedro de Matos Gonçalves





**ENOHE - EUROPEAN NETWORK OF OMBUDS
IN HIGHER EDUCATION**

LEÓN – 2019


ACCIÓN PROACTIVA OMBUDSMAN DE LOS ESTUDIANTES

PEDRO DE MATOS GONÇALVES, PhD.
STUDENT OMBUDSMAN – POLYTECHNIC OF LEIRIA



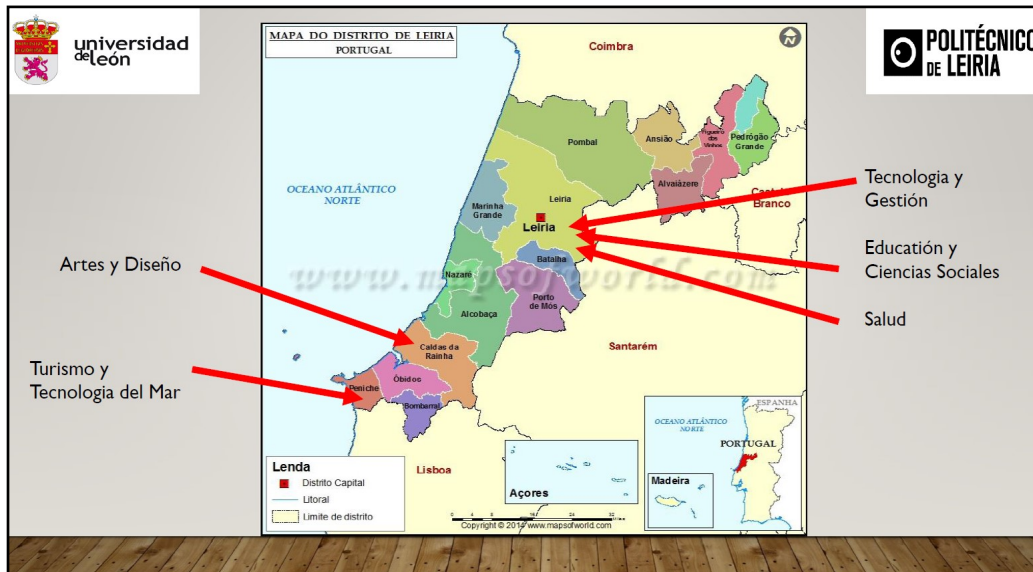
ABSTRACT:

- Ombudsman action tends to be reactive to student questions, but there are advantages to becoming proactive. Students' complaints and suggestions were examined, and interventions were planned in the most critical areas through a magistracy of influence among the various services and Student Associations. A newsletter and frequent visits proved to be positive.



EL POLITÉCNICO DE LEIRIA

- Es una institución pública de enseñanza superior, que inició su actividad en 1980.
 - *Public HE institution since 1980*
- Está presente en la región de Leiria y Oeste con cinco escuelas superiores:
 - *Region Leiria and West of Portugal, 5 HE schools*
 - Educación y Ciencias Sociales (*Education & Social Sciences*)
 - Tecnología e Gestión (*Technology & Administration*)
 - Turismo y Tecnología del Mar (*Tourism & Sea Technology*)
 - Artes y Diseño (*Arts & Drawing*)
 - Salud (*Health*)



EL POLITÉCNICO DE LEIRIA (LEIRIA POLYTECHNIC)

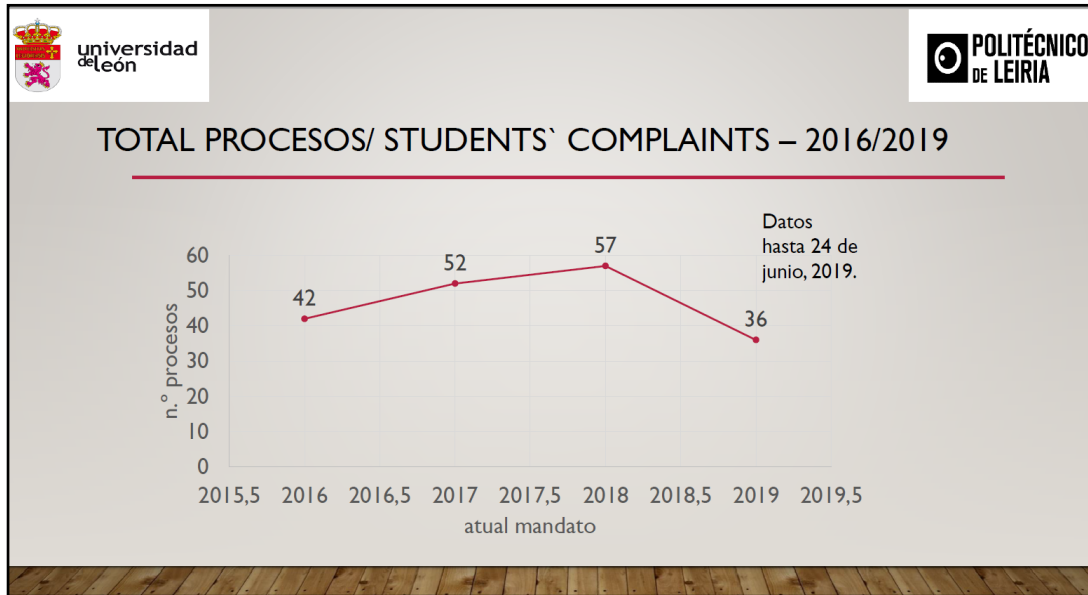
- En los últimos años, el número de estudiantes y profesores del Politécnico de Leiria ha crecido considerablemente. (*Continuous growth in the last years*)

Actualmente, son cerca de:

- 12.287 estudiantes (11.734 Nacionales y 553 Internacional) (*students*)
- 900 profesores (*teachers*)
- 350 técnicos y administrativos (*staff*)


STUDENT OMBUDSMAN

- Figura establecida en Portugal desde hace casi una década en las Instituciones de Educación Superior.
The Ombuds is compulsory by portuguese law since 2007
- El cargo es un órgano singular del Politécnico Leiria, directamente elegido por los estudiantes.
In Leiria's Polytechnic the Ombuds is directly elected by the students' body.




Tipologia (Type)	01 enero – 31 diciembre
Académico – administrativo <i>Academic / administrative</i>	23
Pedagógico <i>Pedagogical</i>	25
Acción Social <i>Social / Economical</i>	4
Outro <i>Others</i>	5
Total	57

• Professors and Teaching (Pedagogical)	43,85 %
• Academic services	40,35%




universidad de león




POLITÉCNICO DE LEIRIA

PEDAGÓGICO (PEDAGOGICAL)

1 enero a 31 diciembre 2018	
Total Procesos / Total Complaints	25
El mês más ocorrências / More complaints in March	Mar.
El mês menos ocorrências / Less complaints in August	Ago.
ACREDITACIÓN/PRECEDENCIAS (CREDITATION/PRECEDENCES)	1
NORMAS PEDAGÓGICAS (REGULATIONS)	8
EVALUACIÓN (EVALUATION)	9
RECLAMACIONES PROFESOR (TEACHER COMPLAINTS)	5
OTRAS RECLAMACIONES (OTHERS)	2




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POLITÉCNICO DE LEIRIA

ACADÉMICO – ADMINISTRATIVO

1 enero a 31 diciembre 2018	
Total Procesos / Total Complaints	23
El mês más ocorrências/More complaints in January	ene.
El mês menos ocorrências /Less complaints in February	feb.
MATRICULA / INSCRIPCIÓN EXAMES (ANUAL REGISTRATIONS AND EXAM REGISTRATIONS)	4
CERTIDÕES / DIPLOMAS (CERTIFICATES-DEGREES)	4
CONCURSOS (APPLICATIONS)	5
ESTATUTOS - ESTATUTO ESPECIAL (SPECIAL CONDITIONS – DISABILITIES,ATHLETES,...)	2
PROPINAS (ANNUAL FEES)	3
TAXAS / EMOLUMENTOS (OTHER FEES)	2
NORMAS ACADÉMICAS (REGULATIONS)	2
DIVERSOS - BOLSAS Y PREMIOS ESCOLARES (OTHERS – AWARDS)	1





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POLITÉCNICO DE LEIRIA



ACCIÓN SOCIAL (SCHOLARSHIPS)

1 enero a 31 diciembre 2018	
Total Procesos / Total Complaints	4
El mês más ocorrências / More complaints in March	Mar.
El mês menos ocorrências / Less complaints in October	Oct.
ACCIÓN SOCIAL ESCOLAR (SCHOLARSHIPS)	2
MOROSIDAD PROCEDIMIENTOS (DELAY IN PROCEDURES)	2


OTROS / OTHERS

1 enero a 31 diciembre 2018	N.º
Total Procesos / Total Complaints	5
El mês más ocorrências / More complaints in October	Oct.
El mês menos ocorrências / Less complaints in December	Dic.
ASOCIATIVO Y CÍVICO (UNIONS AND CIVIC ISSUES)	2
SEGURIDAD (SECURITY)	1
OTRAS RECLAMACIONES (OTHERS)	2


ACCIÓN PROATIVA (PROACTIV ENROLLMENT)

- Junto (*with*):
 - a los estudiantes y asociaciones de estudiantes
students and students associations
 - a las direcciones de las escuelas y profesores
school boards and teachers
 - a los servicios administrativos
services





ACCIÓN PROATIVA (PROACTIV ENROLLMENT)

- crear un medio de comunicación publicado regularmente informando sobre la legitimidad de las quejas y las resoluciones adoptadas.
creating and regularly publishing a bulletin with type of complaints, legitimacy and adopted resolutions
- reuniones con las Asociaciones de Estudiantes.
regular working sessions with students associations



ACCIÓN PROATIVA

- reuniones con los consejos pedagógicos
working sessions with pedagogical council
- y eventualmente Profesores
eventually with teachers
- moderación estudiantes - profesores
Mediation students - teachers



PROACTIVE ACTION

- **TARGET:**
- Students` Assotiation and Students
- Professors` Council and Professors
- Academic Services
- **MEANS:**
- Electronic Bulletin
- Mediation




Gracias / Thank you

Pedro de Matos Gonçalves
Doutor em Ciências Trabalho – Psicologia Social, Univ. Cádiz.
Diploma Estudos Avançados – psicologia Social, Univ. Cádiz.
Pós-graduado em Saúde Mental, Univ. Católica.
Especialização em Psicologia do Trabalho, Social e das Organizações, Ordem Psicólogos
Especialização em Psicologia Clínica e da Saúde, Ordem Psicólogos

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When Ombuds Offices Close

Jenna Brown



WHEN OMBUDS OFFICES CLOSE: MOVING FROM VULNERABLE TO VITAL

Jenna Brown, Ombuds
University of Denver
USA

Colleges and universities everywhere are facing pressures, including but not limited to reduced and historically low government spending, competition over shrinking pools of potential students, rising student fees, slowed growth in international student enrollment, and a push from nearly all stakeholders who are concerned about skills mismatches between graduates' abilities and jobs available. Ombuds offices are not immune from the forces affecting higher education and many are affected by the same.

In the USA, as in Europe, there has been building anxiety and concern about offices closing. Conference sessions have been dedicated to the situation and a working group is considering this subject with the intention of providing a recommendation to the IOA.

This participatory session considers the phenomenon of ombuds offices closing and criteria that are likely to may promote healthy and enduring offices, regardless of their location. The goal of this session is to spark the interest of conference participants who will reflect on this situation and perhaps report on their insights and experience at ENOHE 2020.

In conclusion ...

Why have offices closed?	We do not know.
What recourse do students have if the ombuds office closes?	It depends.
How to immunize ombuds offices from threats of closure?	There are no guarantees.

Item:

After five years of service to faculty, staff, and students, the Ombudsman Office at an American private university was closed. The University did not make a public explanation of the decision. The University Ombudsman has been professionally very active, speaking at conferences, serving on an ombudsman association board of directors and chairing an important committee.

Item:

After just two years, a US public school district closed its Ombuds office due to budget cuts.

Item:

The Ombuds Office opened in 1970, but then was shuttered in 2007 when the Ombuds retired. After an internal search, the office reopened in July 2008. The office was then moved to be more physically and programmatically aligned with student services.

Item:

A school district ombudsman office was created with the support of the Mayor and the community. The first ombuds was criticized for slow and irregular reporting but the office managed a growing caseload. The ombuds was succeeded by an interim ombuds. After 20 months, the office was closed to balance a budget shortfall.

Item:

A city council president complains that she hasn't seen much of anything, that "The only thing I've seen is when she's doing inquiries on the investigation against me." The municipal and charter-mandated ombudsman's office that is dedicated to investigating citizens' complaints and concerns and has broad investigative powers. The current ombudsman took the position after the previous ombudsman was on sick leave for four years of her seven-year term. Residents were asked, but declined, to close it permanently. "We were going to show citizens we appreciated their faith in this office," the ombudsman said recounting an intense schedule she and a limited staff maintained while trying to catch up.

Discussion:

If the ombuds office closes, what resources do students have?

Ombuds Principles

Independence

Fairness

Impartiality

Confidentiality

Informality



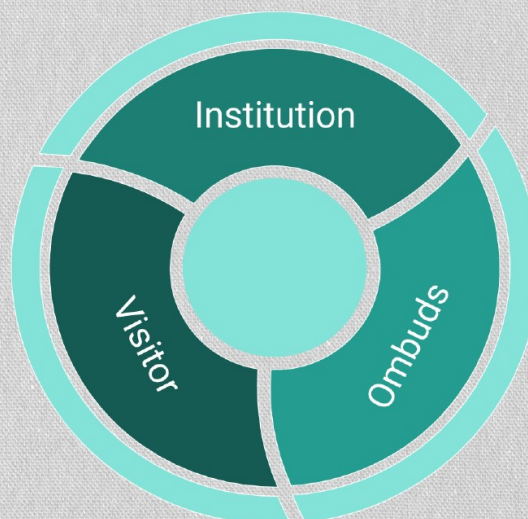
Reduced & historically low government spending

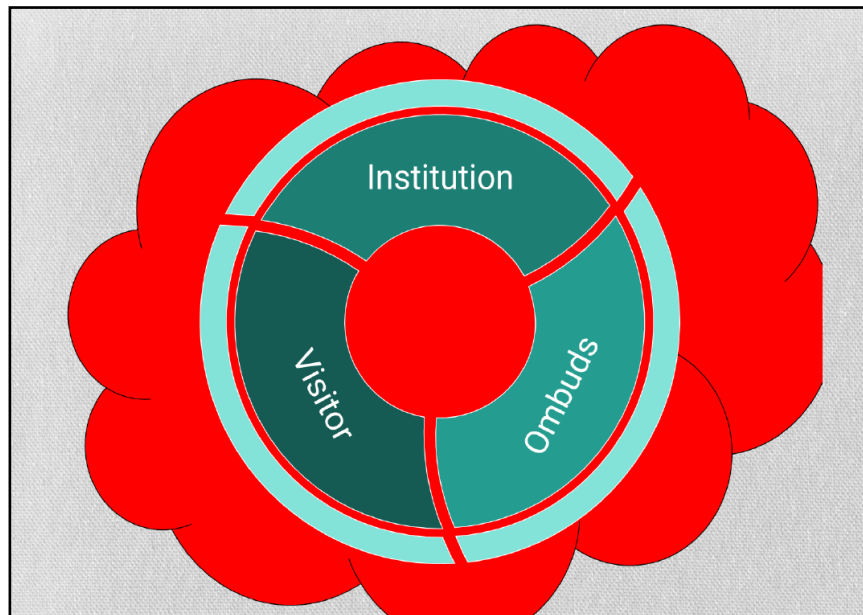
Competition over shrinking pools of potential students

Slowed growth in international student enrollment

Skills mis-matches between graduates' abilities & jobs available

Student fees rising at a much faster rate than inflation.





From Research: Bad News

People don't like people who deliver bad news.
Recipient felt that the person is smug/malevolent.

"It's something about the delivery and the person delivering it."

Implications for:

- developing ways to deliver bad news.
- people who are more likely to deliver bad news.

BBC: All in the Mind, June 4th 2019

Discussion:

How to protect ombuds offices?

Can you identify **one** structure or practice that is appropriate in your culture or country?

The Ombuds: A Systems Role

“We exist to help the institution to do better.”

Emilio Olías Ruiz

26 June 2019

The Ombuds Office: A Systems Approach

	<i>Reporting Relationships</i>	<i>Peer-Leader Relationships</i>	<i>Collateral Relationships</i>
<i>Typical Update Cycle Reporting</i>			
Annual Report	X	X	X
Semi-Annual Report	X	X	
Report-based Meetings	X	X	
Standing Meetings	X		
<i>Ad hoc Reporting</i>			
“Courtesy Call”	X		
Requested Briefing	X	X	X
“Ring the Bell”		X	
<i>Non-Reporting</i>			
Administrative	X	X	
Policy Consult		X	X
Onboarding Orientation		X	X
Casework*	X	X	X
*Direct Report Issue	X		
Outreach		X	X

Mary Conger, 2019

A beginning ...

Why have offices closed?

How to immunize ombuds offices from threats of closure?

Students on the University Front Line: Why aren't your Institutions using Graduate Student Staff to Support early Resolution Efforts?

Heather McGhee Peggs and Natalie Sharpe



ENOHE 2019

Students on the university front line:

Why not use graduate student staff to support early resolution efforts?

Natalie Sharpe, B.A.(Hon), M.A.
Office of the Student Ombuds, University of Alberta

Heather McGhee Peggs, B.A.(Hon), LL.B.
Graduate Conflict Resolution Centre,
University of Toronto



1 minute / 3 thoughts

1. **UNDERGRADUATE** students and **GRADUATE** students – what is the biggest difference in your opinion?
2. **“STUDENT STAFF”** – what word / phrase springs to mind?
3. Rank these activities from MOST & LEAST favourite parts of your job:
 - Responding to queries / questions (information, advice, referrals)
 - Dealing with complainants (analysis, investigation)
 - Interventions (mediation, conciliation, etc.)
 - Recommendations (writing reports, presenting to university community)

What we're going to talk about & what questions do you have for us?

- Graduate Ombuds Intern (UofA) & G2G Peer Advisors (UofT)
- Other student staff models at other institutions
- How student staff contribute to early resolution
- What would need to be true to make this possible at your institution?



Brief History of the U of A Office of the Student Ombuds

- For ~20 yrs, hybrid office - student ombuds (Students' Union & University) mentored by 3 f/t ombuds staff
- New stand-alone Office of the Student Ombuds (OSO) launched a student ombuds internship program in 2015
- OSO in 5th year - 3 interns (2 u/g f/t & 1 grad p/t)
- Robust training & mentorship
- Interns are paid staff; u/g interns may receive university credit if they enter a credit internship program
- **Unique opportunity to learn about the work of an ombudsman!**



What do the interns do? Why graduate & u/g?

- OSO has high caseload – 1200+ students / year – interns help handle caseload
- Interns do what Ombuds Staff do; but difficult/complex cases go to permanent staff
- 2/3 Undergraduate clients – mostly academic standing & academic integrity violations, therefore started with only u/g interns
- Graduate issues – mainly supervisor conflicts, so wanted a graduate intern and took advantage of a 50/50 government funding to secure an internship
- Interns involved in annual review of intern training modules / handbook
- Outreach projects/presentations; leadership & people skills



Graduate Ombuds Interns

“As graduate students, we empathize with the complexity of the multiple issues that graduate students go through. For example, relationships with their supervisor and trying to complete their academic work within the time limits; being in the role of employee and student as the majority are Teaching or Research Assistants.

...[M]any [grads] have family responsibilities, that intersect with the academic lives, and need to integrate these to manage their lives..... A part of looking at options is looking at the family life, knowing supports inside and outside the university, and for those who arrive alone, finding connections to their outside community as well.”



Remonia Stoddart-Morrison,
PhD international student Jamaica,
GS Ombuds Intern 2017-2018

Graduate Ombudsman Mentor

“The OSO Internship has been advantageous for graduate students and for our office. The candidates are mature, highly motivated masters and doctoral students with an interest in pursuing careers in conflict resolution and/or public sector administration....

The mentorship element is a learning opportunity for everyone—the interns benefit from our experience, and we learn from their tough questions and fresh eyes for nuance and complexity.”



Dr. Brent Epperson,
Graduate
Ombudsman,
University of Alberta



graduate
conflict
resolution
centre

A Brief History of the
U of T Grad CRC

- Launched in Jan 2016 as pilot partnership of Student Life, SGS, & UTGSU
- Resource for all members of grad community - conflict coaching & training
- Key initiative: G2G (Grad 2 Grad) peer team; started with 7, now 14 masters & PhDs
- 35hrs+ training & ongoing in-service training & mentorship
- G2G are paid casual staff – key hiring criteria? Good listeners!
- **Unique opportunity to learn conflict management skills and work in a cross-disciplinary team!**

G2G Peer Advisors

“I believe one of the main barriers to coping and managing stressful situations is feeling shame, alone or overwhelmed, making it hard to reach out and ask for help... The fact that we are also grad students is really key to being approachable and making the process of confronting difficult situations more comfortable...There are certain challenges in grad life that are universally known and relating as equals offers students a place they can feel empowered and understood.”

“...as students might be intimidated to speak with other people within their department, the diversity [of the G2G team] allows people to feel comfortable reaching out to us.”



G2G Peer Advisors

- ✓ listen
- ✓ make referrals
- ✓ explore options
- ✓ give tips & advice on how the student might resolve or manage conflict

- X advocate
- X intervene

Informal & confidential peer advising


- UofT is large - ~19,000 grad students
- 200 conversations 2017/2018 (90% students)
- Embedded around the university
- Training for over 600 students / year
- Advisors do what professional conflict coaches would do
- Annual review, customize workshops; create unique initiatives (e.g. skits) & social media (videos, Twitter, blogging) Facebook Live



- ❖ Psychology
- ❖ Drama & Theatre Studies
- ❖ Physics
- ❖ Education
- ❖ Health Informatics
- ❖ Social Justice
- ❖ Criminology
- ❖ Social Work
- ❖ Global Affairs
- ❖ Medical Science
- ❖ Aerospace Eng.
- ❖ Higher Ed.
- ❖ English
- ❖ Medical Biophysics
- ❖ Public Health
- ❖ Counselling Psychology
- ❖ Law
- ❖ Cell & Systems Biology

“During my role I’ve also gained an appreciation of the complexity of issues that students can encounter during their graduate education which can often be exacerbated by power dynamics, cultural differences, mental health issues, systemic barriers, and the ‘culture of excellence’ at the University. I found it surprising that most of the issues and conflicts that students approached me about was fairly consistent across programs, departments, and levels of study.”

Most common graduate issues

OSO Grad Interns 

- Supervision
- Peer and lab conflicts
- Academic standing issues (e.g., failed candidacy; forced move from PhD to Master’s)
- Precarious funding issues
- Juggling family/academic priorities
- Loneliness/cultural misunderstandings
- Bullying and Harassment
- Allegations of academic offence
- Authorship conflicts

Grad CRC G2G Peer Advisors 

- Supervision
- Escalating issues / policies & processes
- Conflict resolution & communication strategies
- Relationships with other students (group/lab), RAs, PIs, Post-Docs; administrators; instructors
- Family / personal (roommate) issues
- Time to completion / progress
- Challenges being a grad student - career Q; PhD vs. masters; pressures; imposter etc.
- Authorship & IP

Biggest differences?

OSO Grad Intern



- 1 grad part-time one-year appointment; Non-Academic staff appointment (benefits plan; PD; protection)
- 1 p/t Graduate Ombuds Intern (2 days/wk)
- Tied to a Graduate Student Internship program managed by University Career Centre - GSIP (50/50 government-University Dean of Students funded) - ~ \$25 CDN per hour
- ACCUO members
- Attend meetings & hearings with student clients as advisors to ensure due process
- Confidential information recorded for statistical purposes only

Grad CRC G2G Peer Advisors



- 14-16 grads p/t (6-8hrs/week) annual casual USW contract w/ renewal – as long as current grad student
- 1 f/t staff Manager; 1 p/t Coordinator; 1 p/t administrative assistant
- Currently funded by SGS/Student Life fees - \$18/\$19 CDN per hour
- CCR credit only
- Very low barrier – on location outreach & drop-ins
- No files

Other student conflict management models?



MIT Resources for Easing Conflict and Stress (REFS)
– grad students trained in conflict resolution / mediation who provide confidential peer support at departmental level

- **University of Manitoba Student Advocacy Office** – u/g student staff



UNIVERSITY OF MANITOBA

STUDENT AFFAIRS
Student Advocacy



University of Michigan Office of Student Conflict Resolution (OSCR) – grad & u/g - \$9.45/hr – mainly meeting with students involved with incidents related to alcohol and other drugs and related case management.

- **York University Office of Student Community relations – Peer Support Team**



What do you see as benefits/ risks of student staff doing front line conflict management advising?



What about student staff doing peer training and outreach?

Reality Check

- Institutional commitment
 - \$
 - Student-centred approach
- Supervision & mentorship
 - Time commitment
 - Understand impartiality
 - Ensure accuracy
 - Awareness of secondary trauma
- Training, training, training
 - Credibility
 - Trust
 - Help integrate into the institutional fabric

“A grad ombuds intern has to be careful of how much we empathize to not compromise being impartial; I need carefully balance, not impose my way of thinking as better than options suited to and decided by my peer client.”

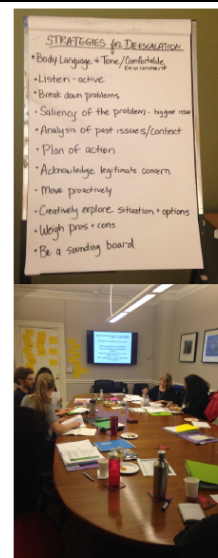
“How do you cover all the bases to ensure proper training to ensure proper training?”

“It is easy to find problem-solvers, but what is needed isn't problem solving but good listening.”

“You have to be confident as we are mature students who have gone through several years of PSE; showing lack of confidence may diminish the trust others have in you.”

The Challenges: Our thoughts...

- How do you ensure that you have enough time for quality and consistency in training, mentoring?
- How can you handle and adapt to those who may need additional training/support to meet standards?
- Is this viewed as “exploiting student labour” or diminishing need for experts in conflict resolution?
- How do you transition someone from assisting with training to leading training?
- How do you build “trust” in student staff?




How might you “sell” student staff to your institution?

- Students can develop professional skills such as: conflict management; empathetic listening; leadership and presentation skills; diplomacy skills
- Check for any government or university career development programs that you may link to (funding and outside professional career development expertise)
- Mentoring by professionals for incremental growth
- Referring to Peers who are paraprofessionals

Establishment of Ombuds Offices - an Added Value to Student-oriented Educational Environment in Georgia


Tamta Demetradze




Establishment of Ombuds Offices - an added value to student-oriented educational environment in Georgia


Akaki Tsereteli State University
Kutaisi, Georgia

Advocacy Establishment for Students through Ombudsman Position" (AESOP)

Co-funded by the Erasmus+ Programme of the European Union 




Conference ENOHE 2019
University of Leon, Spain
June 26-28, 2019




Erasmus+ Key Action 2 Capacity Building in Higher Education
"Advocacy Establishment for Students through Ombudsman Position"
AESOP (2016-2019)


Regional Project involving
3 beneficiary countries from Eastern Neighbouring Area - GE, UA and AZ
5 universities from 5 Programme Countries
Austrian Student Ombudsman Office
Ministry of Education of Azerbaijan

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Objective of the project is to promote democratic "Student Advocacy" procedures in agreement with the Bologna Process in three countries from Eastern Neighbouring Area by establishing Ombudsman Offices

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• Bergen Summit 2005, Norway - Georgia joined Bologna Process



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

• April 2019 - ENQA Board granted membership to the National Center for Educational Quality Enhancement (NCEQE, Georgia)




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Advocacy Establishment for Students through Ombudsman Position” (AESOP)



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Background

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

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Need in

- democratic system for dealing with conflict and students appeals
- mechanism to deal with unresolved issues due to unclear or ambiguous procedure


Students advocacy was chosen as one of the challenging issues in everyday life of the Universities

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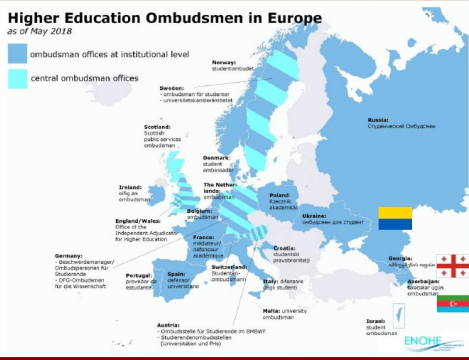
Advocacy Establishment for Students through Ombudsman Position” (AESOP)



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Part of
European Family
of Ombudsmen



Advocacy Establishment for Students through Ombudsman Position" (AESOP)

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Completely new concept offered and developed at beneficiary universities
3 Georgian Universities among them






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


Advocacy Establishment for Students through Ombudsman Position" (AESOP)

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




Activities of Ombudsperson's Office is based on 3 core principles

- Neutrality
- Confidentiality
- Independence

Advocacy Establishment for Students through Ombudsman Position" (AESOP)

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- ✓ Training for ombudsmen
- Focus on the topics a) that will provide knowledge and understanding how the organization works, what basic law principles are, b) that are expected to be reported by the students and staff of the University/ that will enable the ombudsman to deal with the problems effectively that will be helpful while dealing with the problems reported
- Mediation *
 - Effective Communication and PR *
 - University structure *
 - Statute of the University *
 - Code of Ethics *
 - Law on Higher Education *
 - Basic employment and administrative law principles
 - Financial matters – conditions of enrolment, case of suspension of student status, Tuition fee, scholarships, social funds, state funds, salaries, research funds, leave, maternity leave
 - Students rights *
 - Psychology, psychological issues, common personality types

Advocacy Establishment for Students through Ombudsman Position" (AESOP)



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Through establishment of Ombuds Offices it is possible to

- ✓ give students full access to democratic procedures in making appeals and resolving conflicts in administrative issues.
- ✓ provide high quality student support
- ✓ to implement democratic spirit of the Bologna process by creating a fair and neutral process for students to resolve conflict

Establishment of the position of the Ombudsperson and Ombuds Office at HEIs is ensured by the inclusion of the Office in the structure of the university based on legal documents such as Rector's Order or University Charter

The Ombudsman Service is available at the Universities.

Ombudsman accepts cases reported in person, by phone, by e-mail and by post. No anonymous claims are accepted. After the case report is accepted the reporting party is invited to a face-to-face meeting. During a direct conversation the Ombudsman and the client discuss the problem and the range of available solutions.

Advocacy Establishment for Students through Ombudsman Position" (AESOP)



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Thank you!

Any questions?

Advocacy Establishment for Students through Ombudsman Position" (AESOP)



From the Past to the Future, through the Present, with an Ombuds Spanish Perspective

Marta Elena Alonso de la Varga



we are



we do

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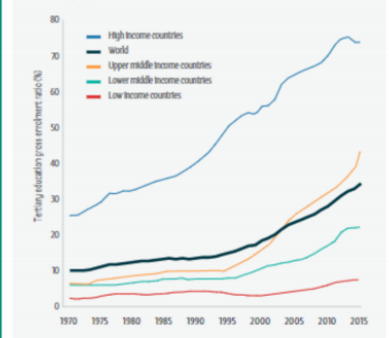


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no one behind

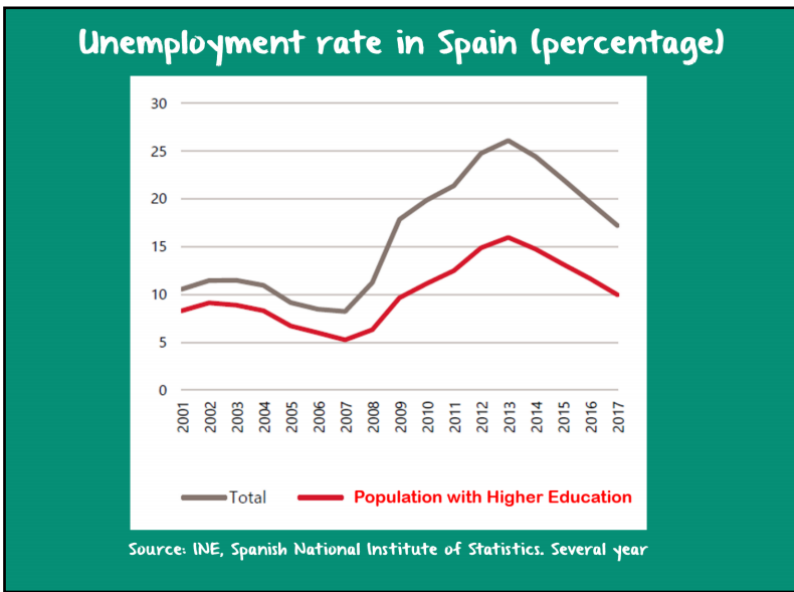
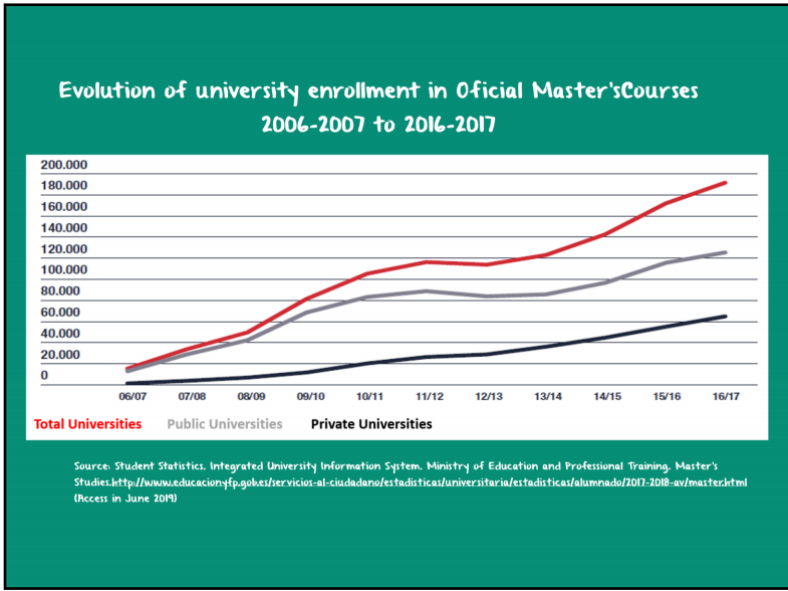
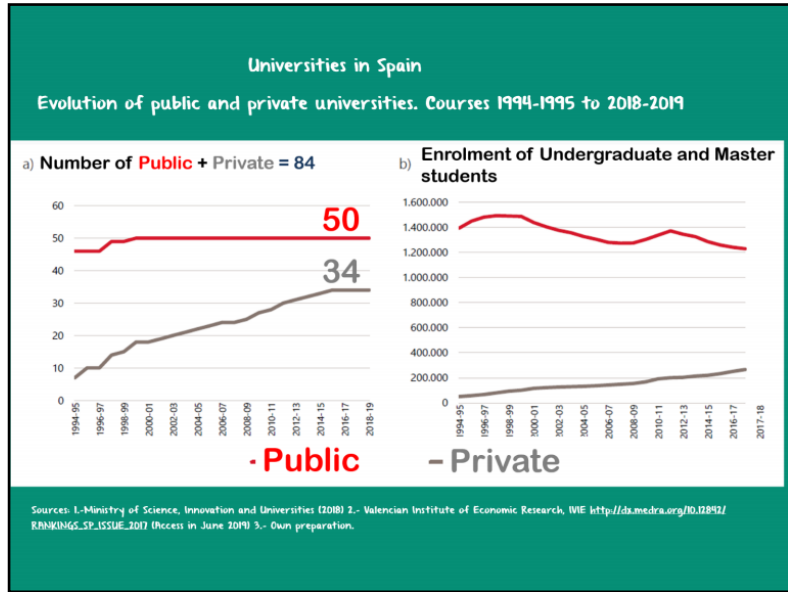
FIGURE 1:
Enrolment in upper-middle income countries has grown by 7% per year in the past 20 years
 Tertiary education gross enrollment ratio, by country income group, 1970-2014 (%)

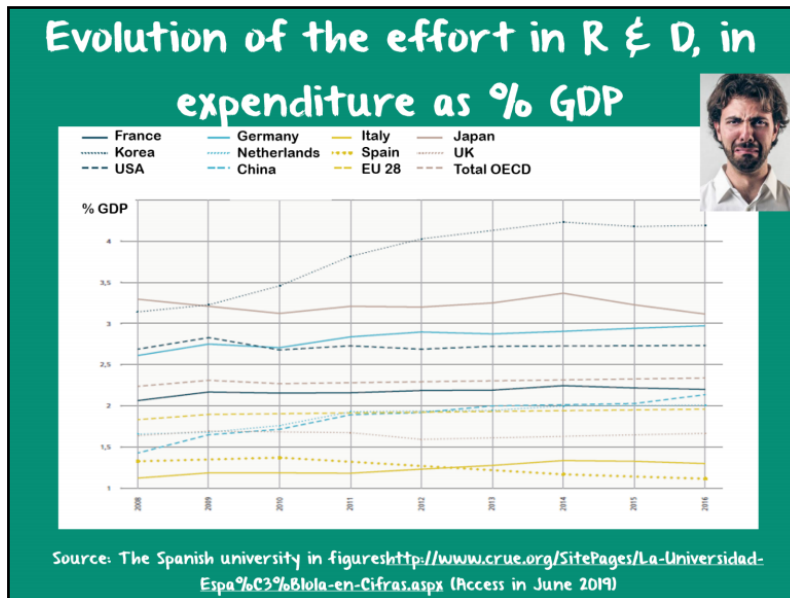
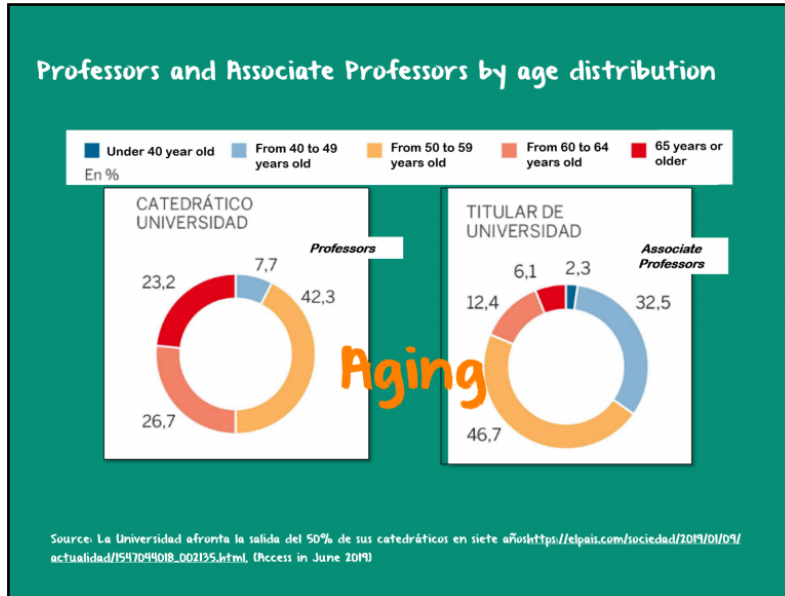


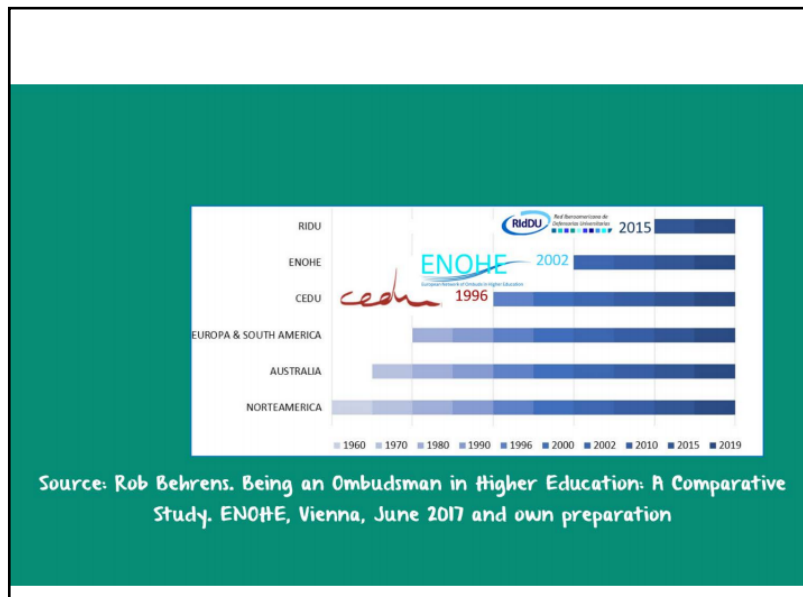
Source: UIS database.

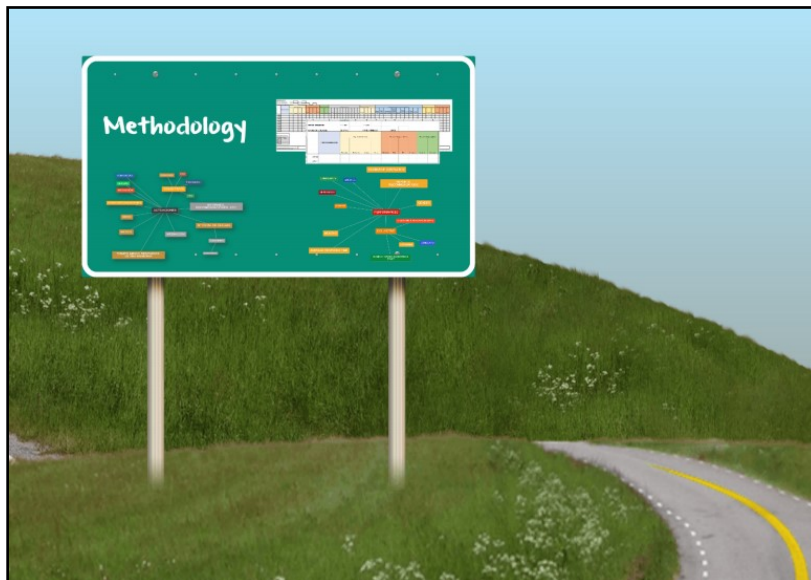
Good news to start!

Source: Six ways to ensure higher education leaves no one behind, UNESCO 2017





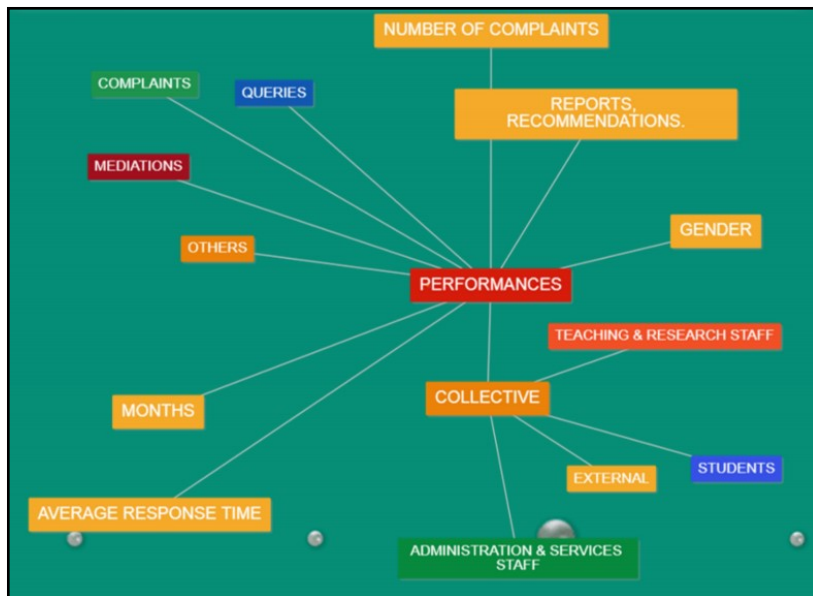
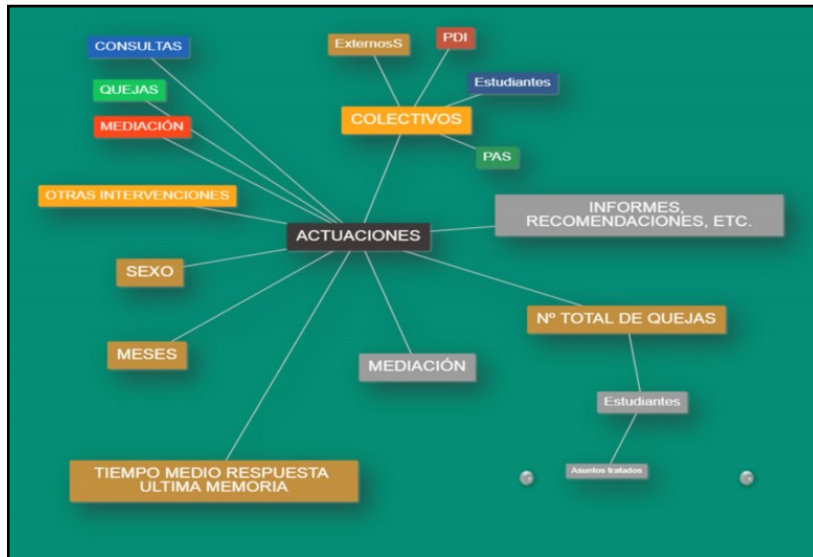


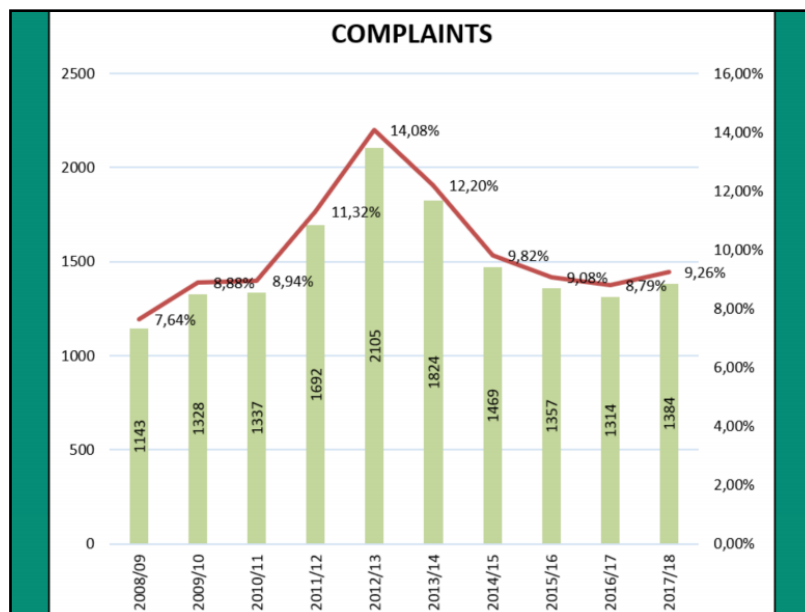
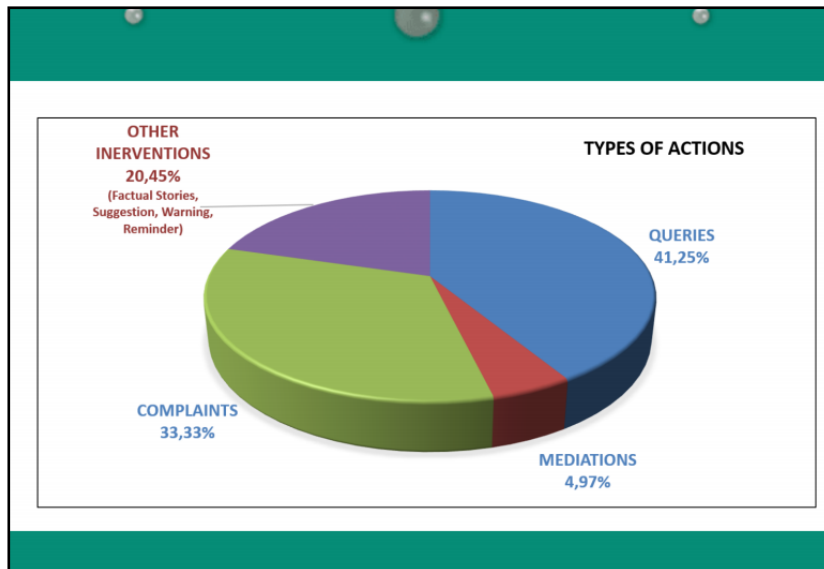


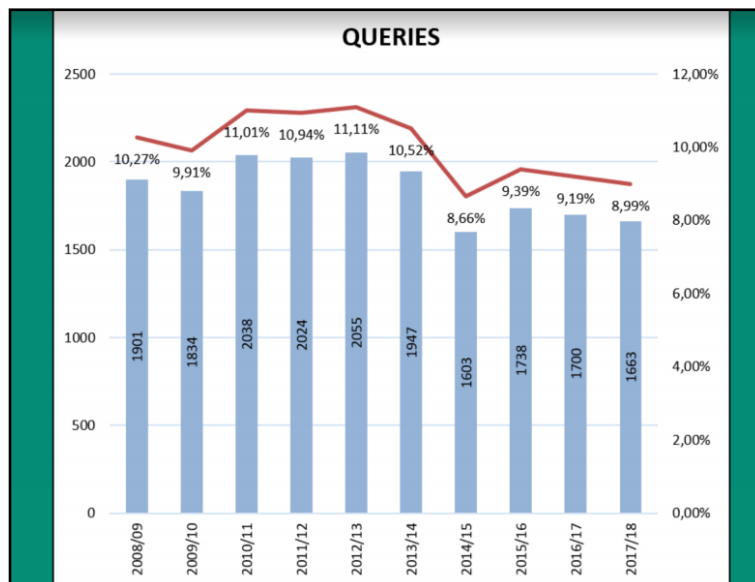
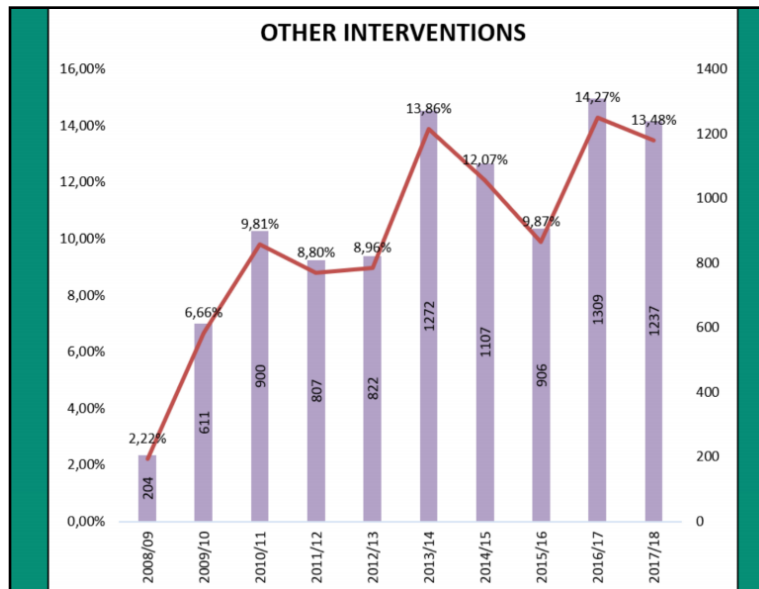
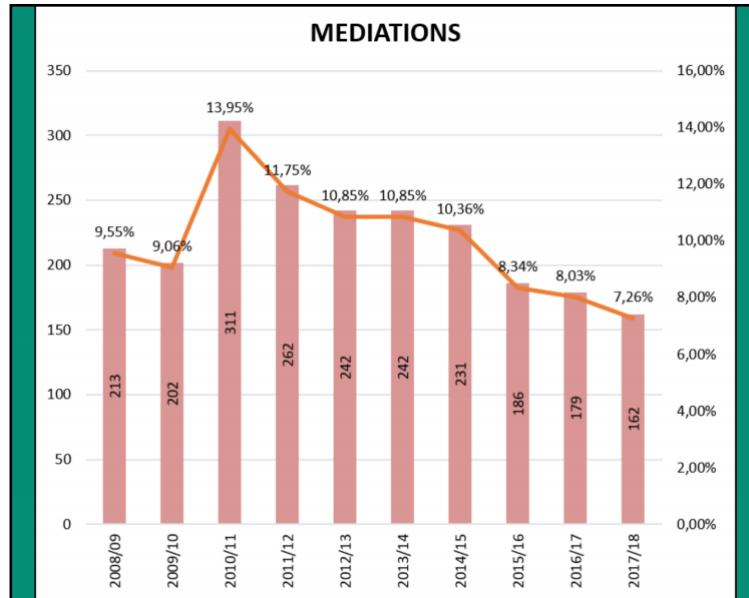
FORMAS DE ACTUACIÓN		TIPO DE ORGANISMO										
		PÚBLICO					PRIVADO					
		DE OFICIO		PARTE INTERESADA			OTROS					
		Tipo de actuaciones					Actuaciones por colectivo			Actuaciones por género		
Número de actuaciones		Consulta		Mediación	Queja	Otros	Estudiante	Pas	Pdi	Externos	Femenino	Masculino
2008/09												
2009/10												

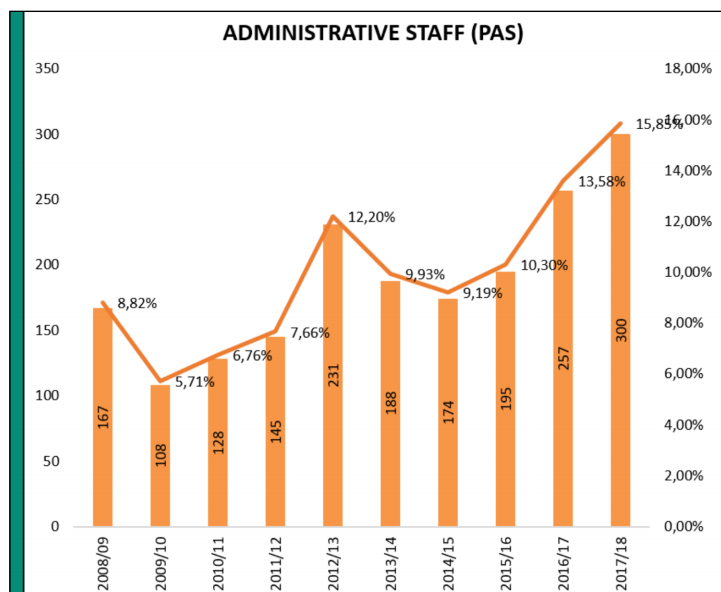
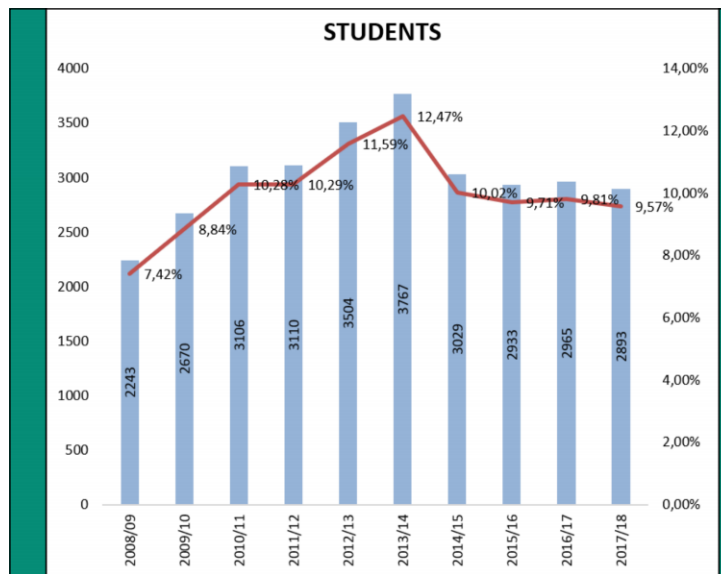
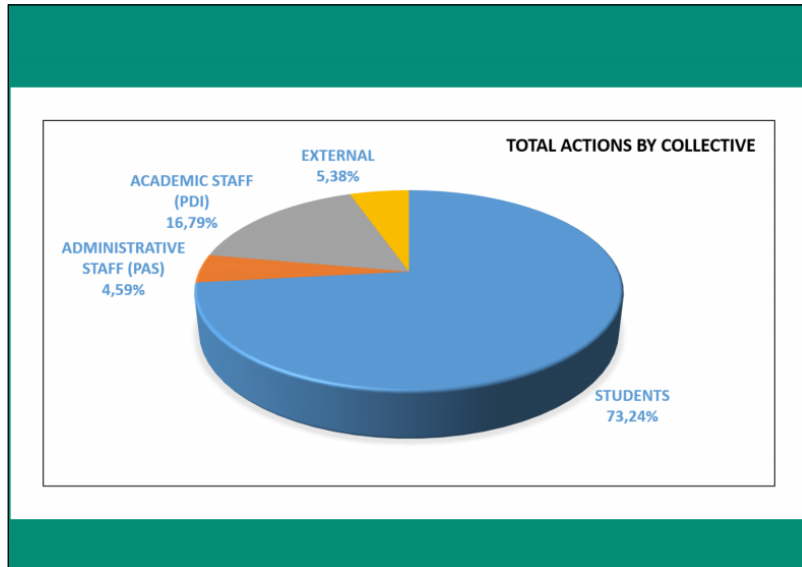
NUMBER OF COMPLAINTS

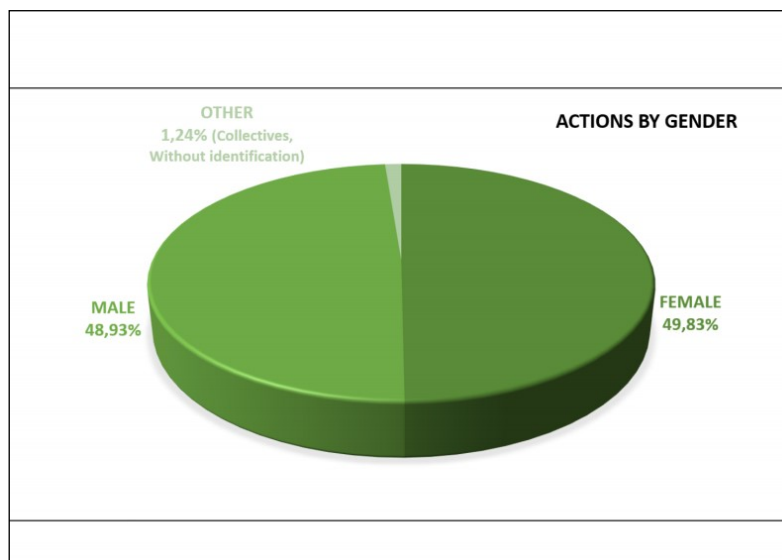
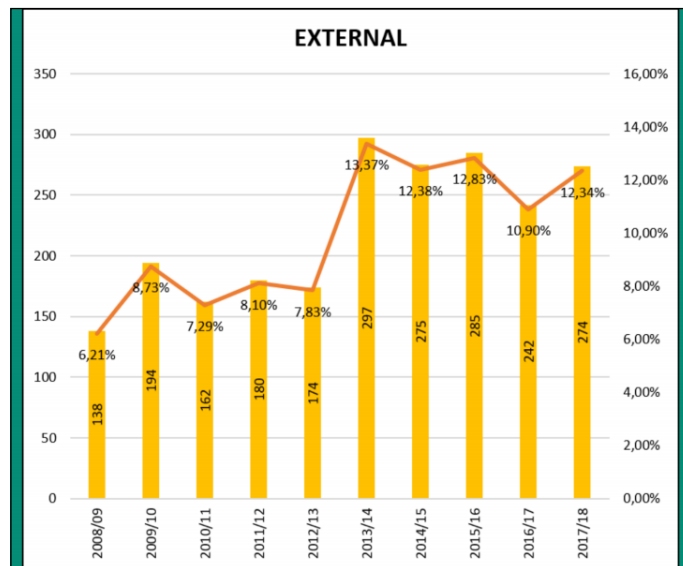
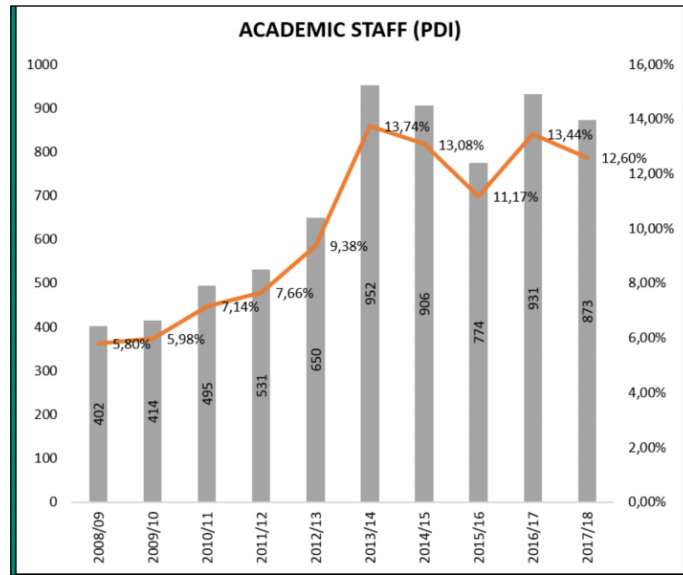
COMPLAINTS QUERIES REPORTS, RECOMMENDATIONS.

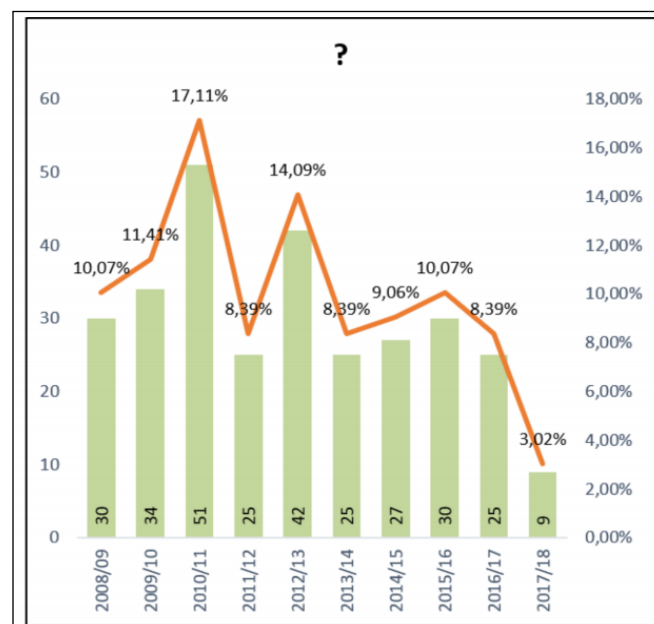
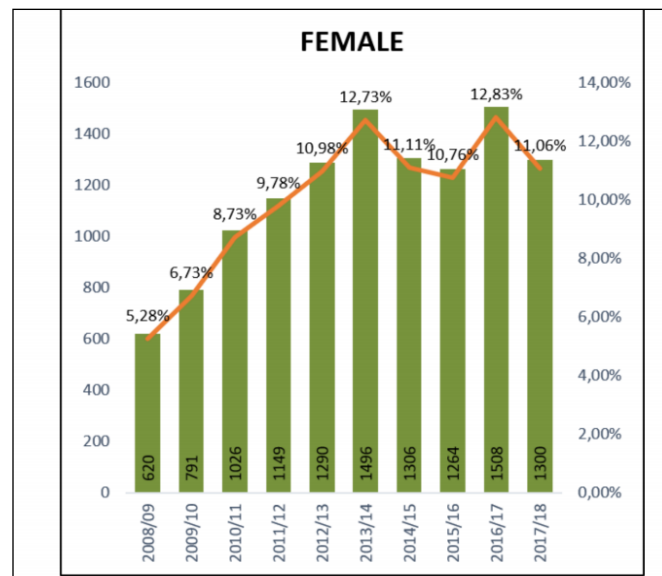
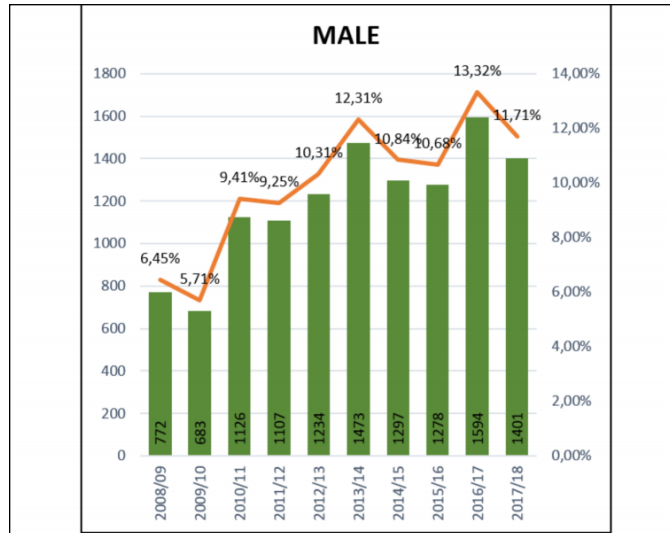


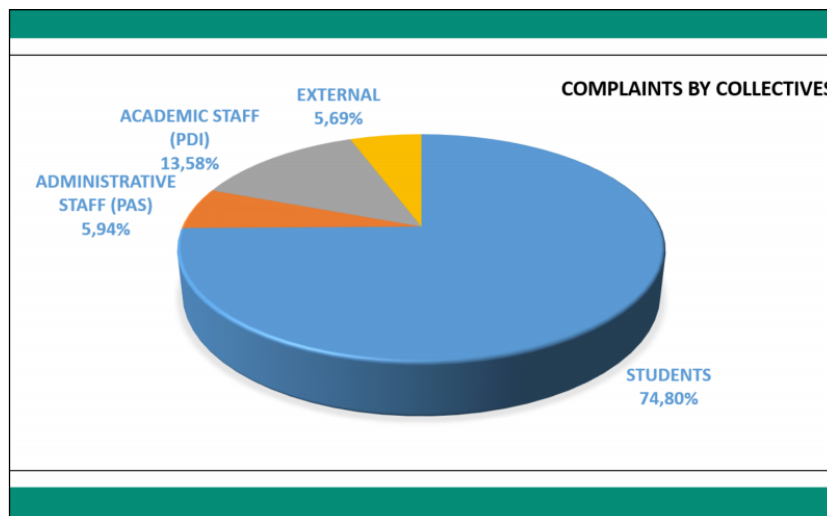
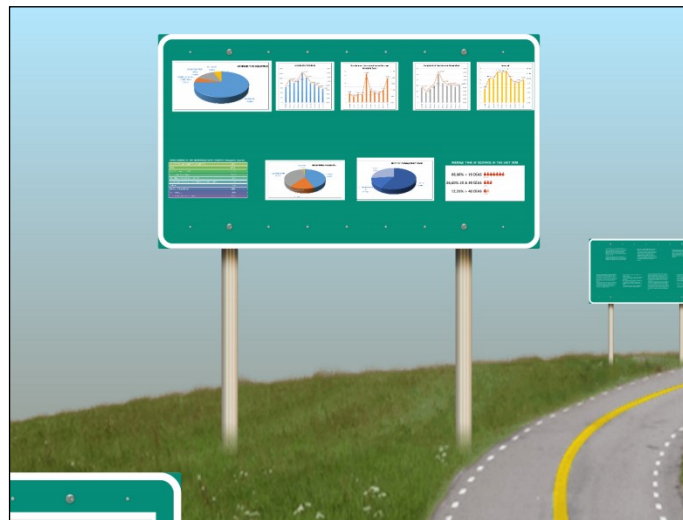
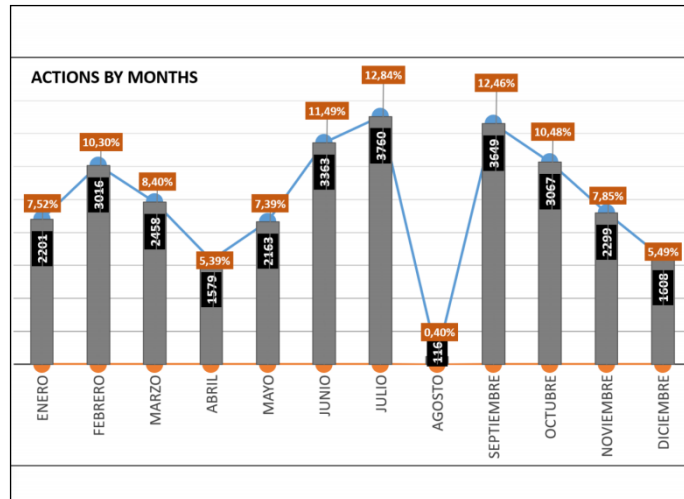


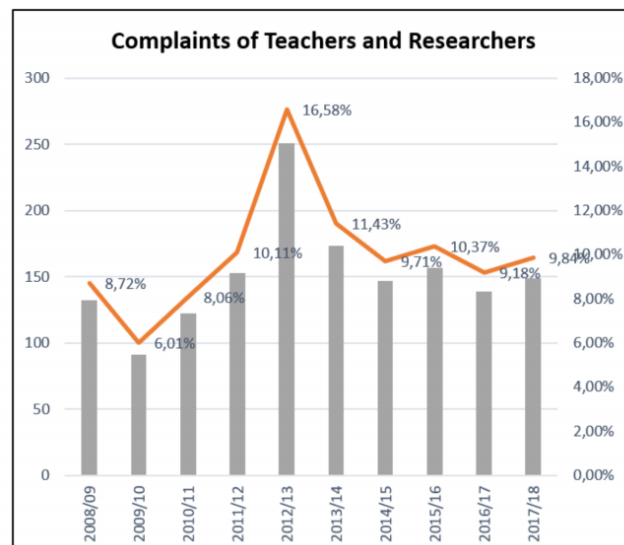
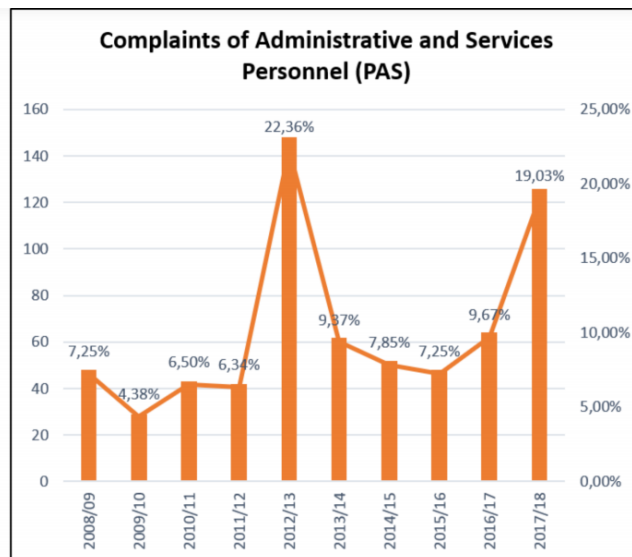
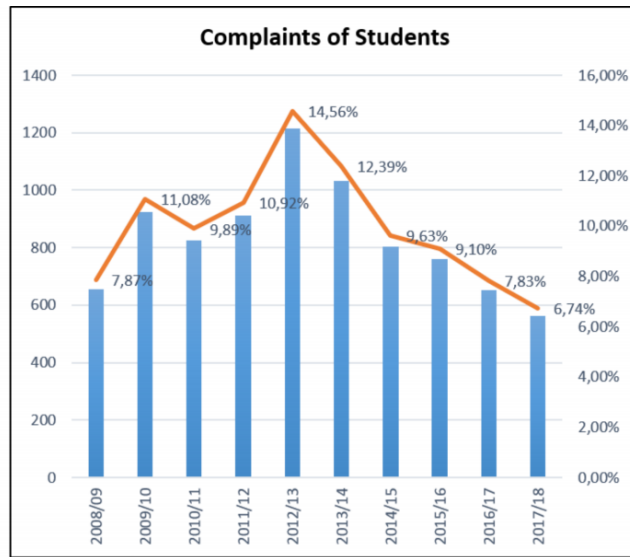


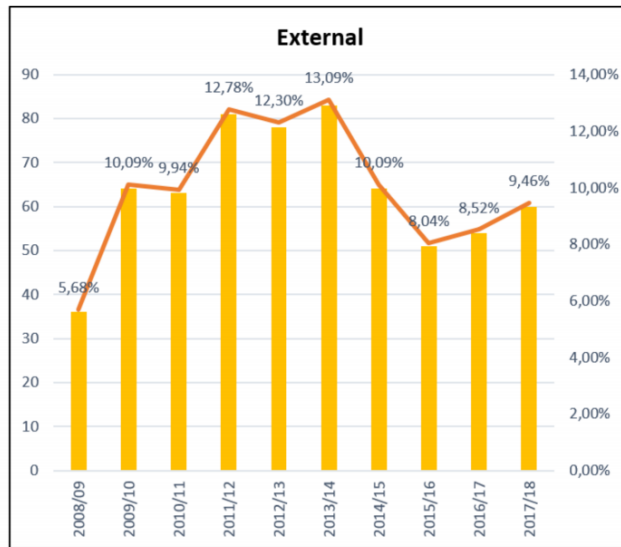






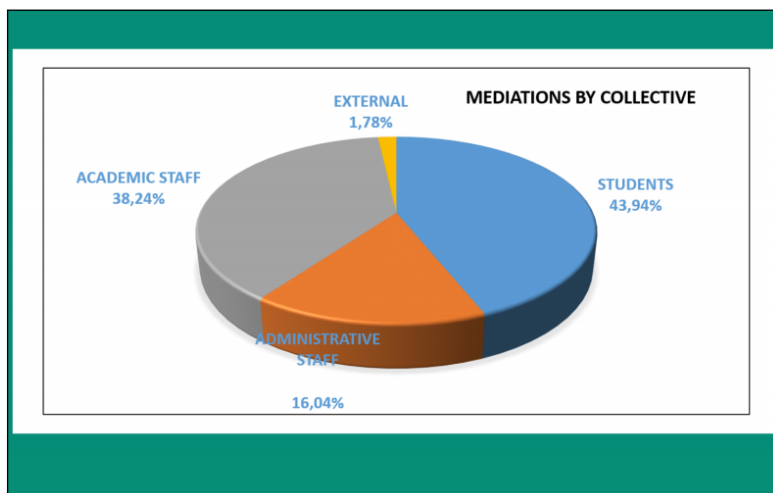


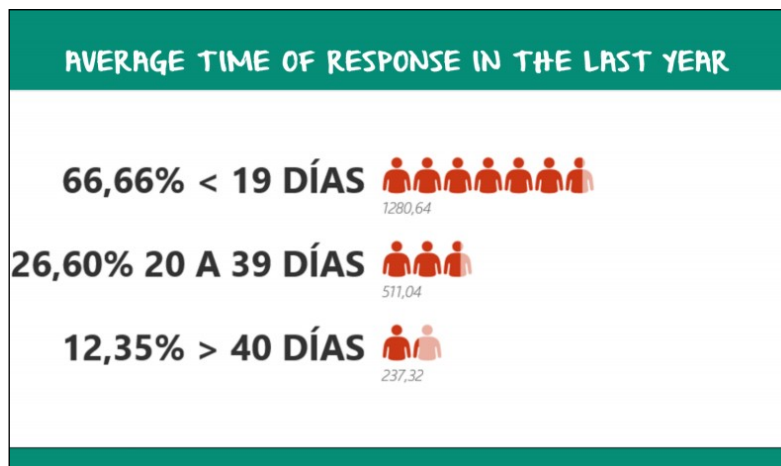
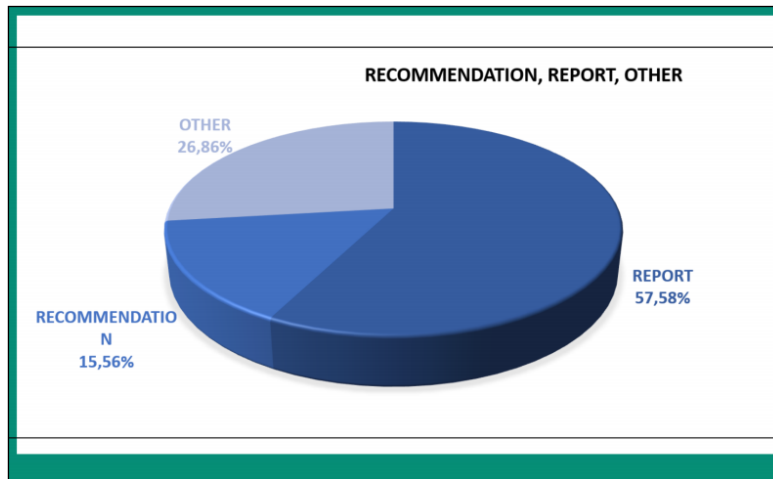




TOPICS COVERED IN THE PROCEEDINGS WITH STUDENTS (Complaints, Queries)

Evaluations and exams. Compliance with regulations	31,82%
Others	16,53%
Access, Admission, Enrollment	13,63%
Administratives Transactions	12,52%
Scholarships, Grants, Fees and Public Prices	7,07%
Social behaviors (Harassment, Disrespectful Acts, Academic Discipline)	6,29%
Curricula	4,81%
Final Degree/Master Project	3,33%
Mobility Programs	2,10%
Curricular and Extracurricular Practices	1,91%





The action taken as a result of the complaint presented by a doctor researcher, in which he denounced that the University only allowed them to collaborate in teaching up to a maximum of 60 hours per year, while the Spanish Ministry of Economy and Competitiveness allowed the research staff included in the programs "Juan de la Cierva" and "Ramón y Cajal" will collaborate up to 80 hours per year.

Following the recommendations made to the competent Vice President, the Governing Council approved the modification of the PDI Regulations to allow research staff with the doctor degree to collaborate up to a maximum of 80 hours per year in teaching.

Report of a student of PAU (University Entrance Exam) on some facts related to the favoring treatment of a teacher (assistant profesor at the University and teacher in a High School) towards another student of his High School, when evaluating the exams of PAU in a subject. The student took the máximo mark (10 out of 10), as the teacher supposedly said he would do in case he had to evaluate an exam of a student at his institute.

Positive assessment in relation to situations of harassment (between teachers, students, teacher-student) in which, thanks to the advice and intervention of the Ombuds, the people involved denounce this situation, thus initiating the procedures established by the University.

A person from the Administration and Services Staff (PAS) filed a complaint of work-related harassment towards their Head of Service (HS), due to the fact that the HS did not incorporate the person into the work team and that HS did not entrust the person with the tasks corresponding to his level. The Occupational Risks Commission saw no sign of harassment and suggested to the Ombuds the intervention to reach a mediation between the workers.

After a long process of mediation (5 months), an agreement was reached in which the basic criteria of their professional activity were established according to their destination and their qualification. The mediation was carried out with the Head of Service and the corresponding Vice President, with the collaboration of the University Manager.

Discrepancy between teacher and students of a subject of Degree:

Students complaint about a procedure and evaluation criteria that do not appear as such in the course information.

After submitting the disagreement to the Dean and the Department's Directorate, the profesor and students accept the proposal of a mediation by the Ombuds.

The mediation is carried out and the agreement is reached after significant mutual assignments.

A member of the PAS requested our advice and, finally, intervention because he was denied the recognition of an online course. He initiated a grievance procedure that concluded with a negative resolution to the appel presented to the President of the University. It was then that he requested our intervention, which resulted in a recommendation explaining the reasons why he was right and that it was not taken into account either. The worker went to the Court, using the recommendation made by the Ombuds, and that is where they ended up giving him the reason. That is to say, the University has been forced judicially to recognize this online course, when it would have been less expensive to attend to the arguments, corroborated in the judicial Branch, wielded by the Ombuds.

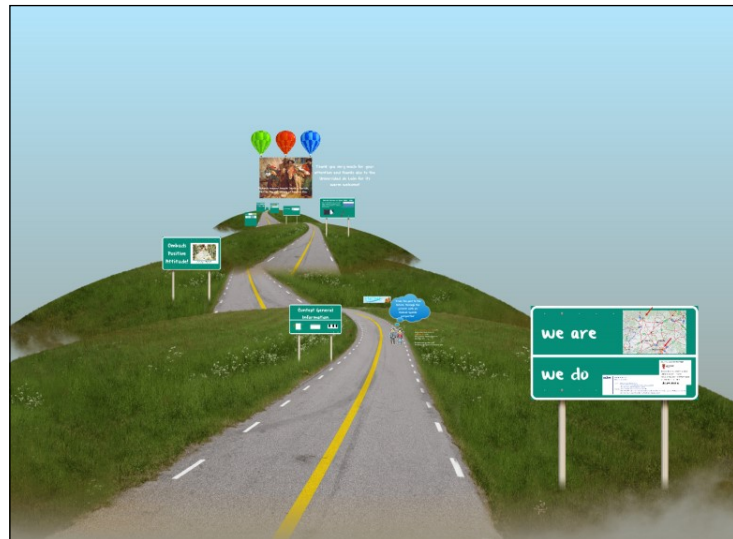
A student is denied a Ministry scholarship to study. This student, the previous year, had suffered the death of two relatives in first grade, which causes him a depression. Also, on those same dates, his father lost his job. As a result, the student was unable to overcome the credits required in the scholarship call. From the Ombuds Office, he was helped to process an existing scholarship at the University, "Grant of help to special situations that have occurred", which was granted, as well as to process the allegations to the Ministry of Education, presenting reports, medical certificates and death certificates. The Ministry ended up resolving in favor of the student, who did not have to return the corresponding part of the scholarship. What is relevant in this case is that the Ombuds provides a personalized support to the students in their claims that, given the personal circumstances described, requires a certain empathy and that no other service of the University can offer.

A student of a degree who is not allowed to enroll in any subject of the fourth year as a result of having a second course pending subject, comes to the Office of the Ombuds. It is verified that this is because the Center is applying the rules of permanence, which requires students who wish to access a higher course to enroll all pending subjects in previous courses. However, these students could not enroll one of the subjects pending third year for not having passed a key subject of the previous year. As a result, there was an effect that was not sought by the regulations, which, in addition, disproportionately limited the right to progression in university studies. For this reason he proposed to the Vice-Rectorate of the Degree a different interpretation of the rules of permanence, and recommended that the application for registration of these people be admitted even if they had a previous subject without registering. The affected students were finally enrolled in the fourth year and were able to continue their studies.

A University leaves us the results of its actions during the two years in which the current Ombuds was acting:

Year 2017: Favorable results 63%, Unfavorable 30% and Unspecified 7%.

Year 2018: Favorable results 72% and unfavorable 28%



The Spanish Model of University Ombudsman

Paulino C. Pardo Prieto

SUMMARY: The Spanish Basic Law on Universities, number 6/2001, added new purposes for the institution of University Ombudsman. These included watching over the rights and freedoms of the academic staff, students, and administrative and support staff, and working towards improvements in all aspects of the quality of universities. The law also established that the functions of the Ombudsman should not be subject to the orders or under the control of any part of a university's organization. On this basis, combined with their individual precedents, the various Ombudsman's Offices have developed their own institutional models. Despite this diversity, certain common features predominate. Thanks to responses from a large number of Spanish University Ombudsman's Offices, this study can provide a general characterization of them all.

I. Presentation of the Work.

During the academic year 2018 to 2019 the Ombudsman's Office of the University of Leon put forward a proposal for new regulations to the *Rectorado*, or Vice-Chancellor's Office, of the University, requesting it should be submitted for approval to the *Claustro*, or Congregation, the assembly of academic staff. This would culminate in a complete overhaul of the regulations governing the oldest existing University Ombudsman's Office in Spain.

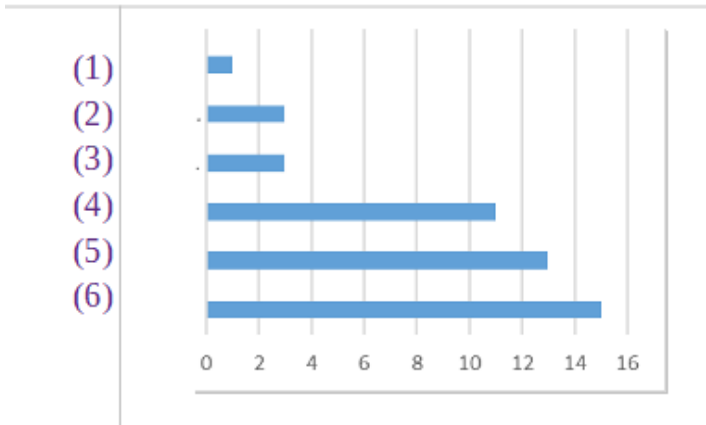
The Spanish Basic Law on Universities, number 6/2001, when regulating the post of University Ombudsman, makes only a few stipulations. It provides that in order to ensure that the rights and freedoms of academic staff, students, and administrative and support staff are respected in the actions of the various bodies and services of universities, the position of University Ombudsman should be established within the organizational structure of each university. It states that the Ombudsman's actions should always be directed to improving all aspects of the quality of the university. It notes that to facilitate this work the post of Ombudsman should not be subject to the orders, or under the control, of any other part of the university and should be governed by the principles of independence and autonomy.

Thus there are major purposes envisaged for the institution of Ombudsman, as the holder should ensure that the rights and liberties of academic staff, students, and administrative and support staff are respected. The holder should also strive to improve all features of university quality. Similarly, there is a golden rule indicating how the institution should function, that the Ombudsman should not be subject to orders or control from any other part of a university's organization. On this basic framework, each Spanish university has built up its own model of Ombudsman's Office.

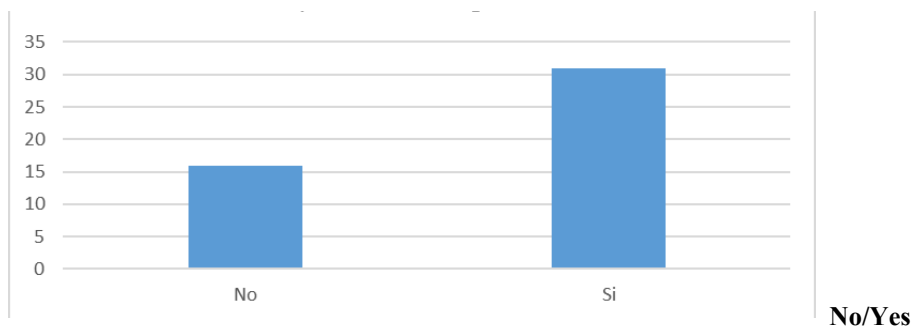
As a new model was being designed for the University of Leon, it was felt advisable to have an overview of these models and to draw conclusions about how they functioned, with an eye to implementing or omitting specific characteristics in the new arrangements. The results given below are the outcome of a survey in which forty-eight universities participated. This amounts to two-thirds of the Spanish State Conference of University Ombudsman's Offices (CEDU). The details are thus a very good illustration of the panorama with regard to this institution in Spain.

II. The Institution of University Ombudsman in Spain

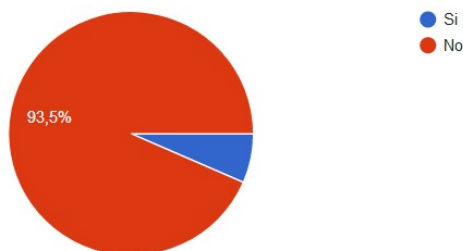
1. Who may hold the post of University Ombudsman? (1) A notable figure from outside the University; (2) A member of the academic staff, a member of the administrative and support staff, a student, or a notable figure from outside the University; (3) A member of the academic staff, a member of the administrative and support staff, or a notable figure from outside the University; (4) A member of the academic staff, or a member of the administrative and support staff; (5) A member of the academic staff; (6) A member of the academic staff, a member of the administrative and support staff, or a student.



2. Has the Ombudsman's Office its own private and independent registry and archive for documents addressed to it?

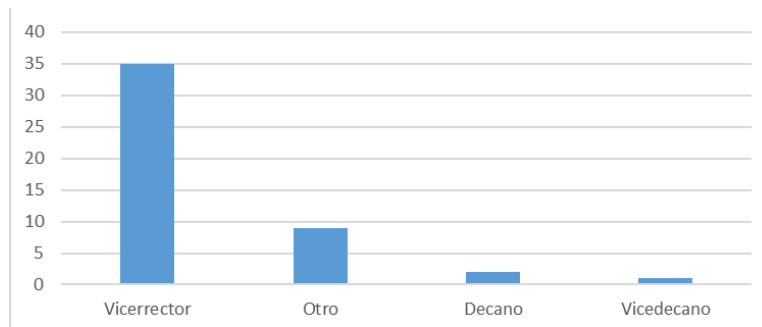


3. Can the person holding the post of Ombudsman be subjected to disciplinary action on the grounds of the views put forward or actions taken in the legitimate exercise of the post's functions?

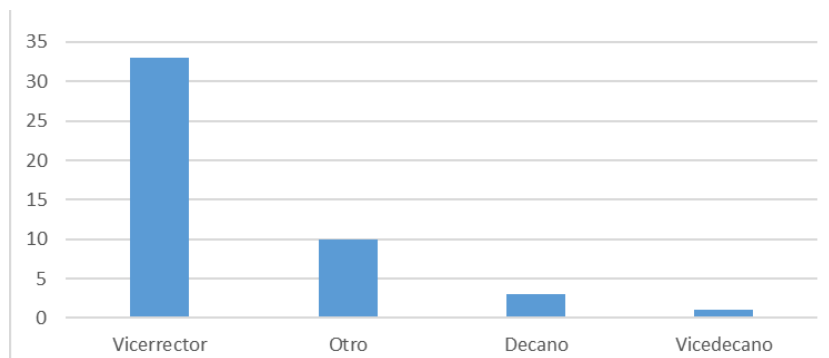


No/Yes

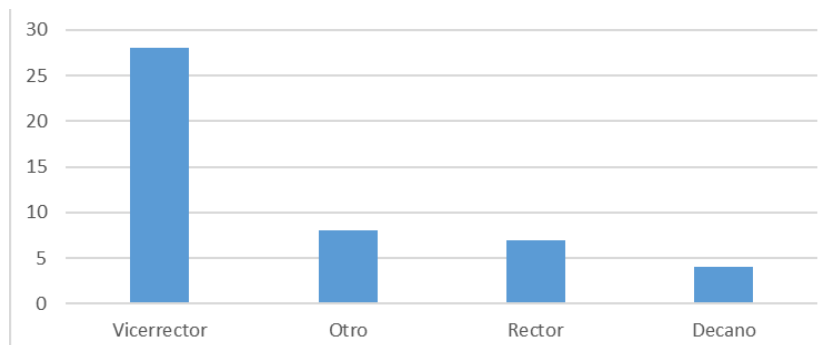
4. To what rank is the post seen as equating in terms of status?



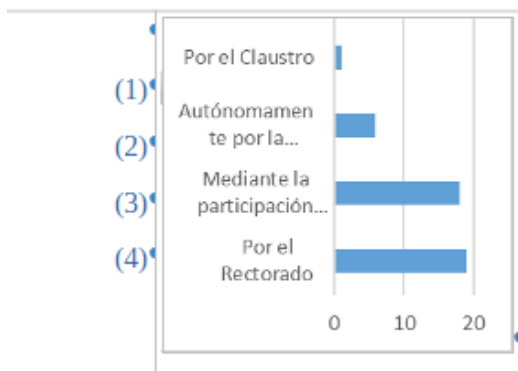
5. To what rank is the post seen as equating in terms of emoluments?



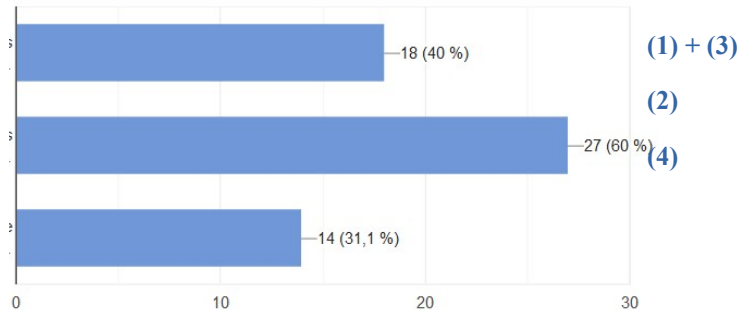
6. To what rank is the post seen as equating in terms of exemption from teaching or other duties?



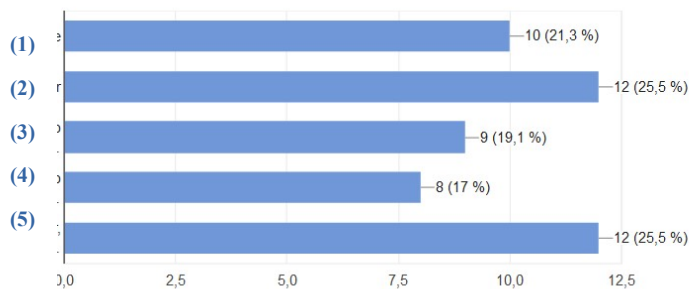
7. Who establishes the budget for the Ombudsman's Office (1) Congregation (2) The Ombudsman's Office itself (3) The Ombudsman's Office and the Vice-Chancellor's Office, Congregation, University Council or another body jointly (4) the Vice-Chancellor's Office.



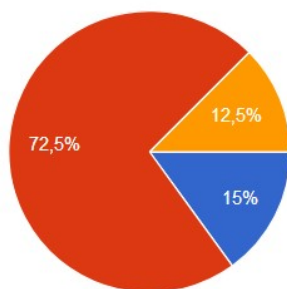
8. The person holding the post of Ombudsman may request to attend: (1) Sessions of collegiate governance bodies (2) Sessions of collegiate bodies of the university (3) Sessions of collegiate governance bodies and sessions of collegiate bodies of the university (4) No specific provision has been made for such attendance.



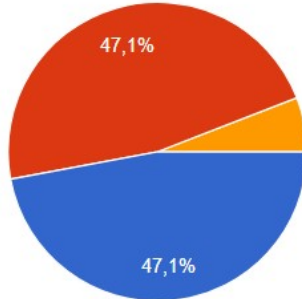
9. Can anyone stand for the post of Ombudsman or is there some specific requirement for possible candidates? (1) Yes, any qualified candidate can stand freely, (2) No, candidates must be proposed by Vice-Chancellor, (3) No, candidates must be proposed by a given number of members of Congregation, (4) No, candidates must obtain a minimum number of signatures from seconders, (5) No, other requirements apply (these should be indicated in the observations).



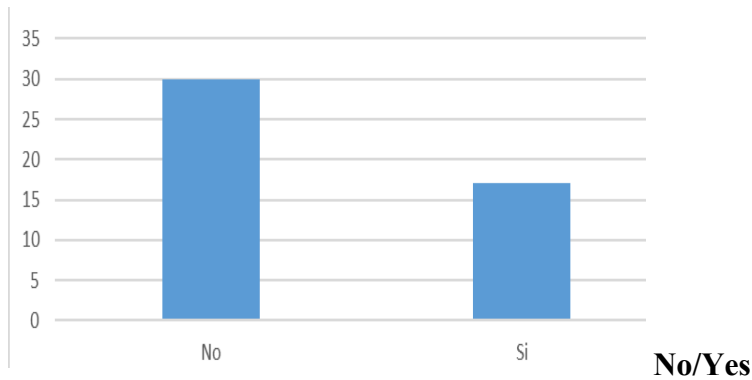
10. When the holder of the post of Ombudsman is elected by Congregation what form of majority is required to win in the first round of voting? (1) Simple majority. (2) Absolute majority of members of Congregation. (3) Qualified majority exceeding 50%.



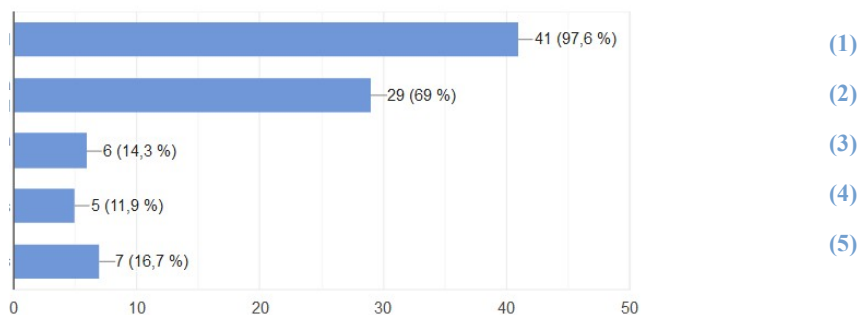
11. When the holder of the post of Ombudsman is elected by Congregation what form of majority is required to win in the second round of voting? (1) Simple majority. (2) Absolute majority of members of Congregation. (3) Qualified majority exceeding 50%.



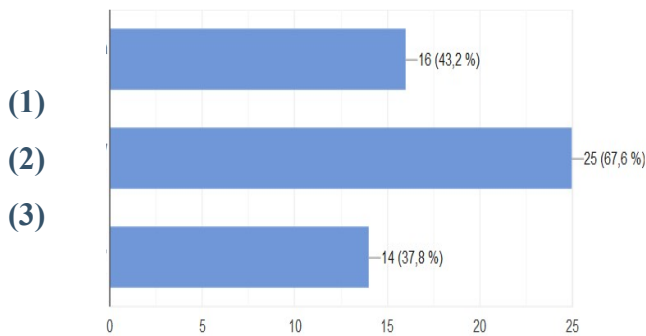
12. Is there provision for calling elections during a fixed period prior to the expiry of the term of office?



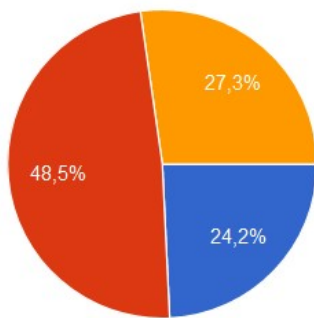
13. The position is incompatible with the holding of other posts relating to (1) University governance; (2) University governance + representation of the University; (3) University governance + representation of the University + work of a political nature outside the University + holding an office in a political party, a trade union, or both (4) University governance + representation of the University + trade union activity; (5) University governance + representation of the University + holding an office in a political party + trade union activity. (6) Work of a political nature outside the University.



14. Is it envisaged that the holder of the post of Ombudsman can be removed from office by Congregation? (1) Yes, for acting with gross negligence or bad faith; (2) Yes, for failing to fulfil the obligations and duties of the post; (3) Yes, for other reasons (these should be indicated in the observations).



15. For a motion to remove the holder from the post to be passed, it must be voted by: (1) Simple majority. (2) Absolute majority of members of Congregation. (3) Qualified majority exceeding 50%.

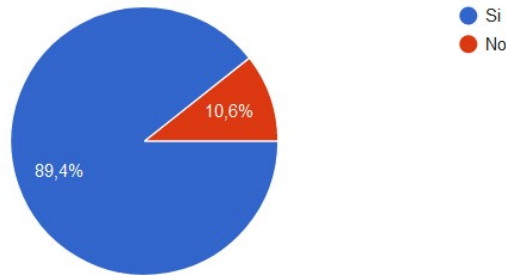


16. Has the Ombudsman any deputies or assistants?

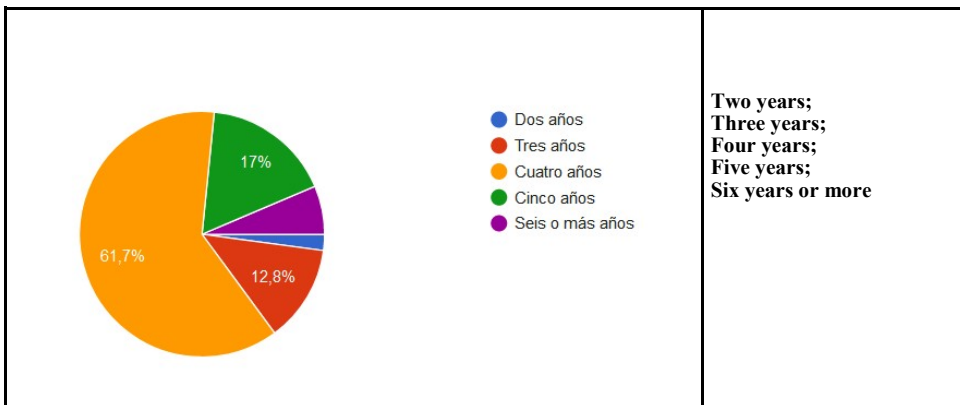
There are assistants or deputies at: Antonio de Nebrija University, University of Granada, University of Extremadura, University of Malaga, Polytechnic University of Madrid, University of Valladolid, University of Seville, University of Oviedo, King Juan Carlos University, National Open University (UNED), University of Alcalá, University of Saragossa, Polytechnic University of Valencia.

17. Does the Ombudsman’s Office present an annual report to Congregation and then publish it through media easily accessible to the whole University community?

47 respuestas

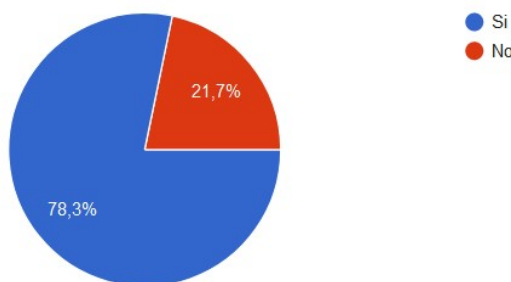


18. What is the term of office for the post of Ombudsman?



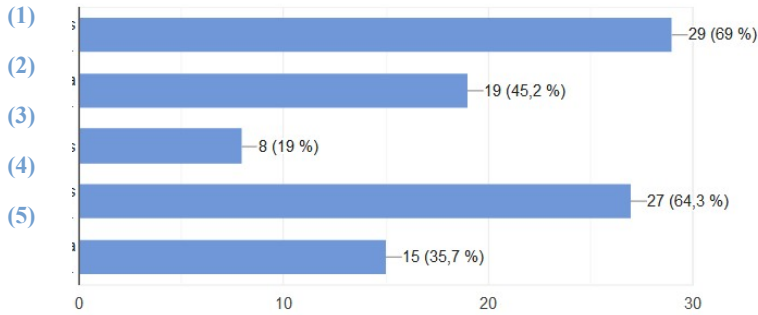
**Two years;
Three years;
Four years;
Five years;
Six years or more**

19. Is the post renewable?



Yes/No

20. Apart from the standard tasks assigned by the Law on Universities, the Ombudsman: (1) Collaborates in harassment prevention procedures; (2) Collaborates in harassment prevention procedures, and participates in the activities of the equality unit; (3) Collaborates in harassment prevention procedures, and organizes meetings and short courses; (4) Collaborates in harassment prevention procedures, organizes meetings and short courses, participates in the activities of the equality unit, and meets representatives of the University community with a given frequency; (5) Puts forward full texts for approval by bodies responsible for University governance.



III. Various Conclusions

In general it is envisaged that the post of Ombudsman will be held by a member of the academic staff or the administrative and support staff, although it may also be held by a student or even some prestigious figure not part of the University community. At present, Gerona University's Ombudsman is a personality from outside the University. Although there are no current instances, at the University of Leon, as an example, there have been two students holders of the post during the period it has existed.

The holder is particularly well protected during the term of office. As a guarantee of independence and correct carrying out of the post's functions, candidatures seldom depend on the Vice-Chancellor's wishes. They usually do require the assent of Congregation or of a number of seconders within the University community. The Ombudsman is elected by a supra-majority, or qualified majority, of members of Congregation, and can be removed from office for serious causes, as specified in regulations. The Ombudsman is excluded from holding representative positions within the University, and sometimes also outside it. The Ombudsman's Office usually has a budget that is independently established. The Ombudsman is entitled to attend meetings of university bodies and committees of an executive nature,

At least in State universities, the post is formally ranked as equal to a Deputy Vice-Chancellor or pro-Vice-Chancellor, and its emoluments and exemption from teaching load or other duties are also thus equated. In private universities the situation is more varied, however. There is also variation in the term of office, the commonest lengths being three or four years with the possibility of renewal or a single non-renewable term of five years.

As a rule, Ombudsman's Offices tend to guarantee the confidential nature of complaints handled by maintaining a separate registry and archive with no connection to the general university equivalents. They collaborate in procedures intended to prevent harassment, organizing meetings and short courses relating to the rights of students, as also of ancillary and academic staff, as well as similar events concerning quality in the university system. They take a part in actions and bodies of a social nature, in particular, interacting with representatives of the University community and having a presence in equality units. A considerable percentage of Ombudsman's Offices put forward not just recommendations, but full texts for approval by bodies charged with University governance.



Past ENOHE Conferences

2003: 1st Annual Conference: University of Amsterdam, Netherlands

2004: 2nd Annual Conference: Universidad Complutense de Madrid/Universidad Autonoma de Madrid, Madrid, Spain

2005: 3rd Annual Conference: Various ENOHE members, Vienna, Austria

2006: 4th Annual Conference: ETH Zürich University of Zurich, Zurich, Switzerland
“The Ombudsman’s Role in Avoiding and Solving upcoming Problems and Conflicts in Institutions of Higher Education”

2007: 5th Annual Conference: University of Antwerp, Antwerp, Belgium
“The Ombudsman in Higher Education: counselor, student advocate, watchdog?”

2008: 6th Annual Conference: OIA, London, England
“Universities, Students and Justice”

2009: 7th Annual Conference: University of Hamburg, Hamburg, Germany
“Lost in Transition? Defining the Role of Ombudsmen in the Developing Bologna World”

2010: 8th Annual Conference: ACCUO and the Austrian National Agency for Lifelong Learning, Vienna, Austria
„Common Objectives, Different Pathways: Embedding Ombudsman Principles and Practices into Higher Education Institutions“

2011: 9th Annual Conference: Universidad Europea de Madrid, Madrid, Spain

2013: 10th Annual Conference: OIA, Oxford, England
“Rising Tuition Costs, Rising Complaints: Alternative Approaches to Dispute Resolution”

2014: 11th Annual Conference: University of Warsaw, Poland, Warsaw, Poland
“Higher Education Ombudsmen and Empowerment: How to Make it work”

2015: 12th Annual Conference: Austrian Student Ombudsman, Innsbruck, Austria
“30 years of solitude? University Ombudsmen’s Pioneering Past, Confident Present, Challenging Future”

2016: ENOHE Webinar: Various members of ENOHE, Zoom, ENOHE Webinar

2017: 13th Annual Conference: Strasbourg, France
“Higher Education Ombudsmen as Beacons: Towards a Fair and Transparent European Higher Education Area”

2018: 14th Annual Conference: University of Edinburgh, and ACCUO, Edinburgh, Scotland
“Resolving Conflicts on Campus: Strategies for Enhanced Policies and Effective Operations”

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