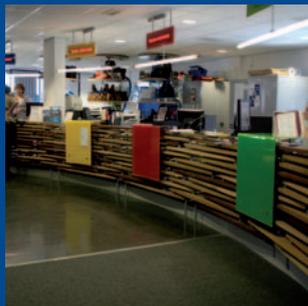


Annual Report 2012

Student Ombudsperson



Universiteit
Leiden

Ombudsperson Annual Report 2012

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Foreword

This is the annual report of the student ombudsperson appointed on 1 May 2012. Prior to this date, the position was filled by Dr T.M. (Tineke) Willemsen. She was the second ombudsperson, and held the position for a period of six years.

This annual report covers the entire calendar year of 2012, including the data collected by my predecessor between 1 January and 1 May 2012.

Before taking up this position on 1 May, I was offered a short on-the-job training by Tineke Willemsen in April 2012. I hereby wish to thank Tineke for the smooth transfer of duties and her continued willingness to answer my questions, even after her departure.

Leiden, April 2013

J. (Jacqueline) van Meerkerk, LL.M., Leiden University Student Ombudsperson
Kaiserstraat 25
Postbus 9500
2300 RA Leiden
Telephone 071 527 80 11/ 80 26
ombudsfunctionaris@leidenuniv.nl

The Position

Every student enrolled at Leiden University and making use of the teaching facilities and services offered by the university can enlist the services of the ombudsperson. This includes future students and external PhD students without an employment contract with Leiden University.¹

Former students can also contact the ombudsperson, provided the incident in question took place no longer than one year ago and occurred while the student was still studying at Leiden University. Despite the fact that the staff always work to fulfil the students' needs, incidents can nevertheless occur which lead to students feeling cheated and wanting to file a complaint. The first step is for the student to try and solve the problem independently with advice from the ombudsperson. The ombudsperson will only intervene if this fails.² The ombudsperson never take sides but instead provides a more objective perspective on the case in order to formulate advice, make a referral or assess the situation. The ombudsperson checks whether regulations and procedures were implemented correctly. The central question is always whether the student was treated fairly.

It is in the interests of the university that complaints be taken seriously. If a complaint turns out to be founded, the ombudsperson can formulate recommendations to resolve it and prevent recurrences in the future. In some instances, the ombudsperson may also offer recommendations following a mediation process or in response to a report. Accordingly, some complaints may result in advice to the organisation that helps improve services, communication, regulations and procedures.

The ombudsperson also has a signalling function, alerting the faculty or unit, or the Executive Board, to recurrent issues and complaints and to clear breaches of the rules and regulations.

Once a year, the ombudsperson discusses the problems, while guaranteeing student anonymity, with the Vice Rector and member of the Executive Board Professor S. E. (Simone) Buitendijk.

¹ PhD students who are employed by the university and members of staff can contact the confidential counsellor of Leiden University, G. van Driel.

² The duties and powers of the ombudsperson are defined in the Ombudsperson Regulation (<http://media.leidenuniv.nl/legacy/Regeling%20ombudsfunctionaris.pdf>)

The working hours of the ombudsperson have been set at 0.4 FTE, to be divided over two days. On these days, in addition to discussing matters with students, the ombudsperson's responsibilities include preliminary inquiries into a case, examining files, recording findings and compiling interim and final reports. Some support is provided by the secretarial staff at the Student and Educational Affairs Department (SOZ). The ombudsperson is also responsible for registering cases and filing reports. Since the position is part-time, it is important that calls can be taken in her absence and that students can make an appointment. This back-up is provided by the secretariat of the Student and Educational Affairs Department, which is permanently staffed during office hours.

Handling Complaints

As stated in the Ombudsperson Regulations, the ombudsperson is an independent and neutral party with whom students can discuss a problem or grievance about the university, the faculty, or a member of staff in an informal and confidential setting. The ombudsperson is bound to confidentiality. The ombudsperson is formally granted the authority to investigate a grievance and form a judgment. This sets her apart from other counsellors whom students can consult.

Most students submit their case to the ombudsperson by e-mail. Students still have access to the ombudsperson's services after completing their studies, provided the incident took place no longer than one year ago and when the student in question was still studying at Leiden University. The ombudsperson checks whether she is authorised to handle the complaint. For instance, the ombudsperson cannot handle grievances about general policy. These complaints should be handled by other agencies, such as the Student Section of the University Council, the Leiden Student Council or the Department Teaching Committee of the faculty. The ombudsperson may also decide to reject a complaint for other reasons, for example because the complaint is clearly unfounded, or because the student has not yet discussed the complaint with the faculty. In the latter case, the ombudsperson will first give the faculty the opportunity to resolve the complaint. In some cases, the student can solve the problem independently after talking to the ombudsperson and obtaining information on the relevant regulations, procedures, rights, obligations and possibilities. In some cases, the ombudsperson will first carry out a preliminary inquiry before issuing an advice. The other party will be asked to comment on the complaint and documents can be requested and, if necessary, verified.

On matters relating to internal regulations, the ombudsperson may, in incidental cases, request internal advice from one of the legal experts of Leiden University or a member of staff at the Expertise Centre of the Student and Educational Affairs Department (SOZ).

In all cases, it is essential to map out the complaint clearly as this provides information that contributes to a solution. If another body can solve the problem, the ombudsperson will refer the student accordingly. Problems regarding examinations, for example, can be brought to the attention of the Board of Examiners or the Examination Appeals Board through this channel. This is again something the ombudsperson can provide information on. The ombudsperson aims to solve problems primarily via mediation within the faculty, which in many cases results in the withdrawal of the complaint and thus helps to repair the breach of trust in the faculty.

Mediation is an expedient option for all concerned and it is faster than a formal inquiry. If the preliminary inquiry so indicates, both parties will be invited to participate in a three-way meeting (attended and led by the ombudsperson) to resolve the issue that led to the complaint. As always, the ombudsperson remains impartial. Mediation is no less labour-intensive for the ombudsperson than a formal inquiry. Investigating the complaint, hearing both parties and bringing them together during a mediation procedure usually requires several sessions. If mediation is not an option or is no longer possible, or if the mediation has failed to deliver results, the student can still request a formal inquiry. This inquiry will be followed by a decision, and recommendations can be formulated to remedy the consequences of the problems and to prevent a recurrence in the future.

Cases handled

In 2012, one hundred and sixteen cases were brought before the ombudsperson. Ten cases fell outside the remit, either because the complaint came from parents or Leiden University staff members, or because the complaint concerned general policy (the level of institutional tuition fees). In such cases, the ombudsperson listened to the problems and passed on relevant information.

It is of course important to have a place within the organisation where such problems can be aired and where complainants can be referred to the right agency. Experience has shown that if this does not happen, complainants send letters and e-mail to various members of staff – usually to the wrong address – which not only consumes vast amounts of time but also frustrates the complainant and the members of staff without bringing them any closer to a solution.

On one occasion, the ombudsperson was approached by two or more members of staff, and one student submitted four complaints. In 2012 seven prospective students consulted the ombudsperson. Most of these cases involved enrolment problems.

Of the 116 cases, twenty-two were submitted by students of non-Western ethnicity (19%).³ Most of the students found the ombudsperson via the website or they were referred by members of staff. No formal complaints were filed in 2012. All other cases were successfully resolved by the ombudsperson by means of advice, referral or active mediation.

Website 80 Staff member 24 Other student 8 Previous visit 4
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Number of complaints

The number of cases submitted to the ombudsperson had stabilised at 63 around 2007. Since then, every year has seen an increase. Ninety-nine cases were submitted to the ombudsperson in 2011 and one hundred and sixteen cases in 2012. This increase was caused by the number of complaints about the implementation of the regulation regarding the institutional tuition fee rate (4) and the increase in the number of students enrolled at Leiden University (1194 more than in 2011).

Interestingly, students have become more critical of the quality of education and supervision; they are asking questions and pointing out problems at their own faculty (complaints coordinator) at an early stage, and in some cases they inform the ombudsperson of this fact. Most of the complaints are submitted by first-year and third-year bachelor's students.

³ The percentage of enrolled students of non-Western origin was 16% in 2011.

The table below provides an overview of the number of cases per faculty.

Although most of the cases submitted to the ombudsperson came from the Faculty of Humanities, their number has nevertheless decreased with respect to 2011.

Sixteen cases came from the Law Faculty (11 more than in 2011). There is no clear explanation for this increase.

Faculty	Students Enrolled 2010	Cases in 2010	Student Enrolled in 2011	Cases in 2011	Students Enrolled in 2012	Cases in 2012
Archaeology	460	5	441	2	443	0
Humanities	4584	24	4368	26	4691	23
Medicine/LUMC	2494	7	2499	7	2464	13
Law	4265	15	4510	5	4804	16
Social and Behavioural Sciences	4231	18	4405	23	4481	22
Science	1950	6	2036	2	2307	4
Campus Den Haag	4794	-	937	-	1186	3
ICLON	238	0	294	2	308	4
Expertise centres /support services		12		22		17
Central Administration						4
Non-Leiden University Students						1
Consultations with staff members						3
Ombudsperson not the right agency		2		2		4
Others (Parents)						2
Total	19016	89	19490	91	20684	116

Procedure

The way a case is handled depends on the form in which it is submitted to the ombudsperson. Questions are usually dealt with by means of information and advice, and possibly mediation at a later stage. Most complaints are settled through mediation. If the student feels that mediation has failed, a formal inquiry can still follow. Students can also report problems or wrongdoings to the ombudsperson; she can then forward them to the faculty or service in question and, in some cases, make recommendations.

No formal inquiry was instigated in 2012.

Nature of the cases

A case can extend across more than one problem area. That is why there are more topics than cases. All cases are registered, whether founded or unfounded.

Organisation	5
Administrative	6
Availability	1
Treatment	6
Communication	4
Information (Inaccurate or absent)	10
Facilities/ amenities	2
Procedures (e.g. right of inspection, marking deadlines)	25
Financial	15
Teaching	
<i>Supervision</i>	20
<i>Quality of teaching</i>	2
<i>Co-ordination (e.g. planning)</i>	7
Research	1
Examinations	17
Legality (e.g. under the Course and Examination Regulations)	9
Enrolment (for courses, exams and as a student)	10
Other	1

Most of the cases in this report year fell under education (29). Among the complaints related to educational supervision (20), some were about the threat of study delay arising from the absence of a clear and concrete work plan between student and supervisor. The complaints about education co-ordination (7) related to planning internships and final examinations, overlapping courses, or the absence of a resit opportunity within a one-year master's programme.

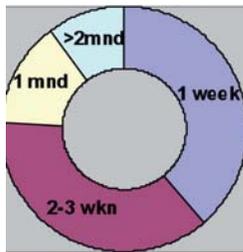
In the complaints falling under procedures (25), it was assumed that a faculty or service had failed to observe the regulations and procedures, or that procedures were not correctly implemented. In some cases, the problem was solved by explaining the regulations to the student. In other cases, the ombudsperson referred students to other agencies, such as the Board of Examiners or the Appeals Board.

The category 'Other' contains cases that did not fit in any other category, such as a complaint about the issue of a new testimonial.

Throughput time

The throughput time of a case depends on a number of factors, such as the timetable or the complexity of the case.

Forty-five cases were resolved within one working week after the intake interview, partly due to the co-operative attitude of the staff. The other cases took longer. Twelve cases took two months or longer, and sixteen cases took one month.



Findings and observations

In 2012 the ombudsperson identified the following bottlenecks and reported them to the faculty or service in question and, where necessary, to the Executive Board.

Thesis supervision

Complaints about thesis supervision pointed to a number of issues which can disrupt the process of graduating:

1. A thesis supervisor may have reasons for resigning, for instance because the student has fallen ill. As a result, the supervisor is no longer available;
2. Supervision can stagnate because the thesis supervisor and thesis co-ordinator are one and the same person;
3. Supervision can stagnate due to a disagreement between the student and the supervisor.

On the basis of the complaints regarding thesis supervision, the ombudsperson recommends the following measures:

1. If the thesis supervisor decides to resign, he or she is responsible for finding a successor, and the proposed solution must be in the interests of the student. If this proves to be impossible, the student can ask the Board of Examiners to rule in the matter. If the Board of Examiners assigns a supervisor, the Board is also responsible for ensuring that this decision is implemented.

2. One and the same person cannot act as both supervisor and co-ordinator since this makes it impossible for the student to solve a problem in an informal manner.
3. If the student is in a conflict with the supervisor, the student can ask the thesis co-ordinator to mediate. If this fails to produce results, the student can ask the faculty to assign a new supervisor and, if necessary, ask the Board of Examiners to rule in the matter.

Graduation

For information on the final examination, the Course and Examination Regulations (OER) refer the reader to the prospectus. The information in the prospectus is implemented by the individual faculties. This means that within the university, the different faculties are given room to organise graduation in their own way.

A number of complaints submitted to the ombudsperson were due to a faculty's failure to comply (or sufficiently comply) with its own regulations. With a view to quality assurance, it is to be recommended that written agreements be made at least with respect to the following matters:

- Timeframe
- Phases
- Form of supervision and
- Contact times

This is especially important in view of the fact that the graduation phase is part of the final examination. Moreover, a structured graduation phase can help prevent study delays.

Handling complaints about disturbances during examinations

Complaints about disturbances during examinations relate to examination rooms being double-booked or not available on time, changes of location being announced too late, or excessive noise during examinations.

Some invigilators react very adequately in such situations. The complaints submitted to the ombudsperson concerned invigilators with an authoritarian or disinterested attitude, which led to students feeling their complaint was not taken seriously. The ombudsperson recommends that instructions to invigilators be extremely clear, in particular with respect to implementation. As a result, these kinds of complaints can be resolved on the spot, as adequately as possible.

The power of a complaint

Some students are reluctant to involve the ombudsperson or they do not want the ombudsperson to act due to fear of repercussions. As a result, complaints are not voiced and problems remain unsolved.

If a complaint cannot be investigated, its validity cannot be established. If the ombudsperson finds that a complaint is founded, she can make recommendations to solve the problem and prevent recurrence.

Complaints are sometimes experienced as a form of criticism, but they may result in advice to the organisation that helps improve communication, regulations and procedures.

Professionalisation

Needless to say, the effectiveness of the ombudsperson also depends on her ability to do her work well. Continuous training and the development of knowledge or expertise are therefore essential. It is for this reason that the ombudsperson participates in the national consultation group for ombudspersons in higher education (LOOHO). This group, with participants from six universities of professional education and the universities of VU, Delft and Leiden, met three times in 2012. The topics addressed at these meetings include professionalisation, the implementation of the ombudsperson regulations and the position of ombudspersons in the various institutions. Secondly, membership of The European Network for Ombudsmen in Higher Education (ENOHE) and the American International Ombudsmen Association provides all manner of information on developments in right of recourse legislation and jurisprudence in the field of work of ombudspersons. Intersession meetings, in which participants can exchange experience and knowledge, were held periodically in 2012 between the ombudspersons of VU University Amsterdam, the Regional Communal Colleges of Amsterdam and Zaandam and Leiden University.

The ombudsperson can access information regarding the field of right of recourse legislation via the newsletter and symposia of the Association for Right of Recourse (*Vereniging voor Klachtrecht*), which is committed to professionalising and further improving the internal and external handling of complaints to promote the competencies required to deal with internal and external complaints. On 25 April the ombudsperson attended a study day on 'Handling complaints in higher education' which was organised by the Association. To be able to function optimally and to provide students with correct information, the ombudsperson should keep abreast of developments in policy and organisation pertaining to internal regulations. This involves attending the consultation meetings between the University Council and the Executive Board and the meetings of the Faculty Student Council, as well as regularly participating in the consultation meetings between the deputy Director of Academic Affairs and the Director of Student and Educational Affairs (SOZ). In addition, the ombudsperson also takes part in the meetings of the Student Counselling Service and occasionally consults with the Student Psychological Counsellor. Three times a year, the ombudsperson meets with the confidential counsellors (for students and for staff) of Leiden University.

Examples of cases handled

The examples of complaints mentioned here are random and anonymous. They are intended to give an impression of the diversity of the complaints. Note that the choice was limited by the fact that the complaints should not be traceable to student or faculty. This is why complex, long-drawn out cases were not included in this report. The complaints were also chosen on the basis of how generally recognisable they are. The terminology has been generalised, again to protect anonymity. The descriptions are mere outlines and give no insight into the number of instances of contact or the time actually spent on a case. In the case histories below, students first took their complaint to the faculty but contacted the ombudsperson because they felt that it had not been dealt with to their satisfaction.⁴

CASE HISTORY Education Guidance, Communication
Case 01264
Strategy: Mediation
Duration: 1 month

A third-year bachelor's student tried to find out how to file a complaint via the website and made an appointment to see the ombudsperson. The student's complaint concerned the supervision of his thesis. He claimed he had made agreements with the previous study adviser for an alternative thesis plan, according to which he was supposed to write his BA thesis during his internship abroad. The student was supposed to independently find a thesis supervisor abroad, which he managed to do. He sent his thesis to the lecturer responsible for the thesis supervision course. The lecturer then informed him that his thesis could not be assessed because there had been no thesis supervision. The student was also advised by the lecturer to contact the study adviser directly in order to discuss his study progress and the supervision of his BA thesis. When the student took this matter up with the current study adviser, he got the impression that the study adviser retrospectively agreed with the lecturer's position. This damaged his trust in the study adviser. He was left wondering whether the study advisor can make sure his thesis is assessed.

The student felt cheated because this situation led to a study delay. Since his visit to the study adviser, his repeated e-mails remained unanswered, and as far as he was aware no steps had been taken. The student therefore asked the ombudsperson to mediate so that his thesis could be supervised and he could graduate shortly. The ombudsperson noted that the alternative thesis track was not submitted beforehand to the Board of Examiners as required by the Course and Examination Regulation (OER). As a result, the Board of Examiners was not able to assess the track, let alone approve it. There is therefore no decision that the student might appeal against. In an interview with the study adviser it became apparent that the study adviser had repeatedly spoken with the lecturer. The lecturer was not aware of the fact that the student was writing a thesis. Had this been the case, the student could have been supervised by e-mail. The study adviser was not aware of any agreements regarding an alternative thesis track. She heard from the ombudsperson that the student claimed to have followed the compulsory group-oriented lectures on writing a thesis in 2011. He was later unable to participate in the individual thesis supervision track because he fell ill. The ombudsperson also noted that the student did not provide her with all the relevant information relating to the case.

⁴ <http://www.studenten.leidenuniv.nl/rechtspositie-en-regelingen/bezwaar-beroep-klachten/>

The study adviser deplored the fact that she did not have all the relevant information at her disposal, since she might otherwise have done more for the student. Once the ombudsperson had provided all parties with relevant information, she advised the student to write a proposal with the help of the study adviser allowing him to proceed with his studies and to ask the Board of Examiners for a ruling. The study adviser indicated that she was more than willing to help the student. The student was satisfied with the result and took the steps required. The ombudsperson was able to close the case.⁵

CASE HISTORY: Communication, Procedure and Legality

Case 01269

Strategy Advice/Mediation

Duration: 2 months

A bachelor's student contacted the ombudsperson by telephone. The student had enrolled for a study programme abroad and she expected to receive an Erasmus grant. The situation took a different turn, and she felt cheated. Shortly before her departure abroad she heard that she would not be getting any money. She submitted an application to the study programme in order to qualify for a grant, and she did not get any answer.

The ombudsperson asked the student to make a phone appointment to discuss the matter. During the intake interview with the ombudsperson, the student explained that she enrolled for a particular type of exchange programme, lasting one year, at a guest university abroad.

In the course of an informative meeting at the end of 2011, the programme co-ordinator informed the students that they could apply for an Erasmus grant for this programme. When the student applied for this grant to the study abroad co-ordinator of the programme in May 2012 she discovered that the programme co-ordinator had provided her with incorrect information at the informative meeting and the study abroad co-ordinator informed her that students could only apply for an Erasmus grant if the guest university of their choice had signed an Erasmus partner agreement with Leiden University.

The guest university in question had not signed such an agreement with Leiden University and was therefore not included in this category. The application for an Erasmus grant must be submitted no later than 2 months before departure, i.e. no later than July. The study abroad co-ordinator very much regretted this development. He promised the student he would contact the guest university of her choice to try and sign an Erasmus partner agreement so that the student could still apply for a grant.

In the first week of August 2012, the student asked the study abroad co-ordinator about the result and was told that he had had no time to arrange a partner agreement with the university in question. On the basis of this information, the student did not apply for an Erasmus grant. She then left for the guest university.

In consultation with the student, the ombudsperson started a preliminary inquiry to establish the facts, and consulted the relevant regulations and procedure(s). She then contacted the

⁵ As of 1 September 2013 all Leiden University students are required to submit a study plan to the study advisor of their programme starting in their second year. This plan forms part of a set of measures for promoting and improving academic success rate.

study abroad co-ordinator of the programme and asked for his perspective on the situation (hearing both sides). The study abroad co-ordinator informed her that in retrospect, his promise to the student was unrealistic and he had promised more than he could deliver. He had tried to establish an agreement but got stuck because he did not have relevant contact details at his disposal and there were too few starting points. At the time, he did not have the time to further investigate the situation. In consultation with the study abroad co-ordinator, the ombudsperson contacted the Scholarships Co-ordinator to ask for help. Partially thanks to the fact that the student had already begun her programme at the university in question, as well as the fact that there were no additional costs involved in signing the agreement, the study abroad co-ordinator was able to sign a one-year contract with the guest university. Thanks to the collaboration of the SOZ Scholarships Department, the student was able to apply for a grant, which was awarded before the end of the year.

The study abroad co-ordinator informed the ombudsperson that the following measure was being taken to better streamline communication and to prevent a recurrence of this situation: before informing the students, the programme co-ordinator will in future first provide the study abroad co-ordinator with information about the selected students and their chances of qualifying for a grant. The ombudsperson was able to close the case.