

Innsbruck Descriptors

Circulated among Executive Committee Members (approved at ECM Meeting 1 September 2016)

To further promote the role and character of the university ‘ombudsman’ in Europe (and elsewhere) ENOHE is issuing the “Innsbruck Descriptors”. The term “ombudsman” is the term used throughout this document to identify the person or office with responsibility (within an institution or within a region) for overseeing the hearing of student complaints and appeals, whether the title of “ombudsman” is used or not.

The Descriptors offer general definitions and guidelines regarding the raisons- d’être, expectations, skills and abilities associated with ombuds institutions within higher education in the European Higher Education Area and beyond.

The Descriptors include the minimum common features of the variety of institutions, covering their informal and / or legal status, their positioning within academic and administrative hierarchies, remits, reporting obligations, and powers.

The Innsbruck Descriptors are benchmarking tools for ombudsman institutions in higher education first presented in 2015 at the 12th ENOHE Annual Conference in Innsbruck, hence this document is called “Innsbruck Descriptors”.

Initiatives to establish Ombudsmen for Higher Education

Initiatives to establish ombudsmen for higher education can be taken by a wide range of agencies, individuals and official bodies for a wide range of reasons and may take many forms:

Reasons to establish an Ombuds function include (but are not confined to):

- *personal convictions of individuals (e.g. rector, a president, a dean or a director) or groups (e.g. student representatives), decision taken by the governing bodies at the higher education institution (HEI) concerned*
- *structural necessity (e.g. as a result of sub-optimal operation of procedures in faculties, or for certain specialist areas, or for groups of HEIs)*
- *political reasons (e.g. by governments, ministers) at the initiative of the minister or members of parliament, by enacting respective legislation*

The establishment of higher education ombudsmen is usually a voluntary measure on the part of the individual institutions of higher education and without any prior obligations. More detailed conditions are rarely imposed by parliament or the ministries responsible for higher education.

Initiators

Initiatives to set up an ombudsman office are taken by:

- the German Research Foundation, DFG (Research Ombudsman), created in the mid-1990s covering all institutions receiving research funding in response to media pressure after a highly escalated case of lack of academic integrity and honesty
- student representatives as a quality assurance measure within the framework of (re-) designing curricula on the basis of a motion submitted by students to the senate for an entire HEI
- the rectorate, for all students at a HEI, established by a decision of the senate
- the rector, for all students at a HEI by a decision of the rector
- the vice-rectorate at the personal initiative of the Vice-Rector for International Relations for students taking part in international study programmes established by a decision of the rector
- an own initiative as an organisational measure implemented by the faculty for education by the quality manager on his or her own initiative for all students
- as a result of external requirement by a body with jurisdiction in this area (e.g. adoption by Scottish universities of a Model Complaints Handling Procedure developed in conjunction with the Scottish Public Services Ombudsman)
- In Spain by the Claustro (Senate) initiative, before the Law of Universities, in some universities (the first universities with an Ombudsman were the Complutense, Granada, León, Barcelona, Extremadura and Salamanca in 1985)

Terminology, Legal Basis and Framework Conditions

Terminology

The term “ombudsman” is rooted in the word “ombud”, which in turn is derived from the Old Norse word *umbod*, meaning proxy or attorney.

In the higher education sector, ombudsmen may operate at national, regional or institutional level, and a wide range of terms are used:

Austria: Ombudsstellen für Studierende

Belgium: ombudsman / ombudsfrouw

Croatia: studentski pravobranitelj

Denmark: student ambassador

England/Wales: Office of the Independent Adjudicator for Higher Education

France: médiateur/défenseur académique

Germany: Ombudspersonen für Studierende; DFG-Ombudsman für die Wissenschaft

Ireland: ombudsman

Israel: ombudsman

Italy: difensore degli studenti

Malta: university ombudsman

Norway: studentombudet

Poland: Rzecznik akademicki

Portugal: provedor do estudante

Russia: студент омбудсмен

Scotland: a variety of titles within HEIs, e.g. ‘complaints manager’; at national level reporting to the Scottish Public Services Ombudsman

Spain: defensor universitario

Sweden: ombudsman för studenter; Universitetskanslerämbetet

Switzerland: Studentenombudsmann

Netherlands: ombudsman

Legal Basis and Framework Conditions

In a number of European countries, higher education ombudsmen (centralised or decentralised) are enshrined in law.

decentralised: Malta, since 1993, in the Higher Education Act

decentralised: Spain, since 2001, in the Ley Orgánica de las Universidades

decentralised: Croatia, since 2007, in the Higher Education Law of 2007

centralised: England and Wales, since 2004, in the Higher Education Act

centralised: Austria, since 2011, in the Act on Quality Assurance in Higher Education

Positioning

- *an independent institution that is not bound by directives from hierarchies such as the rectorate, the president's office, heads of institutes, management or other decision-makers*
- *an institution that exists as an independent organisational unit*
- *an institution with an independent budget*
- *an institution with autonomy in personnel matters*
- *an institution with (ideally geographically) separate offices, but at least with a separate entrance*
- *an institution with clear lines of communication and links to government bodies/ other official bodies such as those responsible for study matters and supervisory authorities*
- *an institution with its own statutes / own rules of procedure*
- *an institution with an independent web presence*

Remit of Ombudsmen in Higher Education

General:

Austrian Student Ombudsman at the Ministry for Science, Research and Economic Affairs, Vienna (reporting to the responsible government minister and parliament)

Matters related to degree programmes, teaching, examinations, services and administration at higher education institutions (§ 31 (3) of the Act on Quality Assurance in Higher Education HS-QSG 2011)

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

Office of the Independent Adjudicator for Higher Education, Reading, United Kingdom (with public annual reports)

All acts or omissions of Higher Education Providers, including complaints and academic appeals where the internal process has been exhausted but the complainant remains dissatisfied. Excludes admissions issues and narrow academic judgements.

<http://www.oiahe.org.uk/>

Scotland

Under a Model Complaint Handling Procedure developed by SPSO, complaints from anyone (members of the public as well as students and applicants), defined as ‘an expression of dissatisfaction by one or more individuals about the standard of service, action or lack of action by or on behalf of the institution’.

Particular:

For students (examples):

Student Ombudsman at the FH Wien University of Applied Sciences of the WKW, Vienna, Austria <http://www.fh-wien.ac.at/campus-leben/ombudsstelle/>

Student Ombudsman at the University of Klagenfurt, Austria <http://www.uni-klu.ac.at/main/inhalt/42888.htm>

Ombudsman at the Faculty of Education at the University of Innsbruck, Austria <http://www.uibk.ac.at/fakultaeten/bildungswissenschaften/studium-und-lehre/ombudsstelle.html>

Ombudspersons at the ETH Zürich, Switzerland <https://www.ethz.ch/de/die-eth-zuerich/organisation/ombuds-und-vertrauenspersonen/ombudsstelle.html>

Ombudsman at Goethe-University Frankfurt/Main, Germany <http://www.uni-frankfurt.de/38426337/ombudsmann1>

Ombuds' Committee at the University of Hamburg <http://www.uni-hamburg.de/forschung/service/gute-wissenschaftliche-praxis/geschaeftsstelle.html>

For students, academic and staff members:

In Spain you can find the web sites of 61 Ombuds Offices in the webpage of CEDU www.cedu.es

For Selected Areas such as (examples):

recognition and accreditation issues

complaints/academic appeals/relationship/improvement management

admission

nostrification

(specialist) matters concerning students studying on international programmes

Ideal Person

Drawing up a Job Profile:

- define minimum required competences
- define nice-to-haves

Identification Process:

- *recruitment commission*
- *job advertisement*
- *both*
- *decide on nomination or selection procedure*
- *hold (public) hearings*
- *official nomination or appointment (chosen by a committee) (e.g. senate, University of Applied Sciences Council)*
- *official presentation*

Profile:

- *staff member from the institution*
- *external candidate in pectore or through job advertisement*
- *with experience in higher education administration, teaching, and management*
- *with experience in conflict management / conflict processes / conflict mediation/ conflict resolution*
- *possibly with mediation training*
- *social skills*

Type of issues and how to handle them

Types of Issues:

The way in which a matter put before a student ombudsman is dealt with depends on its nature, whether it is, for example,

- *an informal matter for which there is an informal solution,*
- *a formal matter with formal complaint procedures,*
- *a personal issue where it is possible to find a personal solution,*
- *a systemic issue that requires changes to be made,*
- *an issue that concerns an entire category of institution that will require major changes to existing regulations*

Procedure for Dealing with Issues:

- *record the issue (by telephone, contact form, personal meeting)*
- *verify the facts, figures and other data, if necessary request (additional) written documents*
- *carry out an initial analysis of the issue and possible solutions, make a decision about whether to pursue the matter further*
- *obtain the consent of the party who submitted the matter to pursue it further*
- *obtain the facts of the matter from the perspective of the institution by contacting the person (most recently) involved at the institution*
- *obtain a statement/account of the facts*
- *draw up a proposal for a solution*
- *forward the proposal to the institution*

- *forward the most important details of the institution's reaction(s) to the person who submitted the complaint*
- *ensure that the complainant's confidentiality is protected unless otherwise agreed.*

If a Complaint is Justified:

- *obtain a statement and / or statement of the facts from the / superior at the institution*
- *draw up a recommendation for those in positions of responsibility at the institution*
- *forward the recommendation to the responsible body with a request for a statement or suitable measure(s) to resolve the matter*
- *forward the recommendation to the head of the institution with a request for a statement*
- *deal with the recommendation*
- *deal with the solution / non-resolution (e.g. at a regular meeting with the head of the institution or at any relevant [perhaps also extraordinary] sessions of the responsible bodies or agencies)*
- *publication of the matter and details of how it was resolved or not resolved (e.g. in the annual report)*