

**Answers by Josef Leidenfrost, President of ENOHE, Jean Grier, Vice-President of ENOHE, and Bo Gad Køhlert, elected secretary to the Board of ENOHE, in preparation of a Zoom meeting 12 February 2021 with representative of the Student alliance of Slovakia**

1. What are the most frequent issues you get involved in solving?

**Josef Leidenfrost:**

Our Office is a central Office for all 70 Higher Education institutions in Austria with almost 400.000 students. We are also in dialogue with students during the application process and for formal students. The most frequent issues during the last academic year were:

- conditions relating to courses of study
- admission to a course of study
- student financial aid

**Jean Grier:**

The answers below are based on my experience through my work as current Head of Investigations and Student Casework at the University of Edinburgh in Scotland, UK, and my knowledge of what is going on in the sector. They are personal responses not based on consultation with others.

Pre-covid, a wide variety of issues – students having problems with their accommodation, with interactions with staff, with fees charged, with processes for taking time out from study, with arrangements for studying abroad or on placement...

In covid-times, many problems over access to teaching (online), requests for fee reductions, travel problems (students stuck in their own countries or unable to leave Edinburgh)...

I do not get involved in matters of academic judgement; problems around assessment and/or progression are covered by our academic appeals procedures and managed by a different team from complaints.

**Bo Gad Køhlert:**

As Student Ambassador at the University of Copenhagen (currently the only university in Denmark with a Student Ombuds, approx. 37.500 students) my employee and I receive approx. 650 inquiries per year. The six most frequent types of enquiries are regarding:

- applications for exemption
- complaints about exam



- complaints about lack of legal compliance
- accusations of plagiarism
- admission rules
- bullying, sexual harassment and the like

One out of every three enquiries is from a student with physical and/or mental disabilities.

2. Is there anything you wanted to do, but you found the legislation too restrictive?

**Josef Leidenfrost:**

Yes, several times (I am in this job for 20 years now). Since we are enshrined under the Higher Quality Insurance Act of 2011 we have the right to propose changes in legislation in our annual reports (for the most recent report see the executive summary as an attachment to this mail).

**Jean Grier:**

No.

**Bo Gad Køhlert:**

No.

3. What do you view as the major advantages of a student ombudsman?

**Josef Leidenfrost:**

The mayor advantages of the student ombuds for the students are an easily, low level accessible institution inside a university, accepted by the respective authorities.

**Jean Grier:**

I believe it is essential that students should feel safe to complain where they consider things have gone wrong. They need to be able to do so in an environment where they are confident they won't be penalised for making a complaint, and they need to know that their complaint will be dealt with fairly by someone without a conflict of interest in the case.

**Bo Gad Køhlert:**

That a Student Ombuds is independent, impartial and has duty of confidentiality.

4. What rights and duties should a student ombudsman possess?

**Josef Leidenfrost:**

A Student Ombuds should have the right to have access to any documents related to the issues brought forward to him. He also should have the right to public's cases (in event: anonymously). He should have the duties of being fair, independent and impartial and to report to the respective authorities.



**Jean Grier:**

The right to ask questions of anyone, anywhere in the university; and the duty to deliver a fair investigation free from bias.

**Bo Gad Køhlert:**

The rights and duties of the Student Ombud at The University of Copenhagen are described in [Rules of Procedure for the Student Ambassador](#).

5. Do you work with any student organisations and if so, how?

**Josef Leidenfrost:**

Yes, we do. We meet with the national union of students once per semester and with regional student organisations upon request.

**Jean Grier:**

Students in the UK have on-campus Student Unions which provide social facilities as well as support services, and are affiliated to the National Union of Students (NUS). At the University of Edinburgh, our Students' Association employs professional advisers who assist students with a range of matters, from health and welfare, finance, personal relationships etc. through to academic problems and complaints. Students can use these [advisers](#) to help them submit a complaint, and advisers can accompany students to meetings etc.

**Bo Gad Køhlert:**

Yes. Both student organisations within the university and national organisations.

6. As a student ombudsman, do you have a support of public institutions?

**Josef Leidenfrost:**

Yes, we do. We are closely cooperating with the national ombudsman, with the court of auditors and other investigative institutions serving the general public.

**Jean Grier:**

I don't understand this question, sorry. Complaint handling in universities in Scotland comes under the jurisdiction of the [Scottish Public Services Ombudsman](#) (SPSO) and we have to use their Model Complaint Handling Procedure for the sector, published by the SPSO at <https://www.spsso.org.uk/the-model-complaints-handling-procedures> . Our own version for the University of Edinburgh is at <https://www.ed.ac.uk/university-secretary-group/complaint-handling-procedure> . A student who has received a final decision from their University can ask the SPSO to review the University's handling of their complaint.

**Bo Gad Køhlert:**

The Student Ambassador at the University is only described in internal rules and regulations at The University of Copenhagen. Student Ombuds is not written into Danish educational legislation. The Danish Parliamentary Ombudsman has jurisdiction over all Danish public educational institutions.



7. What is the key for an office of student ombudsman to effectively function in your opinion?

**Josef Leidenfrost:**

Absolute independence, enough financial funding, mutual interaction with responsible authorities

**Jean Grier:**

A clear and simple complaints procedure is necessary, with just two or at most three clearly defined stages of complaint. Staff in all departments need to be empowered to deal with straightforward complaints at local level. For more complex complaints, or those which cannot be resolved at local level, the ombuds office should have authority to investigate the issues and recommend appropriate outcomes. There needs to be structural independence from other departments to demonstrate to students (and to staff) that complaints will be dealt with objectively. It is important to develop a 'no blame' culture and to emphasise the opportunities to learn from complaints – i.e. continuous improvement. Where appropriate, an apology should be given sincerely and openly.

How the office is established will depend on many things – budgets, the size of the institution, the structure of the institution, etc.. My institution is a large one of 40k + students, with a heavily devolved structure. I have developed a network of 'complaints advocates' across the institution, with colleagues in each department who are the 'go-to' person for me if a complaint comes in about their department. These advocates are also the go-to people for their colleagues within the department who may be trying to deal with a local complaint. I spend a lot of time briefing advocates and working with them.

**Bo Gad Køhlert**

- Independence from the education institution (board of the education institution, management, employees and students)
- Enough financial funding
- Duty of confidentiality
- A process agreed with both management and student organisations for discussing the Student Ombuds' change suggestions and public communication of change suggestions, changes applied by the education institution etc.
- Enough time for interaction with management/responsible authorities, student organisations, non-governmental organisations etc.

8. What is the best way to establish such office?

**Josef Leidenfrost:**

If you look into [the "Innsbruck Descriptors" of 2015](#), there are manifold ways of doing this. The best thing of course is again to include the responsible authorities (senate, rectorate, university council) as early as possible. If they do not "cooperate", then go public with setting up an Ombuds Office.

**Jean Grier:**

Much will depend on local negotiations, but I refer to the pointers Josef Leidenfrost has given.



**Bo Gad Køhlert:**

I refer to Josef Leidenfrost's answer.

9. Is there anything that the ombudsman should avoid doing?

**Josef Leidenfrost:**

If possible you should not get involved into issues already being dealt with by other university authorities or court pending issues.

**Jean Grier:**

Confidentiality is vital, sharing information only on a 'need to know' basis. It is essential not to jump to any conclusions – decisions should be evidence-based and made only once the ombuds is confident of the facts. Obviously, objectivity and impartiality are key.

It should be clear what issues an ombuds will *not* deal with. For example, in my office I do not deal with staffing issues where a student complaint could lead to disciplinary action against a staff member – that is a matter for Human Resources to take forward. We do not deal with cases where legal action is ongoing or being planned, and we do not deal with cases where there is any police involvement (for example, a complaint by a student that they have been assaulted by another student will probably have to be put on hold until any criminal investigation has been completed). We have the right to cease consideration of a complaint if we consider it has been made vexatiously, or where the complainant behaves in a way which we consider offensive or otherwise unreasonable. [<https://www.ed.ac.uk/files/atoms/files/expectedbehaviourpolicy.pdf>]

**Bo Gad Køhlert:**

Do not work outside the rules, regulations etc. that are set for a Student Ombuds nationally and/or locally.

10. Do you work in any cooperation with the human rights ombudsman?

**Josef Leidenfrost:**

Yes and No. As mentioned above we do work together with the national ombudsman who is also in charge of human rights issues. So far our office has not had any human rights issues brought forward to us.

**Jean Grier:**

I am not familiar with this structure. As noted above, in Scotland we are 'overseen' by the [Scottish Public Services Ombudsman](#). In England and Wales, there is a body – the [Office of the Independent Adjudicator for Higher Education](#) – which specifically works with higher education institutions on complaints and academic appeals.

**Bo Gad Køhlert:**

No, not until now. Denmark does not specifically hold a human rights Ombuds.

