

**Hans M. Eppenberger  
Markus Kägi  
Josef Leidenfrost  
Eugen Teuwsen (eds.)**

**Complications Arising  
from Interpersonal  
Dependency**

**The Ombudsman's Role in Avoiding and  
Solving Upcoming Problems and Conflicts  
in Institutions of Higher Education**

**ENOHE**

**(European Network for Ombudsmen in Higher Education)**

**Occasional Paper Nr. 3**



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Editors: Hans M. Eppenberger (ETH Zürich), Markus Kägi (Ombudsman of the Canton Zürich),  
Eugen Teuwsen (University of Zürich).

Editor in Charge: Josef Leidenfrost, Office of the Austrian Student Ombudsman,  
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**The European Network for Ombudsmen in Higher Education (ENOHE)** is an informal network for academic ombudsmen in Europe. The network consists of ombudsmen at higher education institutions and individuals affiliated with institutes of higher learning who are interested in ombuds practice ([www.uva.nl/enohc](http://www.uva.nl/enohc)).

**The Office of the Austrian Student Ombudsman (OASO)** performs the following tasks:

- it is dealing with complaints about shortcomings in the performance and services of higher education institutions
- it keeps direct communication lines with representatives of the universities, the Universities of Applied Sciences (FHS), the teacher training colleges, and with interest groups or representative bodies such as the Austrian Union of Students or other relevant organisations and groups.
- it reports directly to the minister on inquiries and complaints and the steps and measures taken in response to them

The inquiries and complaints submitted to the OASO are examined and efforts are made, together with the respective institutions, to find solutions to problems or to remedy acute shortcomings. The OASO runs its own web site where students are informed about the most frequent topics and where a collection of internet links refers them on to other important internet sites.

The OASO's homepage is supplying the most current news, e.g. on tuition fees, on study grants, on ongoing reforms in higher education but also on Frequently Asked Questions as they arise in daily student life .

Apart from students, the OASO can also be consulted by faculty members, parents and partners of students. In cases which cannot be directly settled by the institutions concerned, the OASO tries to provide assistance through mediation. Further important tasks of the OASO are to report to the parliament, and to come up with position papers and statements on draft laws on higher education.

The Office of the Austrian Student Ombudsman  
Tel. (toll free) 0800-311 650 (Monday to Friday 9 a.m. to 4 p.m.)  
[san@bmbwk.gv.at](mailto:san@bmbwk.gv.at)  
[www.studierendenanwaltschaft.at](http://www.studierendenanwaltschaft.at)  
[www.bmbwk.gv.at/improve](http://www.bmbwk.gv.at/improve)

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## **Introduction**

Jointly hosted by the Swiss Federal Institute of Technology (ETH) and the University of Zurich, the 4<sup>th</sup> ENOHE Annual Conference 2006 took place in Zurich, Switzerland from May 17 to May 19, 2006. One of the statements made at the occasion of last year's celebration of the 150<sup>th</sup> anniversary of the ETH was "to support programs that develop students' social, cultural and entrepreneurial skills in order to prepare graduates for the challenges of their future social and professional environment and also to consider these skills when selecting and training faculty staff". We think, that the central topic chosen for the fourth ENOHE Annual Conference:

**“Complications Arising from Interpersonal Dependency  
The Ombudsman's Role in Avoiding and Solving Upcoming Problems and  
Conflicts in Institutions of Higher Education”**

goes well with the above statement and sets the task, ombudspersons are occupied today with increasing frequency. We were proud to host the ever growing network of academic ombuds institutions within Europe and beyond to exchange knowledge and to pick up ideas as how to do even better ombudsing through tough discussions and heavy studying. We like to thank the Rectors of our host institutions for their generous financial support; only their help allowed to organize the 4<sup>th</sup> ENOHE Annual Conference and made it another successful event in the development of the young network.

Hans M. Eppenberger

Markus Kägi

Eugen Teuwsen

## **Foreword**

ENOHE's Occasional Paper Number 3 on the results of our annual conference in Zürich in May 2006 is the most recent publication in this series. With the publication of conference reports ENOHE wants to make those events accessible to a much larger audience interested in ombuds services and hopes to contribute to sharing approaches to common problems and creating a more solid base for the ombudsman function in the European educational field.

Josef Leidenfrost

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## **What is ENOHE?**

The European Network for Ombudsmen in Higher Education (ENOHE) is an informal network that was established in February 2003 in order for academic ombudsmen to learn from each other, and to create a possibility for a more solid base for the ombudsman function in the European educational field.

The ENOHE consists of ombudsmen at higher education institutions and individuals affiliated with institutes of higher learning who are interested in ombuds practice.

ENOHE's goals are to:

- expand knowledge,
- enhance skills,
- share approaches to common problems,
- create a possibility for a more solid base for the ombudsman function in the European educational field.

Once a year ENOHE affiliates convene at a conference organized by one of its members (2003 in Amsterdam, 2004 in Madrid, 2005 in Vienna, 2006 in Zürich, 2007 in Antwerp).

Furthermore, an ENOHE listserv is implemented in order to discuss issues, questions, or concerns related to working as an ombudsman in higher education institutions and to stay in touch with fellow European ombudsmen.

The ENOHE website has been developed to keep people informed about issues related to European ombudsing in higher education institutions.

ENOHE, European Network for Ombudsmen in Higher Education

**[www.uva.nl/enohe](http://www.uva.nl/enohe)**

## **Conference Patronage**

It is thanks to the hereafter representatives of the ETH Zurich, the University of Zurich and the Canton of Zurich, that the ENOHE Conference in Zurich could be realized.

### **Regine Aeppli**

born on October 5<sup>th</sup> 1952 and member of the government of the Canton of Zurich since 2003. She is currently head of the Department of Education of the Canton of Zurich and chairs the University of Zurich Council. Since 2005 she is also President of the Swiss University Conference (SUC), the joint organization of the Cantons and the Confederation for university politics. She studied law at the University of Zurich and became an attorney at law in 1982. From 1995 to 2003 she has been a member of the Swiss National Council and during the same period she held the position as deputy of the ombudsman of the Canton of Zurich.

### **Ernst Hafen**

Ernst Hafen was nominated President of ETH Zurich as of December 1, 2005. Born in 1956 in St. Gallen, he studied molecular and cellular biology at the Biocenter in Basel. In 1983 he obtained his Ph.D. in developmental biology. Following a 3-year postdoctoral stay at the Department of Biochemistry at the University of California at Berkeley, he moved to the Institute of Zoology at the University of Zurich as an assistant professor in 1987; in 1994 he was promoted to associate professor and in 1997 to full professor.

In his research, Ernst Hafen studies genes involved in growth control and metabolism using *Drosophila* as a model system. He has received several prestigious awards, including the Ernst Jung, the Friedrich Miescher, and the Otto Naegeli Award.

In the course of his academic career, Ernst Hafen was a member of the National Research Council, the representative of the professors at the Council of the University of Zurich, and a member of the editorial boards of several major journals, including the EMBO Journal.

He has helped develop joint centers of ETH and the University of Zurich, including SystemsX, Life Science Zurich, and Life Science Learning Center Zurich. Furthermore, Ernst Hafen is co-founder and scientific advisor of the biotech start-up The Genetics Company.

### **Konrad Osterwalder**

Born in 1942 in Frauenfeld, Thurgau, Konrad Osterwalder studied at ETH Zurich, the Swiss Federal Institute of Technology, where he earned his doctorate in theoretical physics in 1970. After one year at the Courant Institute of Mathematical Sciences at New York University, he assumed a research position at Harvard University in 1971; there he became assistant professor of mathematical physics in 1973 and was promoted to associate Professor in 1976. From 1974 to 1978 he was a fellow of the Alfred P. Sloan Foundation. 1977 he was appointed as full Professor of mathematical physics at ETH Zurich.

Konrad Osterwalder has been head of the Mathematics Department of ETH and founder of the seminar center, Centro Stefano Franscini, in Ascona. Since 1995 he is Rector of ETH. He is member of the Swiss Academy of Technical Sciences and he holds an honorary degree from the Helsinki Technical University.

More recently he has served as vice-president of the Conference of Rectors of Swiss Universities, as president of CESAER, the Conference of European Schools of Advanced Engineering Education and Research and as a member of the International Academic Advisory Panel of the Government of Singapore. He is President of UNITECH international (a collaboration between 8 European Technical Universities and 25 internationally active leading companies), chairman of the Bologna-Project Group (Swiss Rectors Conference), member of the Nucleo di Valutazione (super-visory council) of the Politecnico di Milano, of the Conseil Administrative of the Ecole Polytechnique de France (Paris), of the 'Comité de l'Enseignement' of the Ecole Nationale Supérieure des Mines de Paris, of the University Council of the Università della Svizzera Italiana, President of the University Council of the Technical University Darmstadt and head of the Evaluationsverbund Darmstadt-Kaiserslautern-Karlsruhe.

### **Hans Weder**

Hans Weder was born in 1946. He grew up in Diepoldsau (SG) and attended High School in St. Gallen. Following his studies of theology at the University of Zurich (1966-72), he did a BA in philosophy at the University of St Andrews. He wrote his doctoral dissertation (1977) on the parables of Jesus. His habilitation was on Pauline theology of the cross. In 1980, he was elected to the chair for New Testament. The focus of his academic work is hermeneutics. Since 2000 he is president of the University of Zurich.

**Daniel Hell**

## **Dependency and Responsibility in Supervisory Relationships**

### **Power and Powerlessness in Higher Education**

The best known definition of the concept of power is supposed to be given by Max Weber. In his opinion, power means "to have the most chance to insist on and realize one's own will even against resistance,- doesn't matter from wherever this chance comes". Max Weber did not only have an interest in relationships of power in his position as a socialist, he also suffered from the shadows of power in his life several times. In addition, he was confronted with the possibility of others forcing their will upon him. According to Weber's definition, power is neither legitimated nor disputable. Rather, it means the ability to make the other obey, regardless of whether it is for good or bad.

According to Weber's definition, the supervisors of universities (professors, examiners, experts, chiefs, superiors, assistants) possess much potential to use this power and its use is even legalized. This is recognized by the public as key-power and as selection-power, which influences achievement and future careers.

But power does not only depend on what someone can do for or against the other. The person who makes use of power can be dependent on others' orders, on the power of external systems, or seized by his own inner powers. In reality power is often related to powerlessness.

### **Power Structure**

First, I would like to explain the concept of power structure. The idea comes from Susanne Strange and means the potential power which the systems of science, finance, and society hold over their members. Power always has to be understood in context. Power always exists in human and social relationships and can not be excluded.

In a climate of permanent change within institutions, where one reorganisation follows another - road works everywhere - the question of who holds which power becomes confused. If, in a continuously changing social and economic environment, existential and fundamental social concepts are no longer sufficiently certain, feelings of powerlessness and insecurity could arise in people who are in power. This could lead to selfish decisions or agitated states to cover one's own insecurity, and to a lack of necessary objectivity. Instead of encouraging one's own group and society with constructive action and decisions, potential enemies have to be detected and brought under control with threatening or even provocative demonstrations of power, or worse by hidden strategies. Unfortunately, academic education is not free from such mechanisms. Whenever representatives feel as though they are strongly doubted or threatened they are tempted to respond with a demonstration of power. This mostly happens because of mere helplessness, insecurity, lack of understanding and advice, compulsion, and excessive demands in the context of competition, pressure to be successful, or fear of loss, but often enough the roots are lust for power.

Today, an important reason seems to be the overworking of a group, which has little or no education in the methods and knowledge of supervision, and, in addition, has to cope with such a great number of students, PhDs, and assistants. Such circumstances, in relation to power, can trigger feelings of outer or inner powerlessness and sometimes poor compensation due to a lack of knowledge of the correct methods.

As usual, responsibility for defining standards of achievement and the power of decision lies in the hands of experts. But, it should be considered that the experts are more and more dependent on external centres of stronger power and have to obey the demands and requirements to which they feel bounded. Nevertheless, the formulation of criteria and standards is not entirely a naturally determined matter.

In his book David Healy called this "The anti-depressed era". He shows, quite convincingly, how pharmaceutical companies succeed in influencing science, the definition of diseases, or criteria of diagnosis. Healy said: "Considering the many versions of the manuals for diagnosis in psychiatry it is obviously a mistake to believe that mental diseases are something that correspond to an established reality and that the role of a company for pharmaceutical products is to find the key to a pre-existing lock or to hit the ball in an objective goal".

Although there are many psycho-biological inputs for mental disturbances, we are presently in a situation where economic circumstances enable industrial companies to not only search for the key to open the lock but also, to a certain extent, dictate the form of the lock to which the key must fit.

Many doctors are frustrated and feel powerless, for example when they have to use a certain code for diagnosis knowing full-well that their patient does not quite fit in this scheme or drawer. In general, many scientists and experts increasingly feel like companions of Procrustes, which, in the sense of the myth, means that they are pressed into a bed that is too short for them. If their rating or judgment is too complex or difficult it will be pitilessly cut. Today, because the power of information and decision is also reduced by the internet and narrowed by specialist books, these feelings of frustration should be taken quite seriously. As a result of this reduction, the structural conditions of power tend to shift from local places towards superior systems, distant centres, and also administrative domains. Consequently, a vacuum of local power arises which is rarely discussed but nonetheless has a great influence on the dynamics of power, for example, in the supervisor-PhD relationship. The more power is formalized by external authorities the more we should be aware of the remaining responsibility in supervision and how to use it to avoid future mistakes that may arise out of resignation or insecurity.

You are never powerless in a relationship. You are always powerful and you can agitate your feelings of insecurity - in a forced or overbearing manner - by devaluing students and colleagues for your own prerogatives or to stubbornly maintain the rules. Such authoritarian behaviour or dogmatism at any cost can - in the worst cases - cause a vicious circle with increasingly severe reprimands. The well known movie „One flew over the cuckoo's nest“ presents - in a popular

## **The Dynamics of Power in Supervisory Relationships**

Power is a “dirty word“. You shrink from speaking of power. Only when exploitation becomes obvious, for example, in cases of abuse, miss-use, malpractice, dishonesty, and extreme agitation, are aspects of power likely to be discussed. Generally, the impression predominates that in science neutrality and objectivity are guaranteed. More than that, science is supposed to oppose the dependency of personal, administrative, or institutional power. But, even in science, power can not be excluded from our considerations. Even more, under asymmetrical conditions, such as those that exist in academic education, power is constitutionalised. The question is not whether a professor has power but how he deals with it. The more power is hidden the more one has to reflect on it. Otherwise, the danger exists that dependency leads to exploitation. Styles of leadership should centralize dialogue between supervisor and student. Ideally, the supervisor also establishes the supervisory relationship itself as an instrument in order to develop more constructive self-confidence, scientific education, and clarification in the way the student sees himself.

Not only the supervisor, but also the supervised students, PhDs, and assistants are powerful parts of the relationship. This becomes obvious when they are feeling helpless and show impressive mimicry, and verbal expressions and messages. If the supervisor can not bear this, whatever the reasons are, helplessness could become increasingly demonstrative, appellative, and even destructive and dangerous. Also, the supervisor’s first assumption of practicability could then change to real demoralization and feelings of powerlessness. The challenge is not to resign to these feelings, but to engage and get involved despite one’s own powerlessness. This challenge could be better overcome when destructive helplessness is understood as an expression of a struggle to save one’s own subjectivity. Sometimes, or more frequently, it occurs that things should be done which are far from feasible for the supervisor, for example, to develop new structures of the inner dynamic of a person. What we can do in such cases is to convince the supervisee that he is not failing; but reaching his limits. This step then has to be endured by the student as a precondition for him to experience engagement for his own support.

Powerlessness, particularly in supervisory relationships, can be better endured if the supervisor not only keeps his imagination closed, but, by keeping a certain distance, at least opens himself up to a greater chance of finding a solution.

The support and care of students and PhDs is neither a psychotherapeutic function nor a mere business relation. It requires benevolence, engagement, and interest in the success of the other. In supervisory relationships there is a dynamic which is not only specified by achievement but also by the personality of the supervisors and the student. Dependency and its consequences can escape the professor’s attention. He wants to build a congenial team and realizes too late that the dependencies are not the same for the other and that a failure could have different disadvantages for each party. Un-reflected dependency could become the background of a dependency-conflict. For example, if the student seeks support from his professor in the same way he would from a coach or a father but the professor only values his charges if they act like independent colleagues. On the other hand, PhDs, which themselves expect to be autonomous and to need little support, in reality are very dependent on appreciation from their supervisor and mentors. If they have to wait too long for encouragement or their work is not appreciated enough they could become angry and even desperate. In such a situation, it is not so much the achievement of the work that counts, but the expectation and

importance of the relationship that has been entered in to. Hidden expectations often cause problems in the collaboration. Often, narcissistic traits play an important role and both sides feel disappointed if the process of work is hampered: The professor, because he did not get an excellent work for publication to raise his reputation and position, and the assistant, because he feels abandoned by his professor and he could have failed. These mutual injuries sometimes show how deep the narcissistic injury must have been.

In cases of mediation, the mediator tries to understand the individual and the particular character and makes him feel that his problem is understood and accepted. At the same time the conditions of work have to be explained and the dependencies pointed out. Often, mediation comes too late so that, unfortunately, only an agreement can be arranged. If the inflicted injuries are too deep, or a mental disorder is suspected, the person should be counselled individually or helped to find a psychotherapist.

### **Good Supervising in Scientific Practice**

The traditional German concept of "*Doktorvater*" - the PhD student's professor or father - contains a truth which seems to have remained valid up until today. Accordingly, it is essential for him to care for the PhD students in his charge so that they do not suffer from feelings of abandonment, negligence, or disregard. Unfortunately, these feelings seem to be on the increase in Germany and Switzerland. An article, in the November 2005 issue of the German university magazine (*Deutsche Universitätszeitung - duz*), describes increasing incidence of the symptoms of depression in scientists: "Depression touches the researchers" was the title of the publication.

PhD students, and in particular female PhD students, seem to suffer from these symptoms the most. Do we have or will we end up with a generation of parentless PhDs?

In former times, fathers may have suppressed their sons and hindered their development. But, engaged fathers and superiors were present and could be confronted. Even within problematic communications a distinguished individual development could arise without rupture of the continuing relationship. In our times, there are comparatively many more students studying for a doctorate. Supervisors have little or no time for each individual and much less than would be necessary. Also, there seems to be an increasing number of supervisors who themselves lack what they should be able to give to their charges, for example, "personal volume" and sovereignty. So often we see a "negative spiral" or a vicious circle of mutual expectations resulting in resentment, disappointment, and conflicts. For example, it can not be accepted that a responsible supervisor does not care and at the end rejects the candidate after three years, pretending he missed the standard. Though we concede that the whole story is revealed to be more complex and its roots are mostly - as experience shows - personal reasons.

The ombudsman of the German society for research in science (DFG) made the following comment in the annual report of 2004: "The ombudsman of the DFG is confronted with an increasing number of complaints from PhDs and *habilitants*. They feel completely left alone or are even hindered in their research because of insufficient care or the dishonesty of their supervisors. For this reason, the ombudsman calls for the attention of all superiors, professors and

chiefs, in conformity with their duty, to engage in lasting responsibility for the next scientific generation. Even if communication in some relationships may be disturbed, it should not hamper completion of the dissertation. It is also the supervisor's duty to read and to comment the papers of the candidates in reasonable time. They also have to support the special scientific development of the candidates in their charge. Lapses of responsibility in leadership belong to dishonesty in science. Quite often, such circumstances mean that future, gifted scientists give up their career. Personal conflicts and hostilities often make communication impossible resulting in a situation of muteness which can not be overcome by the complainant himself. In this case, the ombudsman tries to restore the will to talk to each other again and encourages them to normalize their scientific cooperation, eventually with the help or advice of the ombudsman".

I'll close with a well known praise written by Christoph Oetinger in the rebellious times of reformation, counter-reformation, and inquisition - existential circumstances of immense insecurity: "God may give me the composure to tolerate things which I can't change, the courage to change what I can change and the wisdom to distinguish between the two."

**Key Notes of Daniel Hell's Speech on "Dependency and Responsibility  
in Supervisory Relationships" for the discussion groups:**

**THE DYNAMICS OF POWER**

1. Powerful others can impose their will against you.
2. Power is defined by the possibility to make decisions , regardless of whether they are for good or bad.
3. Those who use power often do so because of a sense of powerlessness.
4. Demonstrations of power and force are often the result of insecurity, helplessness, unreasonableness, overwork, pressure of competition, but also a lust for power.
5. Feelings of powerlessness cause compensations.
6. When local power is determined by external powers a vacuum is created that influences supervisory relationships.
7. One needs to be conscious of the meaning of power to avoid excessive demands on one's resources or resignation.
8. A relationship without power is not possible.
9. You can agitate your power in relationships. For example, by overestimating one's own capacity, devaluing students and colleagues, authoritarian behaviour, and dogmatism.
10. The more power is hidden the more it should be reflected upon.
11. Power tempts to exploit dependents.
12. Power does not take into consideration the consequences of failure for the dependent candidate.
13. If you do not reflect upon dependency conflicts can arise.

**SUPERVISING IN HIGHER EDUCATION**

14. a group which is not educated to lead and supervise a large number of students, candidates, and assistants can make excessive demands and threats.
15. Styles of leadership should emphasise the importance of dialogue in relationships.
16. Good use of power in supervision can enable development of a better and more constructive understanding of the supervisory relationship itself.
17. Powerlessness could be better endured if the supervisor does not only remain in his own imagination but finds solutions by distancing himself from the situation.
18. Supervision requires goodwill, engagement, and interest in the success and work of the other.

19. Supervision is not only concerned with achievement but also the personalities involved.
20. In supervisory relationships it is important to recognize the expectations of the students and their need for acceptance.
21. Supervisors should take care of the students and candidates so that they do not feel neglected or abandoned.
22. Do we have a generation of fatherless and motherless candidates in higher education?
23. In former times, sons were suppressed by their authoritarian fathers, who hindered autonomous development. Today, fathers no longer have time.

### **INCREASING PROBLEMS**

24. Ombudsmen are confronted with an increasing number of candidates.
25. There are more complaints about lack of care and dishonesty in higher education.
26. Even if there are severe problems of communication, the supervisors have no right to hinder the candidate's chances of getting a degree.
27. Lack of responsibility in leadership is considered as dishonesty in science.
28. Above all, personal conflicts and quarrels, which often go hand-in-hand with little or no communication, ultimately result in a situation of helplessness which cannot be altered by the complainants themselves.

### **MEDIATION AND COUNSELLING**

29. In mediation, you should appreciate each personality respectively and make each party feel that the presentation of the problem has been understood and accepted. At the same time, the dependencies should be explained.
30. Often mediation comes too late. In these cases, only an agreement is possible.
31. If injuries are too deep it is better to counsel the individual person alone or seek the help of a psychotherapist.

## Summary of the Discussions During the Workshops on Plenary Lecture 1

### ► by Eugen Teuwsen

The group discussed the leadership competences of professors.

On the one hand professors are considered to have a wide range of vocational and cultural experience as well as practical input, but on the other hand they do not attach enough importance to communication skills. Adequate guidelines and training could improve their communicative capacities.

The traditional German term "*Doktorvater*" - doctoral supervisor - was defined as taking great care of the doctoral candidates. It was pointed out that there has been a rise in conflicts and serious cases in this context. The individual attendance has become more difficult with the steady increase in students at universities.

A better entry selection could prevent some students from the trouble of disappointment and frustration. In addition, the costs could be reduced enormously. The relatively free access is said to be a waste of money.

The possibilities of intervention by an ombudsman were assessed differently. Some gave an account of remarkable achievements, open doors and great support by the management of the institutions. However, in most cases ombudsmen are confronted with little cooperation in the procedure of seeking constructive solutions, obviously because the function of ombudsmen is often not recognized yet.

Power and especially the control of power are so-called dirty words, i.e. these problems are not addressed. A lot of clients prefer being advised confidentially without involvement of the opposite side, since they fear disadvantages.

### ► by Marcus C. Schaub

First, we defined the relationship between supervisor and student, in particular the doctoral student (postgraduate student) and the postdoctoral assistant (post doc), in the setting of the university. In such relationships power was emphasised in the Plenary Lecture by Prof. Hell as one of the most prominent characteristics. We recognised that in the relationship of supervisor and student the balance of power is strongly asymmetric. Whatever the students' official status, undefined postgraduate student with few rights or salaried staff member student, the supervisor holds most of the power while the student is rather powerless. What counts for the supervisor is the scientific success stemming from the student's work as mirrored in the publication record.

A great part of the scientific research is carried out by the student's forces. It is, therefore, not surprising that in most statistics by far the largest number of complaints come from the students. Because of the weak status of the student and the ambition of the supervisor, most conflicts are dealt with at a personal level. In these conflicts the supervisor has not much to loose, while a break up of the relationship with loss of the position may have serious consequences for the student, perhaps an irreversible turn in his or her career. Perhaps as much as two thirds of such conflicts are terminated at the working place with the student resigning and quitting (instead of contacting the ombuds office where available).

Second, in view of the asymmetric power distribution in the most important supervisor - student relationship, we discussed the election criteria for senior researchers and professors. The discussants agreed that the selection usually relies primarily on scientific excellence and publication record but neither much on teaching capability nor on social and human qualities. However, the latter qualities (beside scientific excellence) will, in the long-run, certainly contribute to the well functioning of a research department.

When, in the future, the universities will have to compete for the good students, these neglected qualities may acquire more significance. An additional question was raised. If the senior researchers exclusively aspire to scientific excellence and do not much care for teaching and other chores, who is going to educate the increasing number of academic students the industry depends on?

Third, we asked whether ombudsing at the university level may have a positive effect in preventing the outbreak of conflicts between supervisors and students beyond the individual cases. The ombudspersons in our group are firmly positive on this point. According to their experience, ombudsing creates a more relaxed atmosphere as the supervisors respect their competence and become more thoughtful in handling the student relationships and have no interest to lessen the department's reputation by an accumulation of conflicts. To achieve this, on the other hand, the ombuds office should attain visibility by distributing reports and recommendations to all university levels.

Lastly, it seems desirable to make the existence and functioning of the ENOHE as an international body more widely known to the universities and university councils.

► **by Jenna Brown**

Our discussions, while not directly responding to the previous lecture, previewed some of the themes that continued in the subsequent conference sessions and conversations.

Workshop participants represented a broad spectrum of problem solvers, about half of them ombudsmen, the other half including a mediator and various administrators. As we went around the conference table and introduced ourselves, differences and similarities were revealed. Some of us occupied positions enacted by decree, statute, or law; while others occupied posts voluntarily created by a university or a university administrator. Our tenure varied, some of us nominated by colleagues and elected for a fixed or limited term, while others had no specified term limit. Some of us identified ourselves as resources of first resort, sometimes as the last. We provided different and sometimes overlapping services, from providing information and advice, to intervention and mediation assistance, and investigation.

Regardless, we all saw ourselves as individuals who can identify opportunities for change within our own universities and sometimes, our national systems.

Four points in particular surfaced:

**Where we are in the university influences what we do?**

We proposed that the more locally organized our services, however defined, the more contextual they are. The more our services are centrally organized, the more our emphasis is procedural or on “process”.

**Ombudsman power?**

Ombudsmen have the power to focus on and maintain fair process, and this power derives from credibility. We observed that how the ombudsman is selected and what the ombudsman is expected to do, determines the legitimacy of the ombudsman office. How he then conducts himself, determines the credibility of the ombudsman, himself.

**Advantages of ombudsman selection?**

Is there a correlation between the ombudsman selection process and faculty usage of the office, at least initially? For example, faculty may approach an ombudsman who comes from within the university, assuming that he knows something particular about the university and its people and personalities. Faculty may be more cautious and slower to approach an ombudsman hired from outside until they are satisfied that he knows enough about the particular university.

**How do ombudsmen effect change?**

Higher education everywhere faces challenges, including but not limited to: newly imposed tuition, increasing fees, admission requirements, and limited numbers of seats. Within this environment, ombudsmen may identify structural problems, providing feedback to networks or university presidents. Rather than making changes themselves, ombudsmen can use a variety of approaches (such as training, conversations, and reports) to motivate some interest in the person or body that can enact changes.

**Walter Haller**

**Globalization and Commercialization in Higher Education:  
Is Lack of Mutual Respect the Result? A Challenge for the Ombudsman**

More than forty years ago I wrote my doctoral thesis on the Swedish parliamentary ombudsman. At that time hardly anyone outside Scandinavia had any idea what an ombudsman was and when I tried to explain my research project even scholars of constitutional law and political science frowned. The ombudsman office, created in Sweden in 1809 and adopted in Finland, Denmark and Norway in the twentieth century, did not spread to other countries until the early 1960s. Beginning with New Zealand in 1962; in 1967 the United Kingdom, the Canadian provinces of Alberta and New Brunswick as well as the American state Hawaii joined the club. Today the ombudsman office exists at the national level of government in approximately 120 countries around the world. This figure, gathered from the web site of the International Ombudsman Institute, neither includes ombudsman offices on provincial/state, regional or municipal levels nor special ombudsmen, created in specific areas like the armed forces, police, correctional institutions, public health or data protection. Furthermore, trouble shooters acting in a similar rôle to that of ombudsmen in the business sector – newspapers, insurance, banking etc. – are not listed.

**The Proliferation of the Ombudsman's Position**

The first university ombudsmen seem to have been established in Canada and in the United States, beginning with Michigan State University in 1967 – if I may trust “Google”. Especially during the last 20 years the ombudsman, which is a Swedish word for “representative” or “trustee”, has become one of Scandinavia’s best known export commodities, even in Latin America and in formerly Communist and now democratic states in Central and Eastern Europe.

The reason for this world-wide proliferation is quite obvious: It is the need of those affected by administrative action to appeal to an easily accessible and independent person who receives their complaints, pursues inquiries into the matters involved – based on a comprehensive right to information – gives advice, sometimes acts like a mediator and makes recommendations for suitable action. Thanks to the characteristics of his office, namely the combination of impartiality with accessibility, confidentiality and informal, flexible procedures, an ombudsman significantly supplements other mechanisms intended to redress grievances, such as legal procedures, complaints to administrative authorities at a higher level or to members of the legislature.

Many ombudsmen spend quite a lot of time in dealing with complaints within the administration that arise from employer – employee relationships. Thus mobbing has become a subject of growing concern, especially when the situation on the labour market tightens. At universities, in addition to complaints made by the staff there are many grievances of students, for instance relating to inadequate information, tuition fees, scholarships, availability of facilities, quality of teaching, recognition of credits and certificates obtained at other universities as well as examinations.

Parallel to the rapid spread of the ombudsman institution the environment in which an ombudsman works has undergone far-reaching changes in the highly technical modern welfare state. This is especially striking in the field of higher education. The two factors that led to an upheaval in the academic landscape can be described with “globalization” and “commercialization”.

## **Globalization**

The term *globalization* is vague and afflicted with emotions. In economy it refers to the increasing integration of economies around the world, particularly through trade and financial flows and culminating in the World Trade Organization WTO. In fact, however, the dimension of globalization is much broader, encompassing political and cultural exchanges. In science, internationalization is, of course, a very old phenomenon, but more recently there has been a most striking development in constructing a European area of higher education leading to a marked increase in the mobility of students and academic staff across national borders. Based on the Bologna Declaration of 1999 an overall convergence in higher education is being realized at the European level, modelled after the Anglo-Saxon system which is essentially based on two main steps leading to the bachelor and the master and doctorate degree respectively. The European credit transfer system (ECTS), introduced ten years before the Bologna Declaration within the framework of the ERASMUS programme and later supplemented by an accumulation system, greatly enhances the volume of student mobility in Europe.

The increased mobility is not only a consequence of European projects like ERASMUS and SOCRATES. Parallel to the developments within Europe the number of exchange programmes with twin universities in other continents has grown rapidly. Every reputed institution of higher learning places a good deal of emphasis on its international relations. As a result of such developments, the student body has become much more diverse with respect to nationality and mother tongue as well as cultural background. The same applies to researchers and teaching staff. At the Federal Institute of Technology in Zurich, to name one example, only about 40% of the professors are Swiss, and as a language for publishing research results and even teaching, English has acquired the dominant position which Latin held in the Middle Ages.

A great variety of university rankings based on criteria like research publications and citations, awards received by the academic staff and the quality of teaching contribute to globalization. Everyone wants to be at the top of a sort of global pecking order.

## **Commercialization**

The second factor that has left its mark on Academia and at the same time influences a university ombudsman’s work is *commercialization*. I use this term in order to characterize the application of techniques and values of business administration to institutions of higher education, not only to private schools and universities, but even to those

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operated by the state. This adoption of private sector models to public administration has different appearances and labels: “new public management”, first tested in New Zealand, “national performance review” in the United States, “renovation de service public” in France. Some guiding principles of this commercialization of the public sector are:

- setting standards of performance by defining goals and indicators of success;
- a shift from the use of input controls (such as legal rules and budgets) to rules relying on output controls measured by quantitative performance indicators;
- a shift to decentralized units;
- achievement of the defined standards at the lowest possible cost through performance agreements.

Competition on a global level in conjunction with commercialization intensify the pressure on all members of the academic community and require greater flexibility regarding the allocation of research funds as well as the hiring, firing and compensation of staff. Allocations and rewards are linked to measured performance. What are the consequences of this increasing competitive pressure in the field of higher education? Is lack of mutual respect the result? Even more interesting than such a diagnosis are possible therapies you are going to consider. How can a university ombudsman meet the manifold challenges in a globalised and commercialized academic world?

Do not expect me to present cure-all remedies and solutions. It is my goal to develop – in the form of theses – some viewpoints which I regard as important and worth discussing, and with which I hope to give you some incentives for lively debate.

## **1. The ombudsman ought to be independent of the university management**

The issue of dependency in supervisory relationships has been addressed by the first plenary speaker. In the context of commercialization and global competition this problem is accentuated, as the university may be likely to regard ombudsman interventions as stumbling blocks hampering efficiency and competitiveness.

Independence of an ombudsman office can be achieved through adequate procedures of appointment and removal, a defined term of office, financial autonomy and incompatibility provisions. A professor still active in teaching and research is not a good choice; the risk of a collision of interests seems obvious. But a retired professor, like Hans Eppenberger, can combine the advantages of independence and specialized knowledge of how an institution of higher education works.

Maximum independence is secured when a state ombudsman, elected by Parliament, also may investigate matters concerning the university. This is the case in the Canton of Zurich, where the university is included in the cantonal ombudsman’s jurisdiction. You might object that a parliamentary ombudsman is too aloof from the academic world to make well balanced findings and recommendations in complicated academic matters, for instance involving research. My answer is that, like a judge, an ombudsman can of course request expert opinions.

I shall give you one example: A young scientist maintained that a senior researcher had published a review article based on partly falsified results of her own laboratory experiments. This senior researcher had been a close collaborator of the young scientist's superior, director of the institute where she was employed and a famous scholar. The director also happened to be on the board of a company engaged in the discovery, development and commercialization of certain medical products. In this company the author of the review article had the position of research manager. When the young woman's reproach of plagiarism was not taken seriously by her superiors, she threatened to go to the press. As both sides were stubborn and unyielding, the dispute escalated. The young lady went public and lost her job. The cantonal ombudsman, asked to arbitrate by both sides, could not reconcile the parties. He then requested an expert opinion from a professor in Bern. This expert came to the conclusion, that the results in the review article were not supported by the claimed broad database and that the author had not only acted negligently, but with the intention to deceive. Due to the ombudsman's intervention the academic career of this Swiss style Hwang Woo was ended or at least interrupted: The Minister of Education stayed a pending *habilitation* procedure necessary to qualify as university teacher. I do not know whether the young scientist who brought the embarrassing plagiarism to light has found a new job in her specific field of research!

It is also possible that a parliamentary state ombudsman can intervene in addition to a special university ombudsman. The Austrian "*Volksanwaltschaft*" offers such a model; here the independence of the university ombudsman might be of somewhat less concern.

The challenge to a university ombudsman's neutrality and independence can be enormous in cases where there are indications of maladministration or incorrect behaviour at the top level of the university management or on the part of a very prominent professor, maybe even a Nobel Prize Winner. Famous scholars in charge of a university institute or department are by far not always blessed with special skills as administrators and personnel managers.

The neutrality and independence of a university professor acting as ombudsman is also tested when the assertion is made that one of his colleagues has violated copyrights of his research assistants by not naming them as co-authors in a publication. Ombudsman Kägi had to deal with a number of such cases.

## **2. The ombudsman is "client-centered but not anti-administration" (LARRY HILL)**

This characterization, made 30 years ago by an American scientist describing the New Zealand Ombudsman, hits the bull's eye and – in my opinion – also fits a university ombudsman. As a rule an ombudsman acts on request of somebody who complains or seeks his help, and not of his own volition. Hence the proceedings focus on helping and protecting an individual who has a specific problem with the administration. The client's concern or grievance is the central issue, not aspects like efficiency, minimizing costs, observance of performance agreements or competitiveness in a globalised world. That is why an ombudsman fulfilling his duties properly will sometimes find himself in the role of an uncomfortable adjudicator. On the other hand an ombudsman has to observe neutrality. He is not an anti-authority. The rights and interests of all parties involved ought to receive equal consideration. I therefore regard the official title of some ombudsman offices called "citizens' protector" or "people's advocate" in Spanish speaking countries, Austria, Quebec and Italian regions as too one-sided and even misleading. If necessary, an ombudsman has to protect the university management and administration against unjustified complaints. Quite often complainants can be

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helped when the ombudsman explains to them in an understandable way that the administration has dealt with a case properly. In other cases, where an ombudsman acts more like a mediator, his intervention can contribute to settle a controversy in a way more satisfactory for both sides.

**3. The ombudsman's existence and functions must be common knowledge inside an academic community.**

Students, staff, faculty and administrators should be fully aware of this institution and know that they can turn to an independent and neutral person without incurring expenses or other inconveniences if they believe they have been treated unfairly by the university administration or even if they simply cannot obtain reliable information they need about their studies, their employment or other matters concerning their relation to the university.

There are many means to achieve this goal: instruction sheets handed out to students when they enrol and to staff at the commencement of their employment, regular information in annual reports, programs of lectures as well as other university publications, but above all a prominent and easily found announcement on the university's homepage. As students and staff who need the ombudsman's help might not know the official title of the office and not search under the letter "o", they ought to be directed to the ombudsman when they click links like "practical information for students" or "complaints".

Some parliamentary ombudsmen make full use of the media. In Austria the "*Volksanwalt*" regularly takes part in a live television broadcast and publicly reports on some interesting cases to a national audience. Why not open a permanent column "A Case for the Ombudsman" in the university's gazette?

**4. A regular exchange of information between university authorities and the ombudsman is essential and advantageous to both sides.**

On its own accord the university administration ought to inform the ombudsman in a proactive manner about regulations and decisions which are likely to affect the ombudsman's function in giving advice to and helping students and staff, such as new regulations relating to studies, exams, credit transfers and conditions of employment or agreements concluded with other institutions of higher education. That such information might be available on internet or intranet is in my opinion not an adequate substitute for the suggested specific information addressed to the ombudsman's office. A characteristic feature of globalization is an abundance of information; to quickly find the necessary pieces of information in this proliferating quagmire is the real problem. Recent developments in the field of higher education have obviously not enhanced transparency.

In quite a number of cases a client's problem can be solved if the ombudsman listens to him, takes him seriously and provides him with reliable information that could not otherwise be obtained. Neutral advice by an independent person is needed when the university administration has given unclear or even contradictory information concerning matters like the recognition of credits, the conditions to qualify for a scholarship or research appropriations, immigration rules for doctoral candidates and post docs, or when an employer has acted in contravention of the law, e.g. of labour law in

order to procure cheap working capacity. In order to inform and advise properly in cases like these, the ombudsman must be provided with adequate information, whereby the maximum is not necessarily the optimum.

The flow of information should not run in one direction only. Based on the amount of cases he handles, an ombudsman will sometimes become aware of problem areas or structural deficiencies that call for improvements in university policies and procedures or even for statutory reforms. In such cases he ought to be able to raise critical questions and to share his views with those in authority or even, to the extent this seems appropriate, with the academic community at large – always with due respect to the “clients” request that their anonymity be preserved.

**5. An ombudsman must have effective powers to obtain all the information he needs in order to fulfil his tasks.**

This implies access to anyone within the academic community, including the university administration, as well as access to documentary information such as files. These people and instances ought to be obliged to furnish the ombudsman with all the information and official documents he requests. Paragraph 6 of the Cornell University Guidelines for the Office of University Ombudsman can serve as a model. It reads as follows:

“The Ombudsman shall have access to such official files and information as s/he feels is required to fulfil his/her functions. Any request for information must receive the highest priority from every member of the community.”

This right to be informed is a prerequisite for reaching objective and persuasive conclusions regarding the merits of a complaint and also for advising clients and providing them with reliable information.

On the ombudsman’s request administrators and superiors should be obliged to take part in informal talks. Bringing two divided parties together to the same table and letting them discuss their controversy with a neutral person is not only the essence of mediation, but also part of an ombudsman’s job; sometimes an amicable settlement is the result. In contrast to a mediator the ombudsman is – as already mentioned – “client - centered” and not just a “neutral third party”. Law and fairness can require him to make recommendations on which the parties involved would not agree.

**6. The relationship between special ombuds institutions for higher education and parliamentary ombudsmen ought to be determined by a spirit of cooperation.**

Sometimes a parliamentary ombudsman exists next to a university ombudsman. Their fields of activity partly overlap, they have essentially the same functions, and their working methods are very similar. Both are striving for the same goals: to facilitate communication where conflicts arise, to consider the interests and concerns of all parties involved with impartiality, and to achieve a fair and equitable outcome within the scope of established law, their main weapon being persuasion, not coercion.

As a rule the university ombudsman will be the first place to turn to when a member of the academic community seeks the help of an easily accessible and impartial person in a matter concerning his or her particular institution of higher education. But besides that, he or she ought to have the possibility of taking the case directly to the parliamentary ombudsman.

Furthermore, the fact that a university ombudsman has already dealt with a grievance should not exclude a subsequent intervention by a state appointed / elected ombudsman. Recently, an Austrian “*Volksanwalt*” told me that he had means of investigation and redress that clearly exceeded those of ombudsmen instituted in special areas like universities or hospitals and that his intervention sometimes was necessary despite prior action of a special ombudsman.

At any rate a regular exchange of experience between ombudsmen of higher education and parliamentary ombudsmen is stimulating for both sides, as they are faced with many similar problems. One of these is the commercialization of many sectors of public administration, sometimes intended to evade state control mechanisms!

Mutual contacts are even useful when the fields of activity do not overlap at all, as in Zurich. The University of Zurich has no ombudsman, but the Ombudsman of the Canton of Zurich may investigate any matter concerning the university. On the other hand the Federal Institute of Technology is completely outside Mr. Kägi’s jurisdiction. Nevertheless, Ombudsman Markus Kägi and the ETH-Ombudsmen regularly meet and find many reasons for lively debate, not only when they are organizing an international conference of ombudsmen in higher education!

## **Summaries of the Discussions during the Workshops on Plenary Lecture 2**

► **by Maria De Pellegrin**

### ***1. The ombudsman ought to be independent of the university management.***

The members of our workshop concentrated on this demand made by Prof. Haller. It is an obviously crucial and central demand concerning the position and efficiency of an ombudsperson. It is most important that an ombudsperson can fulfil her/his duties without being afraid of colliding with the interests of the university management and university administration.

Ms Jenna Brown from the University of Denver, for example, is not protected at all. There is no automatic increase in her salary, she has to negotiate it. She has to be very careful and remain strictly neutral, and she also has to create a mutual understanding with the incumbent Chancellor, because he is her employer.

The Scottish Ombudsman is quite independent, he was appointed by the Queen and is an Officer of the Crown.

There is a similar situation in Austria. Our ombudsman is a civil servant, that means that he is in a permanent position, although not necessarily in his function as an ombudsman.

In other countries full professors hold the position of ombudspersons for a certain period of time, this means that the protection for their function can be somehow derived from their position as a professor.

### ***2. The ombudsman is “client-centered bus not anti-administration”***

There was full consent that this demand is justified.

### ***3. The ombudsman`s existence and functions must be common knowledge inside an academic community***

### ***4. A regular exchange of information between university authorities and the ombudsman is essential and advantageous to both sides***

It should not be too difficult in our days to obtain information and to spread information.

We mentioned the internet, homepages, booklets etc.; at the Vienna University of Economics and Business Administration we organize information days for beginners.

### ***5. An ombudsman must have effective powers to obtain all the information he needs in order to fulfil his tasks***

### ***6. The relationship between special ombuds institutions for higher education and parliamentary ombudsmen ought to be determined by a spirit of cooperation***

There was agreement on the last two demands.

One member of our workshop pointed out that globalization can even be advantageous to succeed in implementing improvements. At her university they referred to the large international community of students, and thus could push through their demand.

► **by Dick Hermans**

### **General Discussion with Prof. Haller**

Prof. Haller proved to be an expert in legal issues, ombudsing and the historical development of it. He made a clear distinction between different aspects of the ombudsman's work. The discussion started by asking him the difference between genuine mediation and ombudsing. What are the major differences, what do they have in common and how will this influence the outcome of a mediation and an ombudsing process. He stated that the difference was the authority of the ombudsperson to decide about the properness of the behavior of organizations (governmental, non-governmental or commercial), which a mediator does not have. Although an ombudsman is impartial, he has an opinion and because of his authority he has more power to bring parties together.

### **Group Discussion**

To get a better understanding of the position of each of the members of the group everyone described his or her situation. It appeared to exist a lot of differences as to tasks, power and clients, varying from only serving part of the students or staff to all staff and students in the university, from "pure" mediation to ombudsman, who has access to all files and whom everyone is obliged to provide with all necessary information. Some were only in charge for cases about sexual harassment, while others deal with all kind of conflicts.

After this very informative part of the session it appeared that one of the problems the members of the group encountered more frequently during the last years had to do with cheating and plagiarism. We were not sure if it emerged as a result of a cultural change, the ease with which you can copy and paste or as a result of the possibility to check papers and theses electronically.

But we agreed about two main points.

1. In secondary education pupils are not educated as to the way you can use the work of other authors. It is advantageous when pupils in secondary education learn how to write a paper, but when they don't have a clear idea about what is permitted and what you are not allowed to do, this is also a big disadvantage.
2. Universities have an important task. They must in the beginning of the first year educate students very precisely as to the use of citations and also check permanently their behavior to prevent embarrassing situations later on when students are somewhat amazed about the strict rules and the far-reaching consequences of improper behavior. Ombudsmen have to convince the university staff to take appropriate moves.

► **by Josef Leidenfrost**

Participants in the workshop group with members from Australia, Austria, Spain, Switzerland, the Netherlands, and the United Kingdom discussed the main issues of Professor Haller's contribution and came to the following main conclusions:

- **There are many ways for ombudspersons to come into existence:**

Their positions are decreed by national laws or official public regulations, they might be codified in the institution's bylaws or they might be recommended by advisory bodies to institutional leaders and / or governance task forces on special issues.

The people filling the positions might be elected (by different bodies), appointed into their duties, they might be born as an ombudsman already, they might be ombudsmen by coincidence, or they might be ombudsmen by prophecy.

- **There are two main principles for inner institutional behavioural manners:**

No matter how they have assumed their positions, almost all of them are guided by the "Don't bite the hand that feeds you" principle. Only very few have highly self acquired powers and / or authority that does not need "power sponsoring" by others.

- **There are different, and yet similar working patterns:**

Ombudspersons ought to be **client centred**, not acting in an anti-administration like manner.

A certain and "healthy" amount of **partnering with clients** is requested, but not to the extent of taking their sides, rather remaining as neutral as possible.

Cooperation, but not collaboration with the "other side", the administration / bureaucracy / establishment is also needed, again not too far reaching, rather based on equidistance and characterized by mutual estimation.

- **A Golden Rule: Impact through Transparency / Demonstration of Efficiency, but not Publicity**

The more publicity ombudspersons' working methods and outcomes of their activities get, the better is the impact for future cases? Not necessarily!

Institutions and individuals within are glad if ombudspersons do not practice or participate in practicing in institution or people bashing as the media do have to do it in order to raise circulation (the "front page syndrome") or audience rating (the "prime time" syndrome). As much transparency as needed and as much demonstration of efficiency as compliant are the rules of the day.

And besides that: cases are rarely as much comparable and hence as fit for creating categories of misconduct and / or maladministration and / or bureaucracy anyway.

- **The More Than Just One Ombudsperson Principle: Both Blessing and Curse?**

Civic Society and modern mass democracy in our days are creating more and more sectorial ombuds schemes: for public administration, for environmental issues, for children, for the elderly, for handicapped people etc. This is called the *Ombudsmanitis* syndrome by some critical observers, meaning sectorial ombudsmen ruling over public ombudsmen. But still: they can act in a concerted way and are therefore adding up to efficiency that soloists would not have.

- **Ombudsing and the Lust for Power: A Dirty Combination?**

Since ombudsmen control the powerful and mighty ones ombudsmen themselves are coming close to crossing the border line to power and hence to lust for power. It lies within the nature of the ombudsman principle that people working within ombuds schemes themselves are always careful of not fraternizing with the potentates. So: Yes, lust for power is a dirty word.

**Patrick Cras**

**Ombudsing in Higher Education:  
A Process Oriented Approach and Benchmarking**

**Introduction and Rationale**

Conflict is relatively common in the complex settings of university and other higher education campuses. Dramatic happenings are relatively seldom, but most conflicts remain below the radar, woven into the daily experiences of students, staff and faculty. Mediation services offer colleges and universities a flexible technique for handling a wide range of possible conflicts. The development of such a mediation program involves a number of pragmatic and political decisions, such as appointing a core planning group, assessing needs for conflict management, deciding on the scope of the program, developing a staff and program, securing a budget, etc. What is sometimes neglected is implementation of a strategy for evaluation and feedback.

By its intrinsic nature, evaluation of the Ombudsing process seems quite difficult. Nevertheless, evaluation research is necessary for a number of practical reasons, such as meeting accountability pressures, obtaining outside sources of funding. Given that mediation involves the well-being of others, doing evaluation research can also be considered part of the ethical responsibilities of competent mediators [1]. A good evaluation can also become an important management tool. Ideally, program planning and evaluation should work hand in hand. The most obvious and minimal evaluation tool is the annual report of activities. Potential uses of evaluation research involve justifying and explaining the program, program planning and decision making, improving services, addressing a specific problem area and assessing volunteer needs and impact. More elaborate evaluation systems can be developed in order to adjust the activities of the mediation program.

Basically, there are two different approaches to evaluation research: outcome driven evaluation research driven by policymakers and financiers as opposed to a process oriented approach. The first is a straightforward approach, often quantitative in nature, but frequently yields inconclusive results, not of immediate concern to the stakeholders involved. The second approach is more qualitative, contextualized and collaborative, oriented towards the process of ombudsing itself. Evaluations that address process as well as outcomes and explore the interests of different stakeholders represent a richer opportunity for programs to learn about their functioning, how they fit within the campus and how they are perceived by others. The tools that have to be developed for both approaches differ substantially and are somewhat analogous to –as far as outcome research is concerned- the quantitative approach used by system engineers, while on the other hand the process oriented approach uses managing techniques involving complex systems, most often found in human research management. Let us now consider both of these approaches separately.

Evaluation research that focuses on outcomes are approachable by ‘hard’ engineering techniques. Questions in engineering are often defined by their outcomes. In other words, the need is already defined and the engineer is asked how and by what means this need can be met. . Hard engineering problems are relatively simple compared to human systems of interaction. The approach boils down to a named system with defined objectives. If the system and its objectives are defined, then the process is to develop and test models of alternative systems based on carefully defined

criteria which can be related to the defined objectives. For example, when considering how a mediation program deals with fraud, the number of fraud cases should be monitored, number of students involved, when and how the fraud was detected and what steps were taken to sanction and prevent further occurrence. The annual report should contain an tabular representation and possibly a graph of the number of cases detected per time period.

However, problem situations such as those with which the ombudsman is confronted, are much less approachable by the systematic analysis that is applicable to an engineering question. In the ombudsing process, defining a desirable outcome is much more difficult than when constructing a bridge. Several outcomes of the ombudsing intervention could be envisaged and each of these may be to some extent acceptable by the different parties involved. Outcomes and their desirability may change during and by the process, because students and staff may change their position along the way. In contrast to a bridge that would not meet the other shore and that therefore would be difficult to imagine, in the ombudsing negotiation, a solution that would encounter some of the parties only to some extent, would in many instances be acceptable. The ombudsman is not only confronted with *what to do*, therefore the desired outcome is not always self-evident, but should also decide on *how to do it*. In that sense, a outcome oriented approach is just one of the possible alternative approaches of the ombudsing process, but is not sufficient and certainly not the only one. Analysis of the ombudsing process by a methodology that is more suitable to complex human interactions may deliver more detailed information than an simple outcome oriented approach.

### **A systemic approach to ombudsing**

Human systems are by their nature ill-defined and involve human beings trying to take purposeful action in part of a society, often trying to improve on a problematic situation. The textile firm going out of business, university trying to define a curriculum and the ombudsman confronted with a particular conflict. If the system of human beings interacting is by itself difficult to define, what may be an alternative is to make the enquiring process used for analyzing the process a 'systemic' one. By systemic, a holistic approach is meant as compared to a 'systematic' analysis.

A method that is suitable for deconstructing and analyzing the ombudsing process is the technique described by Peter Checkland as Soft Systems Analysis (SSA) [2]. SSA is particularly suitable for any purposeful human activity involving goal directed and motivated actions as opposed to instinctive and random interventions. SSA takes seriously the idea of a whole entity which may exhibit properties as a single whole.

Soft systems analysis claims that intricate human systems may have so called emergent properties. Indeed, while a bridge not only serves a function, but can also be aesthetically pleasing from an architectural point of view and can therefore be considered an art object, while human systems develop further and can have emergent properties, characteristics and qualities that were not present and even had no particular meaning in the individual elements themselves. For example, how the individuals are changed and sometimes mature in and through their interaction in a conflict is a property that is intrinsic to a social interaction system.

**The analysis that is proposed by SSA is essentially a seven step process:**

- situation considered problematic: this is either a general description of the general aim(s) of the mediation program, but may also involve individual and systematically re-occurring problems, may also describe the problems the current program is experiencing; e.g. dealing with fraud
- problem situation expressed: a formal description defining issues and questions and the key players involved; e.g. ethical code of conduct, university policy, exam regulations, students, faculty, instruments and other means used in fraud
- root definitions of relevant purposeful activity systems: a definition of the core purposeful activity, which should include the key elements of the program and activities with their expected outcomes; e.g. present actions taken in case of fraud
- conceptual models of systems: this is a formal description of all possible activities the program could initiate, some of which may be already implemented, some of which may be constrained or practically difficult to realize; e.g. different mode of actions that could be taken with their possible advantages and disadvantages, some of which may be practically feasible and others more difficult to implement
- comparison of models and real world: confronts all the possible activities with the programs realizations in the current situation; confrontation which can later be used to adjust the current program; e.g. what is presently implemented and why are theoretical alternatives not considered
- changes: systemically desirable and culturally feasible changes to be implemented in the program; e.g. what could be improved in the current process dealing with fraud
- action to improve the problem situation: actions to be taken in order to improve the process; e.g. adaptation of the current policies and preventive measures

Now let us try to apply this concept on the ombudsing process as a whole. In terms of SSA, an acronym is often used to describe the whole of a complex system: CATWOE. In this acronym, the 'C' stands for 'customers', who are the victims or beneficiaries of the system. In ombudsing, this would primarily involve the students, but staff, faculty, parents and society as a whole could also be considered customers. The 'A' stands for 'actors', meaning those who would do 'T', where 'T' stands for 'transformation process' which is the conversion of input to output. The actors are primarily the ombudsmen, but in a sense, the students and other involved stakeholders are also part. The 'W' stands for '*Weltanschauung*' of worldview that makes 'T' meaningful in a certain context. This part of the whole depends more intensely on cultural and local factors. The 'O' stands for 'owner(s)', meaning those who could stop 'T', which involve the university authorities and the ombudsmen. In same acronym, the 'E' stands for 'environmental constraints' or elements outside the system which it has to take a given. The could involve generally applicable university policies, but in a broader sense also the law, rules of socially acceptable human interaction or etiquette, time constraints of ombudsmen, lastly economic, ethical and political constraints.

To develop a systemic approach of the ombudsing process, purposeful activities have to be described as root definitions. One root definition of the ombudsing process could be 'a conflict resolution program for students and faculty based on mutual respect and compliance with university policy'. Another could be 'a conflict handling program

for all members of the university involving peer mediation'. A third could be 'a mediation program for students based on information, education and training involving volunteer mediators'. We could go on constructing root definitions and these will certainly depend on the particular situation of an institute for higher education.

### **Benchmarking**

Once a systemic approach to the ombudsing process has been defined and validated across different mediation programs, it will appear that customers, actors, stakeholders and owners are often similar populations although by the comparison some local differences may be revealed. Minor differences may be present in the transformation process, as the mediation techniques in different programs are likely to resemble each other, but differences may occur and these are based on the actors involved, experience, mediation styles and other environmental factors. Major differences may be based on worldviews, fundamentally influencing or even endangering the viability of the mediation process and also constraints that are political, economic and philosophical in nature. Taking common and differing factors into account, benchmarking of the mediation process should rely on outcome oriented evaluation research as well as SSA analysis. Benchmarking should help institutions of higher education to improve their mediation programs.

### **Conclusions**

Ombudsing is a complex and purposeful human activity which involves quite a number of stakeholders and relies mostly on voluntarism, talent and expertise. The process of ombudsing can be examined using soft systems methodology that is applicable to complex and highly contextual management problems. Evaluation research using SSA is primarily based on systemic and process oriented approach, which can then be used for benchmarking and adjustment of the ombudsing process. To develop a rational evaluation tool and use it for benchmarking, it is necessary to find common ground between different ombudsing programs, defining common roots and procedures, defining key players and local and structural constraints. It should be decided who should do the evaluation, be it self-evaluation with advantages in terms of economy, familiarity with the local program and presumably a relationship of mutual trust. Another possibility is to hire an independent external evaluator, a consultant acquainted with ombudsing in higher education, with advantages in terms of objectivity, availability of the necessary time, expertise, but with clear disadvantages, for external evaluators can pose frank questions, eliciting the kinds of feedback a friend of the program might be reluctant to ask. Alternatively, the evaluation could be done by the principal customers, preferably graduate students, while they are counseled by either an internal or external expert in ombudsing.

### **References**

1. Warters, W., *Mediation in the campus community: designing and managing effective programs*. 1st ed. 2000, San Francisco: Jossey-Bass. 283.
2. Checkland, P. and J. Scholes, *Soft systems methodology in action*. 1st ed. 1990, Chichester: John Wiley and Sons. 329.

## Summaries of the Discussions during the Workshops on Plenary Lecture 3

### ► by Claudia Kaufmann

1. Ombudswork at universities is not always an easy task. Much lauded in the context of receptions and congresses, ombudswork otherwise is in constant need of legitimation.

Therefore, the measures discussed in our workshop are all the more important. That is to say:

*First of all, ombudspersons have to network!*

The term „networking“ covers

- the exchange of practices and experiences
- the possibility of discussing case-studies
- peer-review and supervision
- developing good practice

→ All these approaches are also used as evaluation methods.

2. *Evaluation*: Before launching an evaluation, the following reflections need to take place:

- What knowledge (data and background) is needed?
- What contexts do our questions pertain to?
- What questions need to be asked?

In order to answer these questions we must define the following parameters:

- finality / aims of the evaluation
- desired outcomes
- evaluation process itself
- and, last but not least: *the implementation of the results*

This means:

Evaluation is not an end in itself!

Evaluation is not an exercise in public relations nor a modish trend!

A successful evaluation permits us to gain insights into our various organisations, in our work.

It empowers our work and tells us something about ourselves.

3. Our diverse backgrounds led to a discussion of the different requirements for working successfully as an ombudsperson in the education sector:

→ Is it necessary to appoint „experts“?

→ And how do we define an expert in this context?

→ Should one appoint professionals or rely on volunteers?

The final answers to these questions are still outstanding. However, we all agree that *minimal training standards* are greatly to be desired. Mediation techniques should be *taught*, and not acquired on the job.

4. To conclude, we would like to underline the importance of developing and exchanging good practice. But that is not all: universities and their ombudspersons alike would do well to develop a culture which learns from its mistakes („*Fehlerkultur*“ as we say in German).

We must practice what we preach!

► by Pilar Abad

**In this workshop, the plenary lecturer (Prof. Cras) elaborated on three main points:**

1. The need for evaluating mediation or ombuds programs according to new developments in evaluation research which tend to substitute exclusive reliance on quantitative methods with more qualitative, holistic and systemic *process-oriented* approaches (Soft System Analysis (SSA)<sup>1</sup> suggested) and which may be considered more appropriate for characterizing, comprehending and appreciating ombuds activity.
2. Process-oriented approaches allow for the possibility of discerning common grounds of analysis between different ombuds programs, which, in turn, will favour benchmarking actions in order to improve the ombuds process.
3. The nature of the “agent” of the evaluation, who could be either the ombuds himself (self-evaluation), an external evaluator (a sort of consultant familiar with ombudsing in Higher Education), and the principal customers (students).

**These three basic points were widely discussed in the workshop and triggered some subsequent issues:**

- a. **The very need of the ombudsing evaluation, itself**, which was deemed by the speaker, himself (who attended the session) as necessary to examine our own programs or our way of dealing with conflicts, and for helping us to decide on methodological variations for such programs;
- b. **The ultimate target of the evaluation process**, as being both the universities and the general public for obvious reasons;
- c. **The convenience (or not) of the evaluation process**, which would depend much on who might or would do it. On this point, the speaker introduced a new possibility, that of “peer-evaluation” preferably done by former ombudspersons;
- d. **The cost of the evaluation**, and related matters such as: who would take charge of the evaluation, and how the scope of the evaluation could affect its cost;
- e. **The feeling of widespread scepticism concerning evaluation processes** (i.e. the existence of too many of them for too little benefit). To neutralise this danger, the need for doing useful research work on the topic of process-oriented evaluation, as well as of stimulating habits of comparable good practices, was suggested;
- f. **The subjectivity of customers**, who may be negatively conditioned by their degree of satisfaction, given that not all conflicts can be resolved.

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<sup>1</sup> Checkland, P. & J. Scholes 1990. *Soft Systems Methodology in Action*. Chichester: John Wiley & Sons.

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Finally, the discussion circled back to the beginning with new answers to the question concerning the *need for* ombudsing evaluation (a):

- Productive evaluation processes may provide reasons for supporting the implementation of ombuds offices;
- Ombudsing evaluation processes may benefit universities in that such evaluations may provide independent feedback on ombuds services.

## **Ruth Deech**

### **Wrap Up, Synopsis and Take Home Lessons of the Fourth Annual ENOHE Conference, Zurich, May 17-19 2006**

#### **1.**

The theme of this instructive, friendly and well organised conference was the nature and structure of the work of education ombudsmen.

#### **2.**

The leading university officials who greeted us – Prof. Dr. Hans Weder, Rector of the University of Zurich and Prof. Dr. Ernst Hafen, President ETH Zurich – explained new cross-continental developments in higher education that make our work so valuable to them and why they were pleased to greet the ENOHE in Zurich:

- a) in many European universities there is no selection of candidates for admission as students, or the selection that does take place is in relation to quantity rather than quality, with the result that there may be a lack of motivation in the students;
- b) the commercialisation of higher education, the pressure on staff to take more students and at the same time to excel in research;
- c) students are paying more for their education and may therefore feel more inclined to complain;
- d) internationalisation of higher education with an increase in the number of students moving from country to country and needing extra care and support to adjust to new methods of teaching;
- e) the widening of access so that more students are being admitted with little tradition of higher education and who may lack resources.

On the one hand the university heads are pleased that there is an ombudsman office to take care of complaints, on the other hand, the fewer complaints the better.

#### **3.**

The first plenary lecture, “Dependency and Responsibility in Supervisory Relationships” was given by Prof. Dr. Daniel Hell of the Department of Clinical Psychiatry, University of Zurich. It was a provocative analysis of the supervisor-student relationship in the modern setting. He explained how best to convert a student’s possible failure into an understanding of his/her limits, and how to convert pressures on the supervisor into a paternal lifelong influence. He asked questions about power, where it is and what it is. He explained how the growth in the number of students has led to less communication, the traditional supervisor / student relationship has weakened and so the student may be shocked and surprised when his/her work is suddenly rejected after years of study. In discussion, these points were made *inter alia*:

- a) there may not be as much power in the hands of the supervisor as envisaged; also that some power is good and necessary for the teacher in order to ensure that the student learns successfully;
- b) today's student needs someone to listen to him/her;
- c) suitability of students is a problem, and better selection methods should be devised;
- d) wider access means that the university's population has become a microcosm of the surrounding wider society, with its attendant problems, for example, violence, depression, harassment;
- e) a comment from a Spanish delegate: "Higher education has become a parking lot for young people between the ages of 18 and 22 until they decide on their next direction!"

#### 4.

The second plenary lecture, "Globalization and Commercialization in Higher Education: Is Lack of Mutual Respect the Result?" was given by Prof. Dr. Walter Haller, Department of Constitutional and Administrative Law, University of Zurich. He addressed the nature of ombudsing and the structure of the office. In his lecture and in discussion afterwards it was explained that the skills of the ombudsman may be either directive and controlling, or therapeutic and healing. There were many different perspectives from the different countries on the question of the right sort of person to be an ombudsman, but they were united in agreeing that the ombudsman wants to achieve the best process and outcome for the student. He or she must be independent, although there are conflicts between teaching and ombudsing if the ombudsman is still teaching; there are conflicts between serving the government or the university, the university or the student. The question was raised of who pays the ombudsman and how to protect him or her by contract from interference by the university or fear that he/she will lose his or her job. There was general agreement that:

- a) personality generates the appropriate power, whether the ombudsman is elected or nominated. The power is necessary to recommend changes and to follow through to make sure that they are achieved;
- b) a retired professor may be a good choice as ombudsman, being independent and yet knowing the university well;
- c) the ombudsman should support both sides, and not be exclusively student-focussed or university-focussed;
- d) control and payment should be separated;
- e) although law and psychology were regarded as useful, there is no particular discipline required of the ombudsman as long as he/she has support, recourse to experts and knows the system.

#### 5.

The structure of the office of the ombudsman was examined. The contradiction that the ombudsman would like more contacts, but the university would like fewer complaints can be resolved by making improvements in the university on the ombudsman's recommendations, so that better initial advice is given to students and systems are improved. Professors also have a conflict: they want to minimise drop outs but also have to explain to some students that they are failing. They want success for their group and the failure of the student is felt as the failure of the professor. It was noted that lecturers are chosen by universities on the basis of their outstanding research skills, but they need personal skills as well to deal with students. There is a need to reconcile excellence in research (sought by the university in this

competitive world of higher education) with attention to the care of average students and the employment of good teachers, who are not necessarily the best researchers. It was agreed that research and teaching should be separated.

## 6.

There was general agreement in discussion that:

- a) university teachers and ombudsmen need training. (High school and primary school teachers have to have training, but not university teachers at the moment.)
- b) there should be more communication between universities and ombudsmen. The university should warn the ombudsman when there is a change in regulations etc. which might lead to problems for students, and the ombudsman should publish case studies in the university publications so that members of the university can see and learn from the situations.
- c) the ENOHE website could be used to exchange information, and discuss cases.

## 7.

The third plenary lecture was “Process-oriented approaches to ombudsing: outcome and benchmarking”, given by Prof. Dr. Patrick Cras, Department of Neurology, University of Antwerp (host of the 2007 ENOHE conference). He caused the conference to consider evaluation of the work of ombudsmen and made suggestions about how to do it. Some of the problems of evaluation were aired in discussion. The work of the ombudsman may be preventative, settling issues by informal conversations. This good quality of experience cannot be counted or costed. Who would do the evaluation? It could be by students, by academic researchers or by the universities. If the universities undertake evaluation of the work of the ombudsman, it is likely to have cost as its main focus, and this is detrimental to the work of ombudsmen and the experience of students. If an ombudsman deals with many cases, he/she may be regarded as cost-effective but the university may well have problems. If the ombudsman does very few cases, he/she may be regarded as expensive but his or her presence may be an excellent and effective guarantee of a good experience for the student. Evaluation may be a source of more work – who will evaluate the evaluators? If professors are evaluated this causes work for the ombudsman. It was indicated that evaluation of ombudsing, if it takes place, should be minimal. As an Australian delegate said of evaluators: “If you give a small child a hammer, it is remarkable how many things the child finds need hammering!”

## 8.

It was agreed that education is entering a new world of mobility which will result in more problems, although it is desirable in itself, and that there is a need for guarantees of quality in the Bologna process. It was thought that ENOHE had an important future, looking 10 or even 20 years ahead, as an important element in the assurance of quality in the Bologna process, by adding value through its website, by keeping ombudsmen and universities in contact with each other, by suggesting good practice for ombudsmen and designing methods of evaluation.

## **Josef Leidenfrost**

### **The ENOHE Road Map for the Next Years**

On the edge of its fifth year of operation the European Network for Ombudsmen in Higher Education the Zürich conference was a vital sign of a rather young group of ombudsing enthusiasts at institutions of higher education..

The network is still expanding. At Zürich in May 2006 there were participants from Germany, Romania, and Scotland among the first timers, colleagues from Spain, The Netherlands, Austria, England, the U.S. and Australia already being “old hands” at the network – not to forget our kind hosts from Switzerland. Ombudsmen in France, Italy and Portugal (where ombudsmen are part of the higher education systems) still need to be approached to join the ENOHE “family”.

As informal as possible, as formal as necessary is still the key phrase for the institutionalisation of ENOHE which also brings issues like (permanent) funding, standards of practice, general public and membership services on the agenda..

With the new proposal for a new European programme in the field of lifelong learning by the European Commission in July 2006 the existing programmes Socrates (education) and Leonardo da Vinci (vocational training) will be integrated into a new scheme (comprising sectorial programmes on school education, higher education, vocational training, and adult education). It will be complemented by transversal measures and the Jean Monnet programme.

The aim of the new programme 2007-2013 is to contribute through lifelong learning to the development of the Community as an advanced knowledge society. Higher Education will continue to play a major part in it (under the ERASMUS strand of the programme), and so will the so called Bologna Process until 2010 on the harmonization of the area of European higher education.

With the recommendation of the European Commission on the “European Charter for Researchers on a Code of Conduct for the Recruitment of Researchers” of March 11, 2005 complaints and appeals mechanisms have - at last - been officially addressed by the European Commission as an important policy issue. The aim is setting up procedures which provide (in this case research staff with) confidential and informal assistance in resolving conflicts, disputes and grievances in order to promote fair and equitable treatment with in the institution. It is to be hoped that academic ombudsmen and their role in developing services at the institutional level and relationships between institutions and their members (students and / or employees) in general will be similarly appreciated soon.

On its road to the future, ENOHE will develop its services further, with annual conferences (2007 in Belgium, 2008 in England) and occasional papers (this one already being Number 3) being the most visible ones, complemented by the website and a list serv for registered participants.

Also essential for expanding knowledge and enhancing skills is the collaboration with sister ombuds organisations within academic ombudsing. Among them are in the U.S. the former UCOA (Universities and Colleges Ombuds Association), now merged with TOA into the International Ombudsman Association IOA, and in Canada the ACCUO

(Association of Canadian College and University Ombudspersons), but also more general educational cooperation associations like in Europe the EAIE (European Association for International Education) and in the U.S. the NAFSA Association of International Educators which has set up a regulatory ombuds system recently.

Informal connections and occasional contacts also exist with international ombuds networks like the European Ombudsman Institute (EOI) - whose current president is ENOHE's co-host for the Zürich conference, Markus Kägi - and the International Ombudsman Institute - European Region.

Future conference sites already confirmed for the next two years (2007 in Belgium, 2008 in England) are leading the way into the second quinquennium of ENOHE's dynamic history – for the benefit of all ombuds colleagues, either already “on board” or still to be invited to join.

## Conference Programme

### Wednesday, May 17, 2006

- 19:00-20:00 Arrival of Delegates at the University of Zurich, Stockargut, Orelli Saal, Künstlergasse 15, 8001 Zurich  
Registration
- 20:00 Official Reception  
University of Zurich, Stockargut, Orelli Saal, Künstlergasse 15, 8001 Zurich  
Mrs. Regine Aepli, Member of the Government Council of the Canton of Zurich and Head of the Department of Education, CH  
Prof. Dr. Hans Weder, Rector of the University of Zurich, CH

### Thursday, May 18, 2006

- 09:00-09:30 Welcome and Opening, ETH Main Building, Aula G 60  
Prof. Dr. Konrad Osterwalder, Rector ETH Zurich, CH  
Prof. Dr. Hans M. Eppenberger, Ombudsman ETH Zurich, CH  
Dr. Dick Hermans, Amsterdam, NL
- 09:30-10:00 Plenary Lecture 1: "Dependency and Responsibility in Supervisory Relationships"  
Prof. Dr. Daniel Hell, Clinical Psychiatry, University of Zurich, CH
- 10:00-10:15 Introduction to Plenary Lecture 1 Discussion  
Dr. Eugen Teuwsen, Ombudsman ETH Zurich, CH
- 10:15-10:45 Coffee Break in front of Aula G60
- 10:45-12:45 Break up into 3 parallel Discussion Workshops concerning Plenary Lecture 1  
Chair 1: Dr. Eugen Teuwsen, ETH Zurich, CH  
Chair 2: Prof. Marcus C. Schaub, University of Zurich, CH  
Chair 3: Mrs. Jenna Brown, Denver, USA
- 13:00-14:00 Lunch Break in front of Aula G60
- 14:00-14:30 Plenary Lecture 2: "Globalization and Commercialization in Higher Education: Is Lack of Mutual Respect the Result? A Challenge for the Ombudsman"  
Prof. Dr. Walter Haller, Constitutional and Administrative Law,  
University of Zurich, CH
- 14:30-14:45 Introduction to Plenary Lecture 2 Discussion  
Dr. Dick Hermans, University of Amsterdam, NL
- 14:45-15:45 Break up into 3 parallel Discussion Workshops concerning Plenary Lecture 2  
Chair 4: Mag. Maria de Pellegrin, Vienna, A  
Chair 5: Dr. Dick Hermans, Amsterdam NL  
Chair 6: Dr. Josef Leidenfrost, Vienna, A
- 15:45-16:15 Coffee Break in front of Aula G60

- 16:15-17:00 Continuation Discussion Plenary Lecture 2  
Chairpersons: 4-6
- 18:30 Official Dinner-Banquet, Faculty Club, ETH Zurich, CH  
Prof. Dr. Ernst Hafen, President ETH Zurich, CH  
Dr. Eugen Teuwsen, Ombudsman ETH Zurich, CH

**Friday, May 19, 2006**

- 08:30-09:00 Plenary Lecture 3: "Process-oriented Approaches to Ombudsing: Outcome and Benchmarking"  
Prof. Dr. Patrick Cras, Ombudsman, University of Antwerp, B
- 09:00-09:15 Introduction to Plenary Lecture 3 Discussion  
Dr. Claudia Kaufmann, Ombudswoman Zurich, CH
- 09:15-10:15 Break up into 3 parallel Discussion Workshops concerning Plenary Lecture 3  
Chair 7: Dr. Claudia Kaufmann, Ombudswoman Zurich; CH  
Chair 8: Dr. Dick Hermans, Amsterdam, NL  
Chair 9: Prof. Pilar Abad, Valladolid, ES
- 10:15-10:45 Coffee Break in front of Aula G60
- 10:45-11:45 Continuation Discussion Plenary Lecture 3  
Chairpersons: 7-9
- 12:00-13:00 Lunch Break in front of Aula G60
- 13:00-14:15 Wrap-up, Synopsis from all Discussion Groups and Take Home Lessons  
Baroness Ruth Deech, Adjudicator, Reading, GB in Aula G60  
Chairpersons: 1-9  
Baroness Ruth Deech, Adjudicator, Reading, GB  
Prof. Dr. Hans M. Eppenberger, Ombudsman; ETH Zurich; ch
- 14:15-15:00 Remarks on Further Developments of the ENOHE Network  
Dr. Josef Leidenfrost, Ombudsman, Vienna, A  
ENOHE 2007, Information on next ENOHE Conference  
Prof. Dr. Hans M. Eppenberger, Ombudsman ETH Zurich and Prof. Patrick Cras, University of Antwerp, B  
Closing Remarks  
Dr. Dick Hermans, Amsterdam, NL  
Official Closing  
Markus Kägi, Ombudsman Ct. Zurich and University of Zurich,  
President European Ombudsman Institute, CH

## Curricula Vitae of Speakers, Chairs and Rapporteurs

- **Abad-Garcia Pilar**

is Professor of English and University Ombudsman (DCU) at the University of Valladolid (Spain) since May 2004 when she was elected by the University Council. She has also been elected member of the Permanent Commission of Spanish Ombudsmen and has been appointed with two other members to see to European Ombudsing affairs. She is the author of a number of books, book-chapters, articles, research papers, reviews etc published both on a national and international basis. Currently, she runs the Ombuds Office of the University of Valladolid and also teaches Literary Theory.

- **Brown Jenna**

is the ombudsperson at the University of Denver, Colorado, USA, where she has established a new Ombuds Office and services within the university since 1999. The office is providing confidential and informal assistance to all faculty, staff, students, and others in order to resolve conflicts on campus, to facilitate communication between disputing parties, and to assist in problem solving as a neutral mediator. She makes recommendations for changes in policies, procedures or operating structures as appropriate and at the same time serves as an information clearinghouse with respect to university policies and procedures. Ms. Brown has a long-time experience as an employment relations specialist and mediator, her professional experience also includes teaching activities in the field. She also has been active within international conferences as a speaker, chair, and panelist, especially within associations like the TOA – The Ombudsman Association and the UCOA – The Universities and Colleges Ombudsman Association.

- **Cras Patrick**

Patrick Cras has been born in Antwerp, Belgium, 19th of June 1958. He studied medicine at the University of Antwerp and specialized in neurology and neuropathology. Since 2001 he is Professor of Neurology at the faculty of medicine, University of Antwerp, and also Chairman of the department of neurology at the University Hospital of Antwerp. He is Chairman of the ethics committee of his university and member of the working group on ethics and economy of the commission for accreditation of MD's. He also functions as President of the Belgian Society of Neuropathology.

Clinical Expertise: clinical neurology and neuro pharmacology of movement disorders and dementia, deep brain stimulation of movement disorders, spongiform encephalopathies, Creutzfeldt-Jakob's disease, phase II-III clinical trials, neuropathology, neurochemistry of cerebrospinal fluid, molecular genetics.

Managerial Expertise: post-graduate course on hospital management, extensive experience with human resource management and organization of a clinical department of neurology as well a research lab. Chairman of the Ethics Committee of the University Hospital. Central ombudsman of the University of Antwerp

- **De Pellegrin Maria**

Maria De Pellegrin (Mag. phil.) is a graduate from the University of Vienna (Translation Studies; languages: Italian, English). She was head of the Dean of Studies' Office from 1999 until 2003 at the Vienna University of Economics and Business Administration (*Wirtschaftsuniversität Wien*). In 2004 she became head of the Study Programs Management at the same university, a position she is currently holding. Ms. De Pellegrin is also a member of the Equal Opportunities Working Group.

- **Deech Ruth, Baroness**

is the Independent Adjudicator for Higher Education in England and Wales; she was Principal of St. Anne's College, Oxford University, from 1991-2004. Qualified as a barrister, she taught law at Oxford University from 1970-1991, and was also a visiting professor in Canada, South Africa and the USA. She specialized in family law, property law and constitutional law. In Oxford she held the following offices at various times: Pro Vice-Chancellor of the University, Senior Proctor (dealing with student and staff complaints), chair of the Grievance Panel, chair of the Health and Safety Committee, chair of the Student Admissions policy committee and was a member of the Hebdomadal Council and the Equal Opportunities Committee. From 1994-2002 she was chair of the U.K. Human Fertilization and Embryology Authority, a statutory body charged with monitoring and licensing all the IVF clinics in the U.K., approving new treatments and embryo research. In recognition of this she was appointed a "Dame" in 2002. From 2002 she has been a Governor of the B.B.C., with the duty of holding it accountable to the licence fee payers in the provision of public broadcasting. Ruth Deech is a trustee of the Rhodes Scholarships, which bring young scholars from all over the world to Oxford University, and of the Mandela-Rhodes Foundation, investing in education in South Africa. She is an honorary Bencher of the Inner Temple, a honorary freeman of the Draper's Company and of the City of London, a fellow of the Royal Society of Medicine and of the European Academy of sciences and Arts, and she holds an honorary doctorate from the University of Strathclyde, Scotland.

- **Eppenberger Hans M.**

Hans M. Eppenberger was born in 1936 in Basel, Switzerland. He is married and has 4 children. He has studied Biology, Chemistry and Biochemistry at the Universities of Basel and Bern. He obtained his PhD in 1962. Later he received an honorary MD degree from the University of Umea, Sweden. He held a number of research and teaching positions outside of Switzerland, among them a post doc at Harvard Medical School, Boston, USA, a research associate position at Brandeis University, Boston, USA. Back in Switzerland he became 1975 Full Professor of Cell Biology at the ETH Zurich. In 1978 he was Visiting Professor at USDC in La Jolla, USA and 1991 he was Swiss Special Science Attaché in San Francisco, CA, USA. He was head of the Dept. of Biology of the ETH. His main scientific research concerned basic research in cardiology and resulted in numerous publications in high impact journals. He also was member of the research council of the Swiss National Science Foundation. He is co-founder of CYTOS Biotechnology AG in Zurich and was Board Member of Bitplane AG Zurich. Recently he is chairman of the ESC Working Group on Cellular Biology of the Heart. After becoming a Professor Emeritus, he was elected as the Ombudsman of the ETH Zurich, a position he is holding to the present day.

- **Haller Walter**

Walter Haller has 1939 been born in Colombo, Sri Lanka, Swiss citizen. 1965 Law studies in Zurich and Stockholm, doctoral dissertation on the Swedish Ombudsman; 1965 doctor's degree at the University of Zurich followed by a clerkship at a District Court. 1967 admission to the Bar, Canton of Zurich and 1967/68 law clerk at the Superior Court of the Canton of Zurich. 1969 visiting research scholar at the University of Michigan Law School. 1970-1972 research assistant, University of Zurich; recognition as university lecturer (*Habilitation*) on constitutional and administrative law. From fall of 1972 to fall 1975 he was Secretary General of the Council of the Swiss Federal Institutes of Technology (ETH). Since 1975 until retirement at Summer 2004 he was Full Professor of constitutional law, administrative law and comparative constitutional law, University of Zurich, since 1990 Director of the Institute of Public International Law and Comparative Constitutional Law; research during the sabbatical leaves at the University of Michigan Law School and at the Universities of Aix/Marseille, Pisa and East Anglia. 1990-1992 he was Dean of Zurich's Law Faculty. In addition he was 1976-1989 Associate Judge of the Administrative Court of the Canton of Zurich and 1979-1987 member and 1983-1985 chairman of the board of Zurich's Lawyers' Association; 1995-2002 he was member of the foundation council of the Swiss National Science Foundation. He was member of the Research Committee of the International Ombudsman Institute until 1988, when he got the special award of the International Ombudsman Institute at the Fourth International Ombudsman Conference in Canberra, 1988. He is honorary member of the Swiss Association of Parliamentary Ombudsmen since 2004.

- **Hell Daniel**

Daniel Hell has passed his national examination and graduation in 1971. He was resident at the University Hospitals of Psychiatry of Zurich and Basel (Professors: K. Ernst, A. Uchtenhagen, F. Koller, H. E. Käser, D. Beck, A. Dubach, R. Battegay, P.Kielholz). 1977 he became assistant medical director at the University Hospital of Psychiatry of Zurich and 1984 medical director at the Psychiatric Hospital of the canton of Schaffhausen. He habilitated in 1982 at the medical faculty of the University of Zurich and 1989 was nominated Titulary Professor. Since 1991 Daniel Hell is Full Professor for clinical psychiatry of the University of Zurich, medical director and member of the executive board at the University Hospital of Psychiatry of Zurich. Among many additional occupations he is chief-editor of the journal Swiss Archives of Neurology and Psychiatry. He also holds the chair of an ethic commission of the Swiss Academy of Medical Sciences. Daniel Hell has a long list of publications since 1970. He is especially engaged in publishing results of research on depression and it's symptoms.

- **Hermans Dick**

is the Ombudsman at the Vrije Universiteit Amsterdam. He graduated in psychology with a special emphasis on education in 1971. After his degree he was for eighteen years active in the field of research in higher education at the 'Radboud Universiteit' of Nijmegen. He specialised in research about causes of students' dropout, proper ways of constructing, scoring and grading examinations and also in course evaluation. During the last six of the eighteen years he developed computer-assisted courses in co-operation with teachers at the university. He thereafter moved to secondary education and was during six years principle at a school of middle, higher and preparatory university education. In 1995 he went back to the university, this time to the 'Vrije Universiteit' of Amsterdam, where he held the position of the head of the office for educational services until 2002. The tasks of the office are course evaluation and educational quality care, teacher training for university teachers, examination services. Professional assistance in the use of information and communication technology in university education and analysis of study progress of students. In 2002 the board of the university has asked him to form the new post of ombudsman for students.

- **Kägi Markus**

Markus Kägi did his years of apprenticeship in a notary's and land registry office, where he dealt as well with bankruptcy-procedures. At the University of Zurich he got his degree as a notary in 1980.

Already in his youth he was interested in politics. At the age of 24 he was elected as a member of the audit committee of his municipality and at the age of 26 he was president of this committee. Later he was elected in the parish council. After eight years, in 1991, followed his election in the parliament of the canton Zurich, 1993 he was vice-president and 1995 president of this parliament. 1996 he was appointed as ombudsman of the canton Zurich, which function he practices up to now. 2005 he was furthermore elected as president of the European Ombudsman Institute at Innsbruck.

- **Kaufmann Claudia**

A native of Basel, Switzerland, Claudia Kaufmann has been the ombudswoman of the City of Zurich since autumn 2004. This Ombuds Office, the first in Switzerland and the first at the local level in Europe, was created in 1971. It resolves all types of conflicts between citizens and local authorities or concerning public servants and their employers. Ms. Kaufmann studied law at the University of Basel, where she wrote her doctorate on the constitutional principle of equal opportunities between women and men in Switzerland. After her studies she worked for the Swiss Federal Government for nearly twenty years. Among other things, she was the head of the Swiss Federal Office of Equal Opportunities (1988-93), led the legal department of the Federal Department of Home Affairs (1993-95) and served as this ministry's Secretary General (1996-2003). She is a member of the Steering Committee of the National Research Programme NRP 51, "Social Integration and Social Exclusion".

- **Leidenfrost Josef**

is the head of the ombudsman task force at the Austrian Ministry of Education, Science and Culture since 2001. Before being assigned to that job he was the director of the Austrian SOCRATES National Agency (1995-2001) and for almost a decade the Deputy Secretary General of the Austrian Academic Exchange Service. In both capacities he was responsible for the strategic planning and implementation of the internationalization of Austrian higher education. In the 1990's he was Vice President of the Brussels based Academic Cooperation Association (ACA) and a member of the Executive Board of the European Association for International Education (EAIE) in Amsterdam. He has served on several advisory committees on academic mobility, study abroad programmes, and on matters of recognition and employability. In the late 80's/early 90's and then again from 2001 to 2003 he was a personal advisor to several Austrian ministers for education. Since 2001 he has built up the task force for student complaints, mediation and campus conflict resolution at the Ministry of Education on which he serves until the present day.

- **Schaub Marcus C.**

Marcus C. Schaub has been born 1936 in Basel, Switzerland. He is married and has 3 children. He lives in Zurich. He has studied medicine at the University of Basel and Paris and got his MD in 1963. 1970 he obtained a PhD in biochemistry at the University of Birmingham, UK and returned to Zurich, where he became Senior Research Associate in Pharmacology and Toxicology at the University of Zurich. 1980-2003 he has been Professor of Pharmacology and Head of the Division of Cardiovascular Pharmacology. He retired in 2003. His scientific activities resulted in 135 publications, mainly in the fields of muscle contraction, role of growth factors in cardiac hypertrophy, intracellular signaling in isolated cardiomyocytes and isolated beating heart. He was member of numerous scientific committees and Editorial Boards of Journals. He organized workshops and is member of Working Groups of the Swiss as well as of the European Society of Cardiology.

- **Teuwsen Eugen**

Is the Ombudsman at the ETH Zürich, holds the title "Dr. phil." as a graduate psychologist, who did his doctorate at the University of Zürich after an academic assistance at the University Hospital of Cologne, Germany. He completed a specialized training in counseling, psychotherapy and psychoanalysis and was assistant lecturer at the Universities of Zürich and Fribourg. Since 1972 he has been head of the Psychological Counseling Centre of the University and Institute of Technology (ETH) of Zürich. In 1999 he was appointed to the Ombudsman of ETH Zürich.

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