

Annual Report 2019

Ombuds Officer for students

*“Critical friend
or friendly
neighbourhood cop”*



**Universiteit
Leiden**
The Netherlands

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1. Foreword

This report provides an overview of the nature of complaints that were reported to the Ombuds Officer of Leiden University in 2019 and how they were dealt with. The annual report has a title as per usual, and this year it is “critical friend or friendly neighbourhood cop”. This title deliberately evokes the question of how faculties, study programmes and university services experience the confidential and independent influencing by the Ombuds Officer. The Ombuds officer needs to be careful not to be seen as the “friendly neighbourhood cop” and should strive to be regarded as a “critical friend” within the university.

In 2019 a total of 125 complaints and 35 questions were registered to the office of the Ombuds Officer. The number of complaints is virtually the same as in 2018 (123) and the number of questions has increased by 10 in comparison to the previous year (25). On the basis of the increasing number of students by 4,7 per cent it would have been in line with expectations for the number of complaints to also have increased. This has not happened in 2019. The number of complaints that the Ombuds Officer treated (himself) has however increased significantly; where in 2018 roughly 1 in 5 complaints were not treated by the Ombuds Officer (himself), this number went down to 1 in 9 in 2019 (“only” 12 referrals)

Just like in 2018, the share of complaints made by students in the bachelor’s phase of their study are underrepresented in 2019, compared to the share of complaints made by students in the master’s phase. Considering 2 out of 3 students in Leiden are in their bachelor’s phase, the number of complaints from bachelor and master students is practically the same. Within the master’s phase around 1 in 5 students is an international, within the bachelor’s phase it is a little less than 1 in 6.

In this Annual Report I will pay special attention to noteworthy cases and give examples per faculty whilst maintaining confidentiality regarding those involved. (Chapter 4)

Finally, in chapter 5 I will present my conclusions and recommendations regarding noteworthy cases of the Annual Report of 2019. In the concluding appendix I will look back on what has been accomplished in the view of the Ombuds Officer with regards to the recommendations that came from the Annual Report of 2018.

Leiden, March 2020

Eugène A.J. van der Heijden LL.M.

2. About the Ombuds Officer for students

2.1 Legal foundation

Leiden University has had an Ombuds Officer for students since April 1999. There is a specific regulation¹ pertaining to this position which prescribes the method of appointment, the target groups who are granted the right to submit complaints, the procedure for submitting a complaint, the authority of the Ombuds Officer to initiate an investigation and the annual reporting requirement to the Executive Board. The Regulation on the Ombuds Officer has its legal basis in Art. 7.59b of the Higher Education and Academic Research Act (WHW) and Section 9 of the General Administrative Law Act (AWB).

2.2 Mission

The mission of the Ombuds Officer is to ensure that a low threshold for making complaints is in place for the benefit of students and to promote a respectful and diverse community of students and employees; the facility aims to offer students the opportunity to, at an early stage of a dispute, offer the chance to approach an independent body that can start a track of internal and confidential mediation in a conflict or to make an assessment of reasonableness of the dispute.

2.3 Vision

The Ombuds Officer, by means of complaint handling and mediation, wants to positively contribute to legal certainty and a safe and trusted environment for students and to promote improvement of quality of processes which see to the careful offering of university education to students.

2.4 Core values of the Ombuds Officer

The core values of the Ombuds Officers' method of working are: confidentiality, neutrality and independence. These are the specific core values of every Ombuds Officer.

Confidentiality

... means that all complaints are dealt with in strict confidence. Only with the permission of the complainant, will the Ombuds Officer contact any persons or bodies within the university to gain information concerning the case. This guarantee of confidentiality unabatedly extends to the person or body that is the subject of the complaint. The annual reporting to the Executive Board takes place in such a way that both the complainant and the (individual) person who is the subject of the complaint are, as far as that is possible, not traceable.

¹ Regulations relating to the Ombuds Officer- adopted by the Executive Board, following approval by the University Council, on 29 April 1999 and most recently updated on 12 October 2010

Neutrality

...means that the Ombuds Officer tries to come to a fair and reasonable solution of the complaint without prejudice. The method of working of the Ombuds Officer is based on listening to both sides of a dispute. Even though they deal primarily with students, the Ombuds Officer acts for the general interest of the university, not solely for the benefit of the student(s)

Independence

...means that the Ombuds Officer operates independently and is not part of a university body, service or faculty. In any contact with university personnel and students, the Ombuds Officer maintains professionalism and a certain distance. According to the self-imposed regulations, the Ombuds Officer cannot hold any other position at Leiden University.



2.5 Internal complaint procedure for students

The office of the National Ombudsman has established the Ombuds Officer as an “internal complaints procedure for students” within the context of the General Administrative Law Act (AWB). This means that students who direct their complaints directly to the National Ombudsman will be referred back to this internal complaints procedure for students of Leiden University.

2.6 Imbedding of the function of Ombuds Officer within Leiden University

Within the limits set by his core values, it is important for the Ombuds Officer to keep in touch with any relevant developments within the university. This is why there is a six-weekly routine meeting with **Jeroen 't Hart**, director of the Expertise Centre of Student and Educational Affairs (SEA). A few times a year this meeting is also attended by Regina Stoutjesdijk on behalf of the board of Strategy and Academic Affairs. The Ombuds Officer has an appointed network of contacts at the faculties and at the other departments of the university, (see chapter 5) who are approachable for a confidential internal handling of submitted complaints. As goes without saying, this only happens with the expressed permission of the student(s) concerned. The same goes for any dealings that the Ombuds Officer has in any occurring cases with the central Confidential Advisers of the university and with the Diversity officer.

On an administrative level the Ombuds Officer is tied to the Vice-Rector Magnificus, Hester Bijl, who in this position is also the chairperson of the Educational Board (Onderwijsberaad-OWB) in which the portfolio holders of Education within the Faculty Boards come together. The Ombuds Officer annually gives an explanation to the OWB regarding his annual report. Afterwards the annual report is discussed in the University Council, in particular by its committee Personnel, Student Affairs and Internationalisation (Committee PS&I) and the University Council meets with the Executive Board to discuss the annual report.

For the benefit of his advisory role to student organisations in case of (serious) complaints, the Ombuds Officer keeps in touch with the Local Chamber of Student Organisations (PKvV)

2.7 Professional organisations

The Ombuds Officer of Leiden University is affiliated with the (national) Association for the Right to Complain (Vereniging van Klachtrecht- VvK) and the European network of Ombudsmen in Higher Education (ENOHE).

In 2019 the Ombuds Officer attended one peer review meeting of the Dutch Mediation Federation (Mediation Federatie Nederland-MfN) and a peer review meeting of the National Association of Confidential Advisors (Landelijke Vereniging van Vertrouwenspersonen -LVV). Furthermore, the Ombuds Officer has a subscription to various trade magazines, **including** “Tijdschrift voor Conflicthantering” (Magazine for Conflict Handling) published by the Dutch Association of Mediators (Nederlandse Mediatorsvereniging - NMv).

2.8 Visibility

To promote the visibility of the complaint provisions within Leiden University, the Ombuds Officer executes targeted promotion annually during the existing introduction weeks for new students (EL CID, HOP, OWL). Furthermore the Ombuds Officer has attended various conferences and information gatherings in 2019 and has participated in several meetings including those of Platform Safety (Platform Veiligheid), Taskforce Student Well-Being, Student Association CIROS (see photo) and of Student Advisers (amongst others of the Faculty of Sciences).



3. Complaints

How many complaints were submitted in 2019, what action did the Ombuds Officer take and what did his complaint handling lead to? I will elaborate on these questions in this chapter.

3.1 Number of complaints

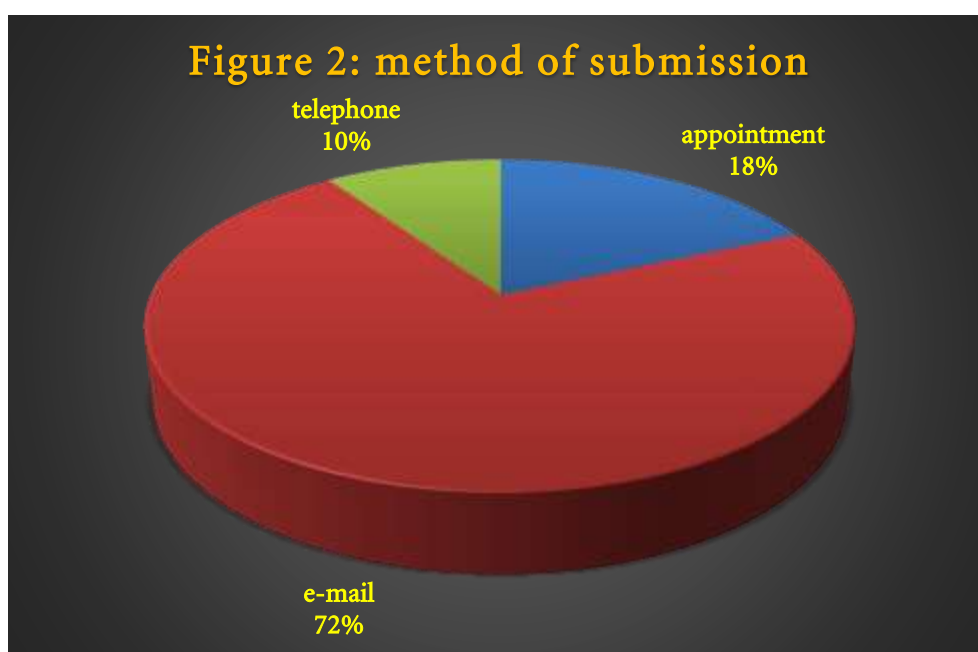
In 2019, 125 complaints were submitted to the Ombuds Officer for students. That is 2 more complaints than in 2018 and 14 complaints fewer than were submitted in 2017. The number of complaints is subject to annual fluctuation and does not systematically increase with the number of students at Leiden University; in 2019 there were 30.419 students compared to 29.045 in 2018, which comes to an increase of 4,7 per cent.



Despite there only being 2 more complaints submitted in 2019 compared to 2018, the Ombuds Officer was able to handle many more of those **complaints himself**; compared to 2018 when “only” 98 out of the 123 submitted complaints were dealt with by the Ombuds Officer, in 2019 he was able to deal with 111 complaints himself (instead of referring them on). This is only 5 less handled complaints than during the “peak year 2017”. It is gratifying to see that students seem to better understand in what cases they can go to the Ombuds Officer. It could be carefully concluded that the information on the website and the referrals to the Ombuds Officer by such parties as Study Advisers or Legal and Financial Counsellors seem to have improved.

3.2 Method of submission

By far, most of the complaints reach the Ombuds Officer directly through email via the dedicated functional email address ombudsfuctionaris@leidenuniv.nl (90 complaints out of 125). In 23 cases the student chose to set up a meeting through the secretary of the Ombuds Officer. In 12 cases the student called the secretary of the Ombuds Officer to discuss the complaint with him first. As was stated in the annual report of 2018, the Ombuds Officer decided not to continue with the option of WhatsApp after conducting a pilot on the use of this medium. In 2019 for the first time no complaints at all were submitted through written mail!



3.3 Who submitted complaints?

The share of complaints by international students in 2019 has remained more or less equal to 2018. In 2019, 45 complaints were submitted by international students. Just like in 2018 this means approximately 1 in 3 complaints while “only” 1 in 6 students is an international student (17,3 % in 2019). The relatively large number of complaints submitted by Non-EU students stands out here: 17 complaints (13,6 %), while this group makes up only 3,9 per cent of students. This group of Non-EU students mostly consists of students attending a Master –be it advanced or not- who have paid a relatively high fee which increases the pressure and the importance of being able to perform unhindered by obstacles.

Figure 3: % complaints international students



As per recommendation of the Officer for Data Protection, in 2019 the Ombuds Officer has moved to adapt his confidential and internal registration forms concerning the registration of male-female ratio. This registration is now indicated as “only for statistical purposes”.

In 2019 the Ombuds Officer again decided not to question students regarding transgender or transsexuality for privacy reasons. Therefore information is based on the registration of the student in Usis.

Figure 4: distribution m/f

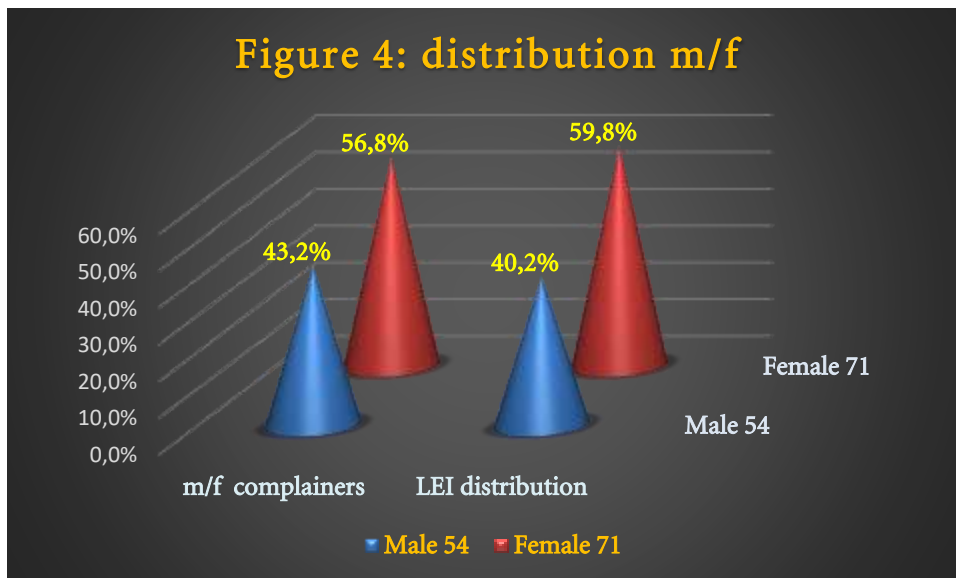


Figure 4 shows that 71 out of 125 complaints were submitted by female students. This comes down to 56,8 per cent of the complaints. In the general student population of Leiden University 59,8 per cent is female. This means there is a slight underrepresentation while in 2018 there was a small overrepresentation (60,2% female complaints when 59,3% of student population at Leiden University was female)

When we put the two divisions male-female and national-international against each other, the following emerges (figure 5).

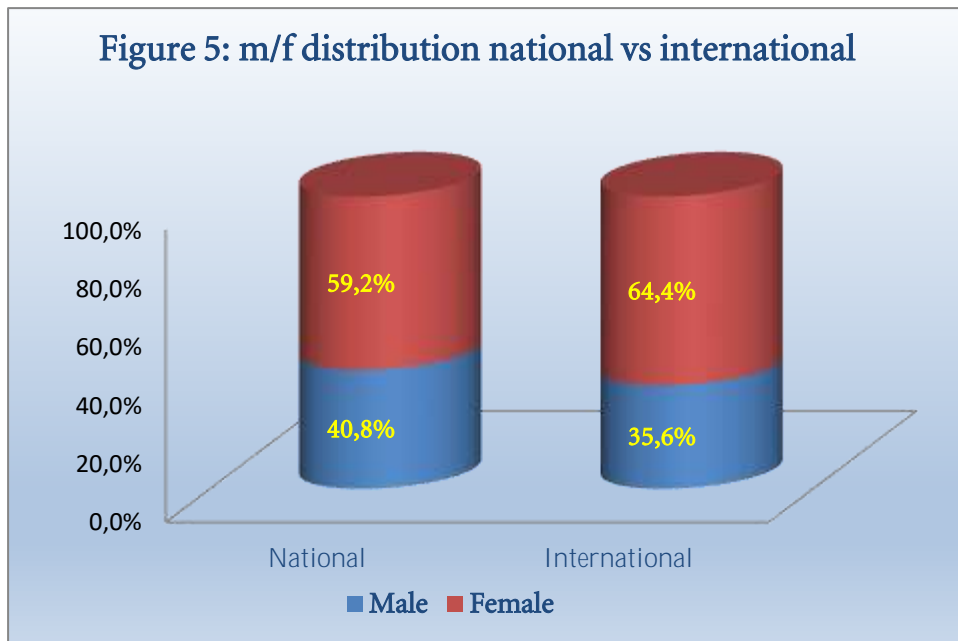
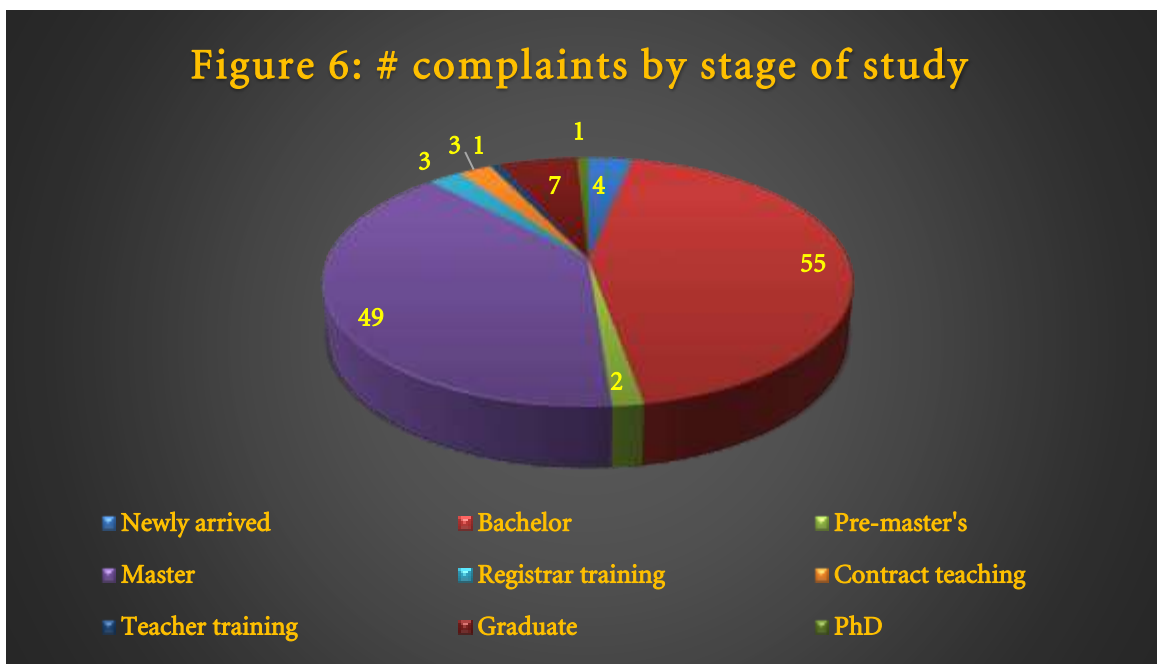


Figure 5 shows that 2019 depicts a different image than in 2018; this time the male students who submitted a complaint are better represented in the national target group than in the international target group whilst in 2018 this was exactly the opposite.

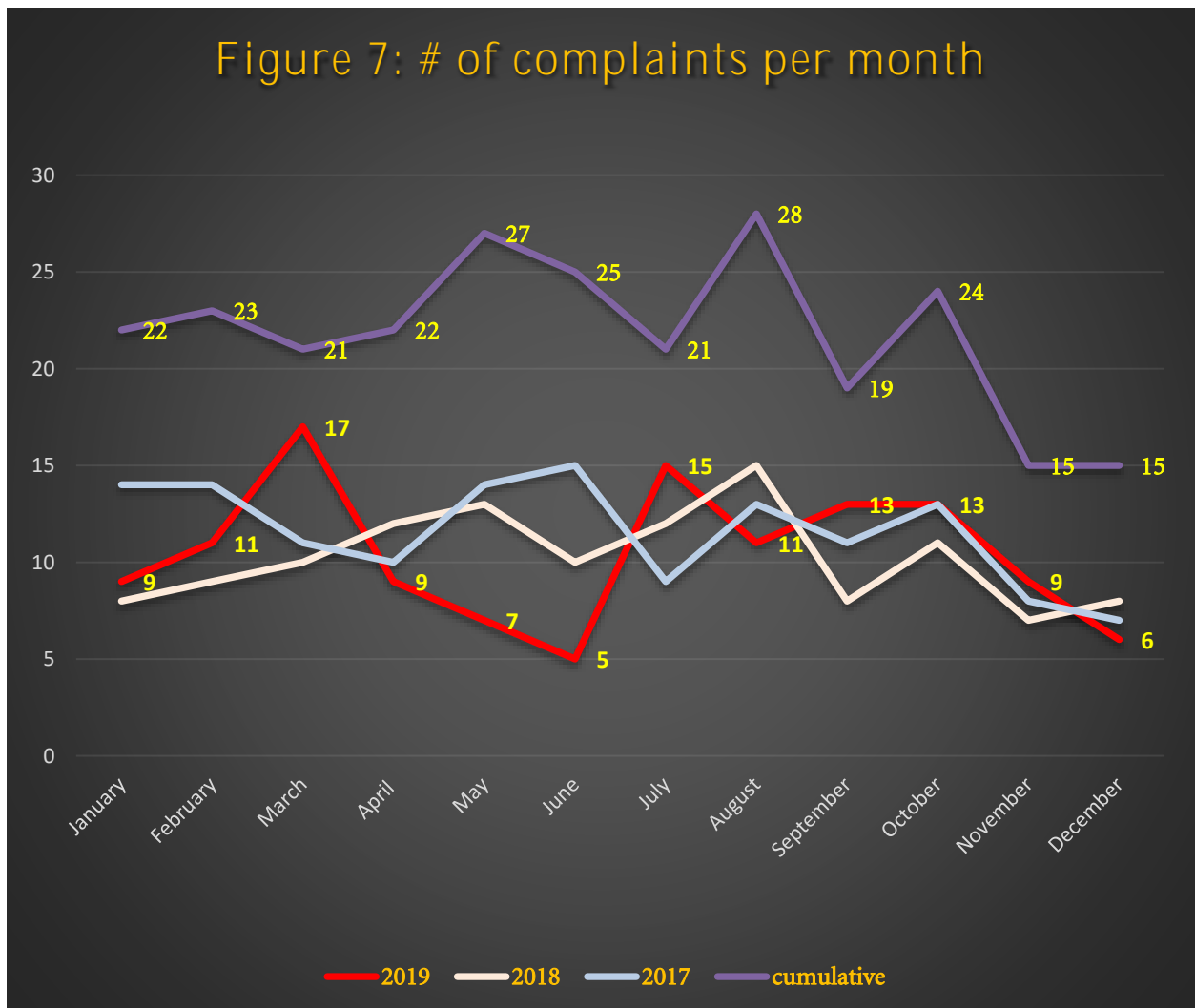
The breakdown of the number of complaints submitted per stage of study shows:



Just as in 2018, in 2019 students in their bachelor's phase are underrepresented compared to students in their Master phase. Where 2 in 3 students of Leiden University are in their bachelor's phase, the number of complaints of bachelor and master students is practically the same. Within the master's phase 1 in 5 students is an international student, within the bachelor's phase this is a little less than 1 in 6.

3.4 When were complaints submitted?

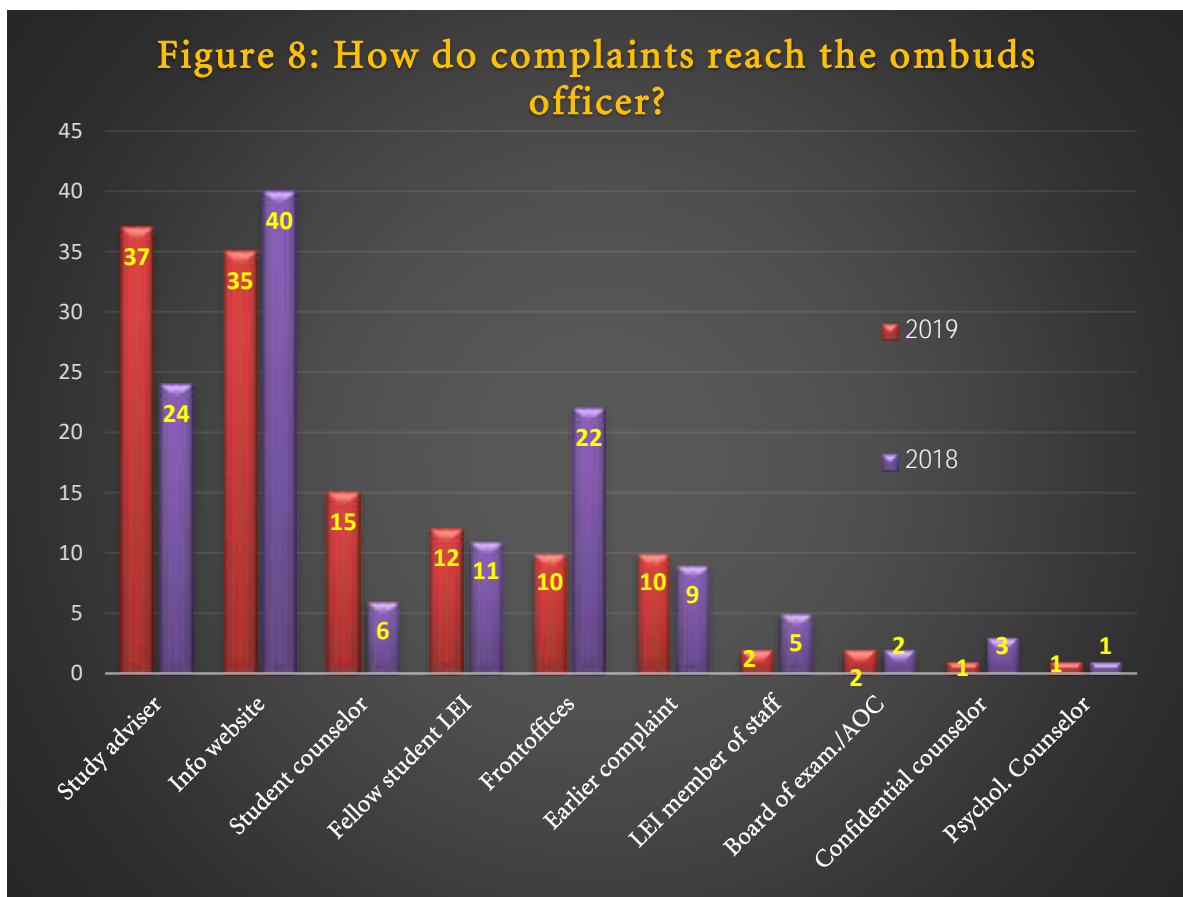
In long-term perspective it remains hard to predict whether the Ombuds Officer can expect many or only few complaints per given month. In 2019 the peak in March stands out, caused by noisy circumstances surrounding an exam of the Master Public International Law which led to several individual complaints from students. It is also remarkable that June 2019 was the month with the least complaints while in 2017 June was the month with the most registered complaints of that year.



3.5 How did complaints reach the Ombuds Officer?

By special request from the University Council, for the annual report the Ombuds Officer has been keeping record of the way in which students submitted their complaint to the Ombuds Officer. This is mainly relevant to be able to determine what the most effective way of exposure and promotion is and this is why the students are asked about this during intake.

Figure 8 shows that in 2019 most complaints were submitted after referral by a Study Adviser. In 2018 –even if only barely- the website was named most often as the source of information. Furthermore the increase of referrals by Legal and Financial Counselors (from 6 to 15) and the decrease of the number of referrals by the front offices (from 22 to 10) stand out. In the appendix of this annual report I will elaborate on these developments since the Ombuds Officer had named the promotion of familiarity with the office of the Ombuds Officer amongst study advisors and front offices, as a point of attention in his Conclusions and Recommendations of the annual report of 2018.



3.6 Method of dealing with a complaint

When a complaint is submitted, the Ombuds Officer first checks to determine if it falls within his authority to deal with it. (receptivity, see 3.8). Does it concern a student, albeit a future student or a graduated student? Does it concern unseemly actions or has it already crossed the line and does it fall into the category of unacceptable behavior, for example (sexual) intimidation or discrimination/racism? Or is it purely a question of a student not agreeing on a grade that was received so that the Ombuds Officer needs to refer to the Examination Appeals Board? In any case, depending on the answers to these questions he will eventually start an investigation into the complaint. It should be evident that the Ombuds Officer does not blindly go by the information received from the student, but that he also finds it important to investigate facts through internet (for example the e- Study guide) or by approaching staff members who are directly or indirectly involved in the case. If the nature of the complaint demands a more sensitive approach, than the usual route is by conducting a first orientation concerning the complaint with the appointed contact person for complaints at the faculty (see chapter 5.4.). In all of these cases the Ombuds Officer will ask for consent from the student involved to undertake these actions

Whilst investigating the complaint, the Ombuds Officer will be able to form an idea of the nature of the complaint and he will determine which course of action to follow – again with the consent of the student– in order to reach a satisfactory outcome. Only after all the facts and information have become clear and the Ombuds Officer has come to a conclusion, will the complaint be **officially “scored” on one or more** aspects and on one principal cause (see 3.7). These aspects and principal cause are registered confidentially in a registration form which he then puts together with all other the documents and correspondence about the complaint, in a digital complaint file which is usually only accessible by the Ombuds Officer himself and is archived yearly (in a secured way!) at the department of Documentation Information and Archive maintenance (DIA). For the complaint files of the Ombuds Officer, a retention period of 10 years has been determined.

3.7 About whom or what were complaints submitted?

A student cannot only submit a complaint with the Ombuds Officer about the behavior of an individual staff member but also about the way they have been treated by organisational bodies of the university. For instance, a complete faculty or study programme can be regarded as the “accused” whilst the physical representative, the individual appointed to share relevant information regarding the complaint, cannot be held directly responsible for the issue at hand. It can therefore happen on a regular basis that a study adviser is the representative for issues that fall under the responsibility of the Examination Appeals Board and often it is the front officer, the bringer of bad news, who the student wishes to complain about. But it can also very well be the way in which the study adviser or the front officer communicates information that is exactly the issue of the complaint.

Table 1 below illustrates the faculty or unit to which the staff member or university body about whom or about which a complaint was submitted belonged. What is mainly interesting about this is the relative distribution and ratio of complaints submitted against faculties. In the most right column you can see the percentage of students who were registered to that faculty in 2019.

Tabel 1: *Affiliatie van medewerkers of instanties tegen wie in 2019 een klacht is ingediend.*

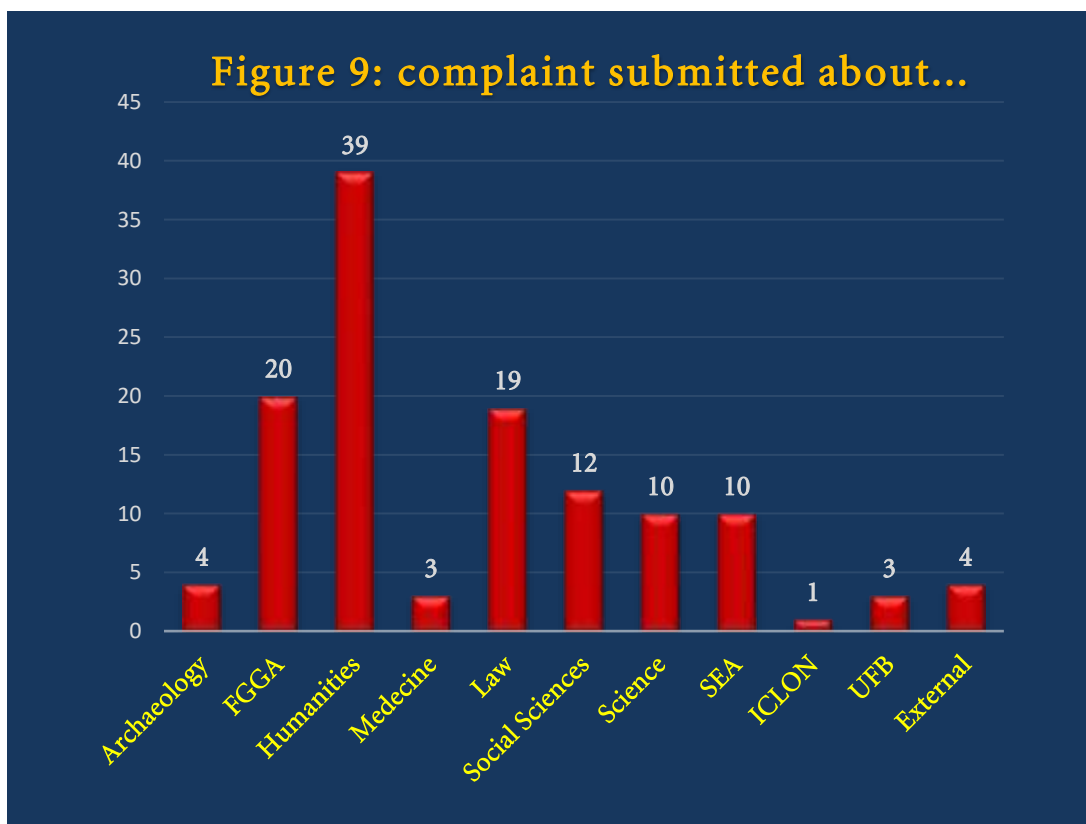
| | No. complaints 2019 | % fac compl. 2019 | % students 2019 |
|---------------------------------|------------------------|----------------------|--------------------|
| Faculties | | | |
| Archaeology | 4 (2018: 3) | 3,7 | 1,8 |
| Governance and Global Affairs | 20 (2018: 8) | 18,7 | 9,3 |
| Humanities | 39 (2018: 47) | 36,4 | 25,0 |
| Medicine/LUMC | 3 (2018: 4) | 2,8 | 9,1 |
| Law | 19 (2018: 11) | 17,8 | 18,5 |
| Social and Behavioural Sciences | 12 (2018: 27) | 11,2 | 20,3 |
| Science | 10 (2018: 4) | 9,3 | 16,7 |
| <i>Total faculty complaints</i> | <i>107 (2018: 104)</i> | <i>100,0</i> | <i>100,0</i> |

Other university bodies

| | |
|-------------------------------------|----------------------|
| Student and Educ. Affairs (SEA) | 10 (2018: 13) |
| University Services Dep. (UFB) | 3 (2018: 1) |
| University general | 0 (2018: 2) |
| ICLON | 1 (2018: 1) |
| Other | 4 (2018: 2) |
| <i>Total non-faculty complaints</i> | <i>18 (2018: 19)</i> |

Total 125 (2018: 123)

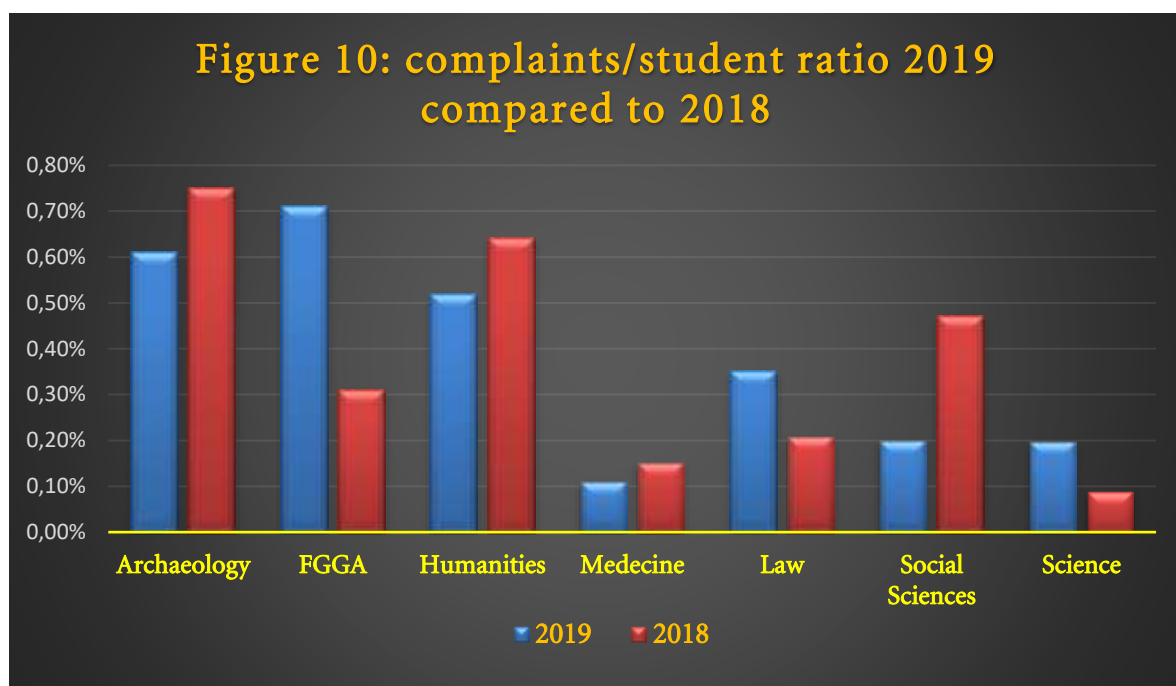
Figure 9 illustrates the number of complaints that were submitted against a single faculty or university body. It may occur that the student submitting the complaint is registered in another faculty than the faculty the complaint has been submitted about (for instance in case of electives).



Most noticeable in 2019 is the increase of the number of complaints about the faculty of Governance and Global Affairs. Noteworthy is the decrease of complaints about the faculty of Social and Behavioural Sciences. Both can be explained to an extent. For FGGA a relatively large number of complaints were submitted about the functioning of the Examination Appeals Board of Security Studies (both bachelor and master). This problem has been recognised by the faculty and steps have been taken to improve matters. The decrease for the faculty of Social and Behavioural Sciences is mostly due to the greatly decreased number of complaints about Psychology. A careful conclusion could be that the introduction of Selection and Placement, implemented on January 2019, has led to a better control of educational processes. The increase of complaints at Sciences, from 4 to 10, is mainly due to complaints from several students about the general quality of education concerning the Master ICT in Business (see chapter 4.7). Here too the faculty has taken steps to start an improvement process. The students who had uttered the complaints to the Ombuds Officer have been involved in this process by the faculty.

When looking at the complaints not targeted at the faculties, this annual report shows few cases that stand out. Complaints from students against SEA have dropped in number (10). Most of these complaints are linked to more complex requests for certificates or duplicates that are hard to adhere to under the current administrative restrictions. As expected some complaints (4) dealt with registering and de-registering, but on a total of 30.000 students this number can be regarded as very **low in the Ombuds Officer's opinion. Finally it is worth mentioning the complaints that concerned employees of the University Services Department -UFB (3).** It is often very hard at first to determine who the accused is, but because of the swift and outstanding cooperation with the contact person at **the UFB, (see chapter 5.4) the Ombuds Officer has been able to mediate very effectively. He "kept his distance" in all cases and the contact person has spoken about the complaints confidentially with the accused, either with or without the supervisor present.**

To clarify the proportional share of the faculties in the number of complaints, figure 10 on page 16 shows the complaint/student-ratio per faculty for 2019 as well as for the previous year 2018. This will put in perspective mainly the seemingly large number of complaints submitted against the faculty of Humanities.



In addition to looking only at the university body that the complaint is targeted at, we can also look at the role or function of the employee or body that the complaint is targeted at. This is depicted in table 2.

Table 2: *Function of the employee or body about whom or which a complaint was made in 2019*

| | # complaints |
|--|------------------------|
| - Teacher(s), thesis supervisor | 30 (2018: 50) |
| - Faculty, study programme, institute or university body (e.g. Executive Board) in general | 29 (2018: 15) |
| - Board of Examiners/Board of Admissions | 24 (2018: 23) |
| - Study-, internship or thesis coordinator, study adviser or programme director/manager | 20 (2018: 15) |
| - (Staff member of) education/information desk, administrative department or services department | 14 (2018: 14) |
| - Other (e.g. overseer at exams, Language Centre) | 8 (2018: 6) |
| Total | 125 (2018: 123) |

The main observation based on table 2 is that the number of complaints against teachers and thesis supervisors has decreased in 2019 and that there has been a substantial increase in the number of complaints against a study programme in general. This pertains for example to complaints made against the master Public International Law which related to noisy circumstances during an exam but also complaints that related to the general quality of the master ICT in Business.

Table 3: Principal Causes of submitted complaints of 2019 ranked according to number of occurrences and further specified in relation to international students.

| Principal Causes of complaint | # complaints | # international | % intern. |
|---------------------------------|-----------------|-----------------|-----------|
| 1. Behaviour | 31 (2018: 25) | 9 | 29% |
| 2. Assessment | 21 (2018: 19) | 7 | 33% |
| 3. (Thesis) supervision | 20 (2018: 19) | 2 | 10% |
| 4. Facilities | 17 (2018: 14) | 13 | 76% |
| 5. Rules and Regulations | 8 (2018: 6) | 2 | 25% |
| 6. Education - general | 7 (2018: 14) | 1 | 14% |
| 7. Registration/de-registration | 6 (2018: 6) | 4 | 67% |
| 8. Information | 5 (2018: 6) | 3 | 60% |
| 9. Study planning | 5 (2018: 6) | 3 | 60% |
| 10. Admission | 5 (2018: 8) | 1 | 20% |
| | 125 (2018: 123) | 45 | 39% |

3.8 How complaints were dealt with.

The Ombuds Officer differentiates 6 different methods in which complaints are dealt with. (“actions”).

1. *Not dealt with*

The Ombuds Officer cannot commit to handling of the complaint if the complaint does not adhere to the (relatively minimal) formal demands for admissibility. It also needs to be clear who the student is who submits a complaint, what staff member or which university body the complaint is about and what the complaint entails. It also happens that the complaint is withdrawn shortly after submission because the issue has been solved in a different manner.

2. *Exploratory investigation*

To form an initial idea of the complaint, the Ombuds Officer will conduct an exploratory investigation in which he gathers information from the complainant, accused and other parties involved in the complaint. Other sources (internet) might also be consulted for the purpose of this investigation.

3. *Mediation*

In consultation with the complainant, the Ombuds Officer may decide that a mediating role will be most effective in resolving a problem situation. The Ombuds Officer will continue to try to reach a reasonable outcome, maintaining his neutral and independent role, that is acceptable to both the student and the staff member or university body involved. Sometimes the Ombuds Officer moves back and forth between the parties, sometimes he sits around the table with them both (“**three people discussions**”).

4. *Referral*

If the Ombuds Officer comes to the conclusion that it would be more appropriate for a different body within the university to take note of the complaint, the Ombuds Officer will refer it on. An important example of this is a referral for the lodging of an appeal with the CBE in case of an assessment.

5. *Advice*

If the investigation of a complaint shows that there is no direct role for the Ombuds Officer to deal with it, the Ombuds Officer can still decide that it would be beneficial to either the complainant or the accused if he issued advice with, among others, points of attention, points of improvement or methodology or procedural information.

6. *Formal investigation*

The regulation on the Ombuds Officer has given him the power to open a formal investigation in the event of repeated similar complaints or very serious complaints (often transcending the level of education).

This produces a confidential investigative report which is then offered to the management body in question and a copy is sent to the Executive Board

Table 4: Method of dealing with complaints submitted in 2019

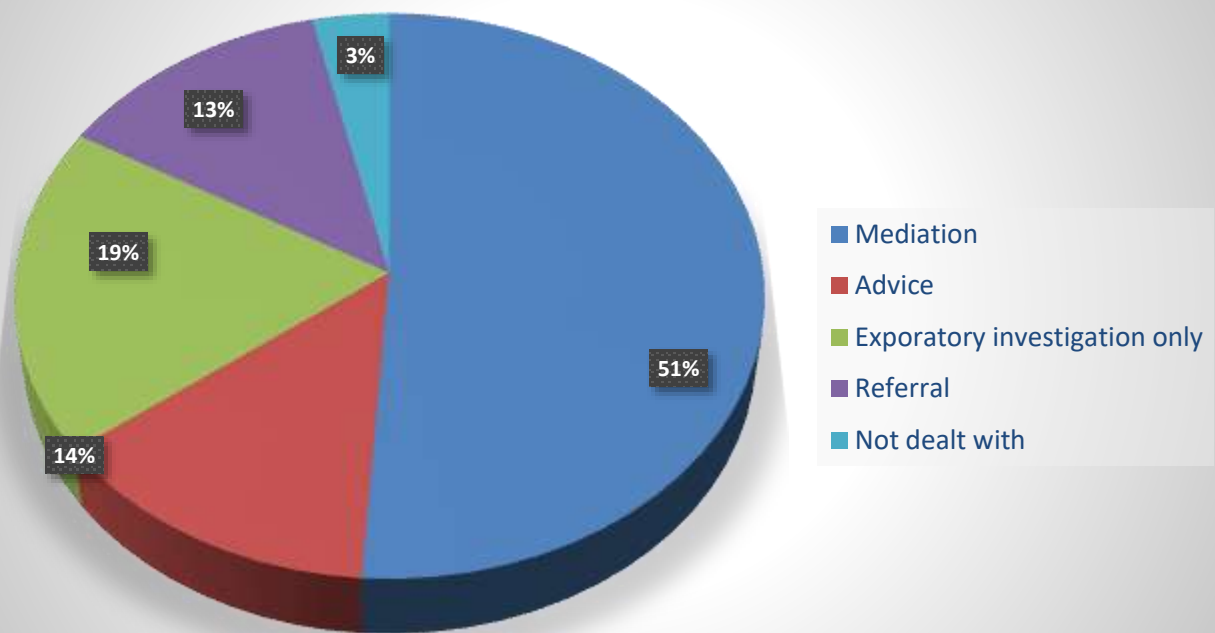
| Method of dealing with complaints | Frequency | |
|---|-----------|-------------|
| Not dealt with | 2 | (2018: 3) |
| Exploratory investigation only | 51 | (2018: 37) |
| Mediation | 53 | (2018: 47) |
| Referral | 12 | (2018: 22) |
| Advice | 7 | (2018: 14) |
| Formal investigation pursuant to art. 6 | 0 | (2018: 0) |
| Total | 125 | (2018: 123) |

As noted before, in 2019 the Ombuds Officer investigated more complaints (himself) than in 2018. Noticeably fewer complaints were referred to the CBE for example and only 2 complaints were not treated by him (seeing as shortly after they were submitted they had already been solved)

For one complaint an exploratory investigation needed to be carried out to decide whether the Ombuds Officer was authorised to handle the complaint. After investigation the accused turned out not to be a university employee but a hired exam overseer.

In 2019 the Ombuds Officer has not proceeded to conduct an official investigation on the grounds of art. 6 of his regulations. This does not diminish the importance of this investigative power for the adequate execution of the Ombuds Officers tasks. For one case regarding the faculty of Humanities (see chapter 4.2.) there was an instance in which the Ombuds Officer considered proceeding with starting up a formal investigation. On the same grounds as in 2017 concerning the faculty of Archaeology, the Ombuds Officer decided not to proceed as the behaviour of the accused was closely linked to the legally protected authority of the Board of Examiners. Besides that, this case with the faculty of Humanities in 2019, led to prompt action to be taken by the faculty board and having to wait for the results of a formal investigative report would have obstructed this swift action. In the end it did not lead to the issue being handled any less thorough and a solicited counsel was offered by the Ombuds Officer to the Executive Board.

Figure 11: Action taken by the Ombuds Officer



Regarding the conclusions reached by the Ombuds Officer concerning the complaints received, he differentiates the following actions:

1. Not dealt with

The Ombuds Officer is of the opinion that the submitted complaint does not meet the formal requirements for handling it or it does not fit within his authorisation to handle it as a complaint. This will often be the case if he is obliged to refer the complaint to another university body such as the Examination Appeals Board (CBE) in the case of “pure” assessment issues or to the Confidential Adviser for Undesirable Behaviour in the case of unacceptable behaviour (e.g. racism, sexual intimidation).

2. Unfounded

The Ombuds Officer considers the arguments of a student submitting a complaint about improper treatment unfounded and informs the student and the accused member of staff or university body. The Ombuds Officer hereby expresses an opinion about the treatment of the student. This does not exclude this same student from the option of starting a formal procedure on different grounds.

3. Partially justified

The Ombuds Officer accepts one or more aspects presented in the student’s complaint, but considers one or more aspects presented, unfounded. It might also be that the Ombuds Officer is unable to form a conclusion on one or more aspects (see point 5).

4. Justified

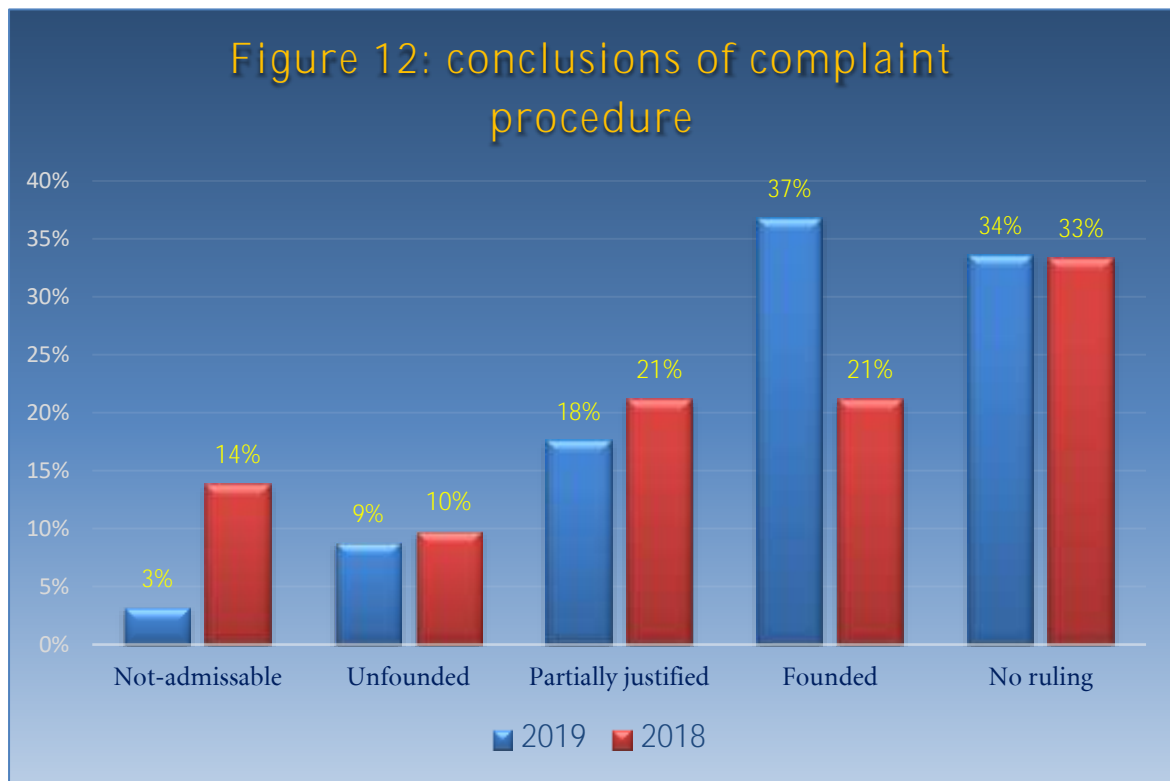
The Ombuds Officer considers the student right in all aspects as argued in his complaint that he feels treated improperly. The Ombuds Officer informs the complainant and the accused on his finding regarding the complaint. In case the accused is a body of the university, the Ombuds Officer can decide to link a recommendation to his ruling as to improve the situation that has led to the circumstances of the complaint.

5. No ruling

If the Ombuds Officer comes to the conclusion that he can merely play a mediating role in resolving the complaint, then mediation follows. The Ombuds Officer will continue to try to reach a reasonable outcome that is acceptable to both the student and the staff member or university body involved whilst maintaining his neutral and independent role. In most cases it is not necessary or even desirable that the

Ombuds Officer passes judgement on the complaint. The complainant(s) and accused will eventually come to an agreement by themselves.

Figure 12 shows the relation between the different conclusions that the Ombuds Officer can draw from his handling of complaints. 2019 is indicated in blue and 2018 in red. Particularly striking is the decrease of the number of times the case is judged as “Unfounded” and the increase in 2019 in the number of times the Ombuds Officer deemed a complaint fully “justified”.

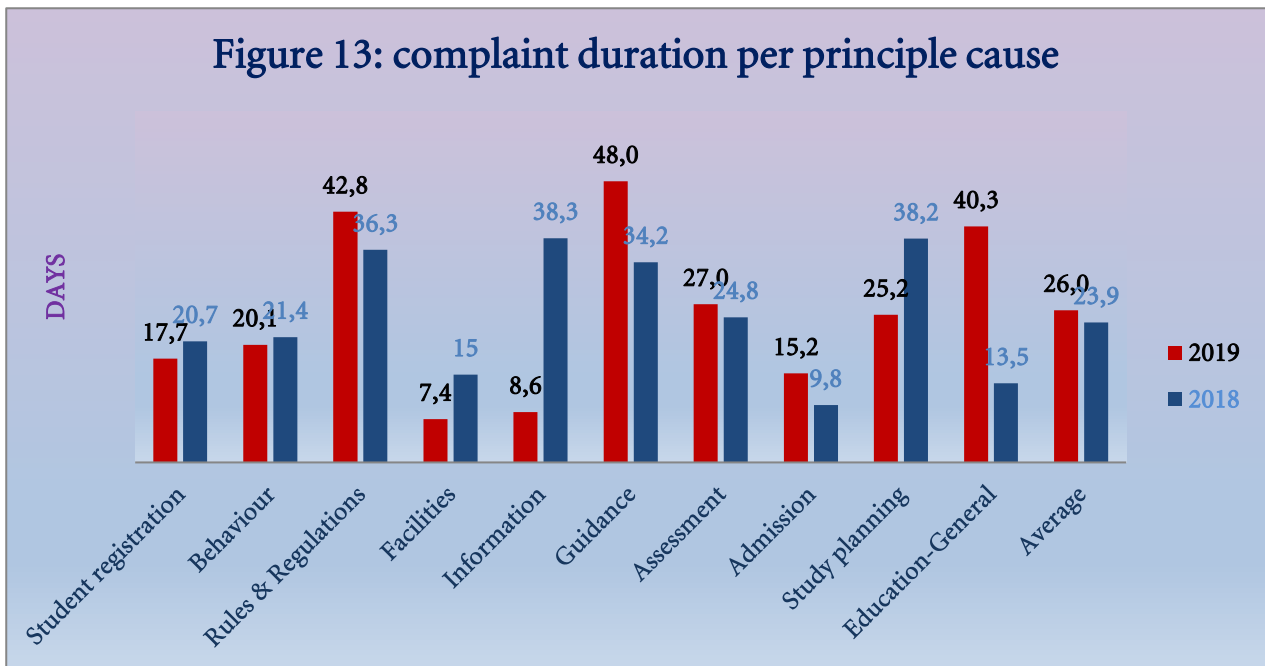


3.9 Duration of the complaint procedure

How much time does the Ombuds Officer spend on average on dealing with a complaint after it has been submitted? The average time spent on handling a complaint has in recent years invariably been around three weeks but has been steadily increasing. So goes for 2019 where the average duration of a complaint is exactly 26 days. That is no less than 2 days longer than it was in 2018.

In figure 13 on the next page the duration of a complaint in 2019 has been put against the duration of a complaint in 2018. Again, the complaints on Supervision take relatively long and even longer than in 2018.

Figure 13: complaint duration per principle cause



The same goes for the generally more complex cases dealing with the principal cause Rules and Regulations. What stands out is the difference in the principal causes Information and Education-general. For complaints with the principal cause Information, in 2018 the duration of the complaints in three out of the six cases was very short (approximately one week), but the other three complaints took more than two months. In 2019 out of the five complaints on Information, only one complaint took longer than one week. For the principal cause Education-general it was mostly due to the complaints regarding the master ICT in Business in 2019 that made the average duration come up a lot higher than in 2018.



Photo: Novembre 24 2019, Leiden talk show “Aan tafel bij Ruud” theme “Bullying”.

4. Examples of complaints by faculty



4.1 Archaeology

Unclarity about finishing of thesis.

In the beginning of October a master student of Archaeology approaches me to complain about the way her thesis supervision is going up until then. She handed in her final version at the end of May but receives notice from the secretary to the Board of Examiners that the thesis has not yet been assessed as sufficient. The student works very hard to finish the thesis within the academic year 2018-2019. She hands in her revised thesis at the beginning of August. She does not receive any response. She is forced to turn down a job she was already offered because of this. At the end of September she has still not received any word. I assure the student that I will contact the secretary to the Board of Examiners who, after a reminder of an email I sent her halfway through October, declares that an email had been send to the student. According to the student she never received this email. The thesis is still deemed insufficient and in the end the student does not graduate until the end of January.

How did the Ombuds Officer handle this complaint? It seems obvious that the principal cause of this complaint is Assessment with as partial aspects guidance, once again assessment, information (giving of) treatment and reachability. The action would be “exploratory investigation” although the Ombuds Officer did offer the student to act as mediator to improve the mutual coordination between the student and the supervisor. Conclusion of the treatment of the complaint is “partially justified”. The Ombuds Officer cannot pass judgement on the assessment of the thesis itself but does think that namely when it comes to approachability and clarity of information towards the student, there is ample room for improvement in the thesis supervision. There was no cause for a more in depth investigation into the “treatment” aspect. To come to a ruling on this aspect the accused should at least have been heard and the student who submitted the complaint wished not to pursue this aspect.



4.2. Humanities

Role impurity teacher-chairperson Board of Examiners

In July a complaint is submitted with the Ombuds Officer by a bachelor student concerning the actions of a teacher who is also the chairperson of the Board of Examiners of a small study programme (for reasons of privacy for those involved, the study programme will not be named). Seeing as the teacher in question has been mentioned since the beginning of 2017 in relation to several complaints, the Ombuds Officer decided to conduct a confidential investigation through his faculty contact person (see chapter 5.4.). At this point it is already known that this teacher has lowered a previously publicized partial grade awarded by a fellow teacher, the first reader of the thesis, in his capacity as chairperson of the Board of Examiners. In the judgement of the Ombuds Officer, due to this prior involvement, the teacher in question should refrain from acting as the second reader. Despite pressure from my faculty contact person to accomplish this, the chairperson still appoints himself as the second reader which, in all plausibility, resulted in the student just barely missing out on the predicate cum laude. The Ombuds Officer refers the student to the Examination Appeals Board (CBE) seen as this case is at heart about the assessment of a thesis.

The Ombuds Officer has registered this complaint under the principal cause “Behaviour”. As aspects I noted assessment, treatment and rules and regulations. Especially for this last aspect it is relevant to mention that the chairperson of the Board of Examiners himself had failed to follow his own protocol for appointing a second reader. This was eventually confirmed in the CBE ruling (19-161) that did not appear until 30 weeks after the appeal. (See chapter 6, conclusion 1). Long before the CBE ruling, the Ombuds Officer had already reached the conclusion that the student had justifiable cause to complain about the behaviour of the teacher.



4.3 Medicine

Student wants his bachelor's degree after a year-long interruption.

In May of 2019, a medicine student contacts the Ombuds Officer. He interrupted his medicine study during his internships at the end of the 90-ties due to circumstances. In 2011, according to his own words, he approached the Board of Examiners but he never received any response. At the end 2018 he approaches the Board of Examiners once more. There is some correspondence and a meeting takes place. Almost half a year later it is still not clear if he is eligible to receive his bachelor's degree. **A complicating factor is that the student studied under an old doctorates programme and that both the structure (bachelor-master) and the curriculum have changed a lot.** During the meeting with the Ombuds Officer the student indicates that he **merely needs the bachelor's diploma to be able to start a master in the area of management.** **This turns out to be the key to a satisfactory end of the complaint**

After the conversation with the student, the Ombuds Officer contacts the chairperson of the Board of Examiners of Medicine (See chapter 5.4.). The request of the student was halted due to concerns that **after receiving his bachelor's degree the student would want to continue on to the master.** The Ombuds Officer ensured the chairperson of the Board of Examiners that this was not the case and the student received his **bachelor's diploma after all.**

After careful consideration the Ombuds Officer decided to register the complaint as having as the principal cause "Rules and Regulations" despite the registered **aspect "Information" playing an important factor in this case as well.** The main question is however, **how can this (very)senior student obtain his bachelor's diploma within the new medicine curriculum?**



4.4 Governance and Global Affairs

Student receives sharp email after criticism on manner of education during course by two teachers.

In December, a student of one of the master courses of Governance and Global Affairs - for the sake of privacy of those involved and the traceability the specific course will not be named here- complains about an email he received from the director of his study programme. He received it after he had uttered his grievances to two teachers who taught the class through email, about the turn of events during a part of the course, namely the giving of a presentation. Beforehand there had been rules set in place about the duration of the presentation but in the opinion of the student, the teachers had not adhered to those rules. Because of it, his presentation got compromised as there was far less time available for his presentation whilst others had gotten a lot more time than what was agreed upon beforehand. In the judgement of the Ombuds Officer the **student's email in which he uttered his grievances to his teachers** was very respectful. Instead of the teachers responding to his critical email addressed to them, the student received an email from the director of the course that in the judgement of the Ombuds Officer was less respectful of tone and could even be regarded as somewhat intimidating. The Ombuds Officer proposed to confidentially bring the matter to the attention of his faculty contact person (See chapter 5). She agrees that the tone of the email from the director of the course is too sharp and that the email from the student adhered to the rules in place for giving feedback in a reasonable way. The contact person will raise this issue with the director of the course.

The Ombuds Officer has registered this complaint under the header of “Behaviour” (principal cause). Other aspects are supervision (by the teachers), treatment (the email from the director of the course) and education-general (the course of action within the subject taught). As action for this case I noted “exploratory investigation”(through intervention by the contact person) and the conclusion is “partially justified” because the Ombuds Officer limited himself to only passing judgement on the email from the director of the course (justified) and not on the supervision of the teachers or on the course (no ruling).



4.5 Law

Bachelor student disappears from the view of the faculty without this being noticed..

At the beginning of April the Ombuds Officer receives a complaint submitted by the parents of a student which has also been sent to the faculty board. The parents blame the faculty for not responding properly to the request for help from their son at the end of the academic year 2016-2017. At first, their son continued to be enrolled for the academic year 2017-2018 without getting any study credits. For the academic year 2018-2019 the student is not even registered anymore without the parents being aware of this. They now **accuse the faculty of having done too little to avoid their son from becoming a “pretend-” or “ghost student”**. In a first response the Ombuds Officer asks the parents for a short conversation by phone. In this conversation he offers the parents recognition for the concern that speaks from their complaint but he also explains to them that he needs to make sure that their son is supportive of the submitted complaint. Before the complaint procedure can commence, there first needs to be a meeting with their son.

After the Ombuds Officer spoke to the son (the student) he addressed the portfolio holder of Education within the faculty halfway through April. It is agreed that the Ombuds Officer will take on a mediating role where the careful commencement of the study is regarded as the priority and not the financial compensation of the parents. Eventually the Ombuds Officer also pressed upon the faculty board for the parents to receive a letter as a way of closure to the complaint.

This complaint **has been registered under the header of “Supervision ”, with “mediation” as an action and “no ruling” as a conclusion. Other aspects for this complaint are information and behaviour. For this last aspect the Ombuds Officer has not past judgement because he did not think it relevant to reconstruct how there had or had not been enough attention given to the request for help from the student at the end of the academic year 2016-2017. From meetings with the faculty board it has become evident that, besides this question, a concern had existed within the faculty in regards to keeping track of students as best as possible.**



4.6 Social and Behavioural Sciences

Student asks for mediation in conflict regarding admission but meanwhile also contacts the media.

At the end of May the Ombuds Officer receives a call from a student member of the University Council. She asks him if he could look into a case of a student who is unsatisfied about his admissions procedure for the master International Relations and Organisations. During his admissions procedure he has run into the rule that he should at least have had an average grade of 7 for his prior bachelor. The student feels that his extracurricular activities have not been sufficiently taken into account. It is true that there is a **provision within the OER of the study that constitutes an exception, but “in “practice” there is a minimum limit of 6.5 connected to this provision.** To be able to start the programme he has asked for a preliminary injunction from the CBE. This has been awarded because the exception within the OER was not formulated clearly enough. Despite this, the student still wishes to submit a complaint to the Ombuds Officer about the rigid approach of the chairperson of the Admissions Committee. The Ombuds Officer offers the student a course of mediation and asks his permission to contact the programme director at Political Sciences who is the contact person for this institute. (See chapter 5.4.)

Halfway through June the Ombuds Officer meets with the programme director who commits to discussing the course of events concerning the admissions procedure of this student, critically with the chairperson of the Admissions Committee. On the same day that the Ombuds Officer sends his confidential conclusive email to both the student and the study programme, a page wide article on the student appears in the Mare which the Ombuds Officer was not informed about by the student.

It should be evident that stated as the principal cause was “Admissions”. The other aspects in the case were “information”, “behaviour” and “rules and regulations”. The Ombuds Officer noted “mediation” as action and eventually marked “no ruling” as his conclusion. (partially because the technical regulation issue had already been judged by the CBE). In the closing communication on the complaint, the Ombuds Officer lets the student know he found it “not chic” that the student went to the media even before his mediation had been concluded.



4.7 Science

Students are very dissatisfied by the level of education in their master.

Right before the summer holiday break a student of the master ICT in Business² contacts the Ombuds Officer. He is generally very dissatisfied about this two year programme which he has almost completed at this point. The student is very critical of some of the subjects and teachers and is of the opinion that the programme does not in fact, meet the university level of education that it should. In the first year of his master he and fellow students have repeatedly uttered their criticism to the study programme coordinator. At first it seemed like something was being done about it but soon everything was back to how it was before and according to the complainant it became even worse due to the merger with the programme SBB. The student announced that 2 more students (who were on holiday at that moment) would be submitting a complaint with me as well.

After I read all three complaints that were submitted and I distilled the “sore points”, I asked the complaining students if they concurred with me discussing their complaints with my contact person at the faculty of Science (See chapter 5.4.). They agreed. My contact person told me that an improvement process had already been started based on attention points that were brought up during a recent visitation of this master. The faculty was keen on involving the students who had directed their complaints to me as Ombuds Officer, in the improvement process. On October 28, 2019 the students spoke to the portfolio holder of Education within the board and to the study programme director.

It should not come as a surprise that the principal cause of this complaint is “Education-general”. There are no other direct aspects. The Ombuds Officer notes mediation as the action and gives as the conclusion “justified” because the concern of the students about the quality of the programme was shared by the faculty board.

² As a concrete improvement process has been mostly concluded by the board of the faculty of Science the time of the appearance of this annual report, names of the factual programme in this case have been published

5. Network of faculty contact persons and other bodies

5.1. Reason

Ever since his appointment in May of 2015, the Ombuds Officer has committed to setting up an internal network of contacts at faculties and other university bodies. The reason for this is that the necessary span of control that the Ombuds Officer needs to effectively gather all relevant information, make inquiries and mediate, is in fact too much for one person. Besides that, the Ombuds Officer often does not know what has already been set in motion at the faculty or university body to improve the situation for the student, or if at least attention is being paid to the situation.



5.2. Caution and diligence

The Ombuds Officer also attaches great importance to operate with caution and due diligence. Confronting staff members who have been accused by students in a straightforward way, might cause an unsolicited startle response. It could also mean that the Ombuds Officer would have to confront staff members with supposed facts which have by no means been proven as being factual.

The Ombuds Officer has made clear arrangements with his contact persons beforehand about maintaining confidentiality of both the complainant and the accused. It is often much easier for a contact person than it would be for the Ombuds Officer, to ask without elaborating on the reason why, (“a complaint has been submitted”) if there are any circumstances in play for a staff member that are relevant to take into consideration when inquiring on a situation with a student.

5.3. Profile contact person

At the faculties the contact person is usually “nominated” (appointed) in agreement with the portfolio keeper of Education within the faculty board. It is more an internal work agreement than an official nomination. For the profile of contact person it is necessary that they have a central role within the faculty or university body and that they are not direct first line contacts with the students themselves.

The contact person also needs to be able to make a well-considered decision between the different interests at play regarding the submitted complaints. They should have direct access to the faculty or university body to be able to gain information in a confidential and diplomatic way and they should have the opportunity to scale up to the highest level within the faculty or university body if needed.

5.4. Contact persons

| | |
|---------------------------------|--|
| Archaeologie | : Marjet de Ruyter, Team leader Education Office |
| Humanities | : Karin van der Zeeuw-Filemon, Head Education Support Services |
| Medicine | : Egbert Lakke, Chairperson Board of Examiners |
| Governance and Global Affairs | : Manon Osseweijer, Head Education and Research |
| Law | : Erik Reinders: Course Programme Manager |
| Social & Behavioural Sciences | : Pieter Krol, Secretary of the Board |
| Sciences | : Inge Baanders, Head Science Education and Student Affairs |
| Student and Educational Affairs | : Saskia van der Ham, Dep. Director, Head Student Administration |
| University Services Department | : Shirin Witkam, Manager Location Facilities |
| University Libraries | : Kurt De Belder, Director |
| ICLON | : Marjan Voorkamp: Managing Director |
| Academic Language Centre | : Gerda Hakker, Director |

Besides these “appointed” contact persons, the Ombuds Officer also has at his disposal a dense network of trusted contact persons on an educational level. This means that, for instance with Political Sciences (SBS) there is an agreement that if needed, the submitted complaints can be discussed confidentially with the programme director, Maria Spirova. For International Studies (HUM) there is regular contact with the programme coordinator Jaap Kamphuis and for Psychology there is regular contact – although significantly less during this report year- with the secretary to the Board of Examiners, Monique Leemkuil.

6. Conclusions and recommendations

Conclusion 1: There should be more clarity about the available procedures if a student, through no fault of their own, is delayed in their final thesis process.

Recommendation 1: The Leiden arrangement “Financial Support Students” (FOS) in art. 3 sub d provides support for a student who has been delayed by reason of insufficient educational circumstances (“educational force majeure”). In the observation of the Ombuds Officer it remains unclear whether this procedure is also valid for thesis processes which by fault of the supervisor(s) have been delayed considerably. The study programmes regularly solve this (contra legem!) by putting a graduation date in the system even before the student has actually finished their studies. Another version is to recommend that the “student just ask the Board of Examiners for a reimbursement”. And yet another method was until shortly that the Ombuds Officer arranged for reimbursement of a few months of tuition fee with his faculty contact person. It seems logical to bring all these different forms of concessions back together under the already mentioned official FOS provision and procedure. Point of attention: prevent it from becoming too much work. Study programmes are often reluctant to declare in an official procedure that they failed in the supervision of a student.

Conclusion 2: Boards of Examiners in smaller programmes often do not make enough allowance for checks and balances; there is regularly a lack of vision when it comes to the incompatibility of different roles

Recommendation 2 The case as described on page 27 is certainly not unique. It regularly happens that teachers who were the subject of a complaint regarding their role as a teacher in relation to the student, are still also being involved in the formal procedures as they take up office as a member or the chairperson of the Board of Examiners. This is an undesirable state of affairs. When installing new members of the Board of Examiners, more attention should be paid to the indisputability of roles and the incompatibility of functions. The same goes for the indisputability of the role of secretary to the Board of Examiners which is by nature merely a supportive role and in the opinion of the Ombuds Officer is not compatible with for instance the role of Study Advisor.:

Conclusion 3: Teachers are overall not well-instructed on how to act if a student becomes unwell during their class.

Recommendation 3: From a recent case at the faculty of Law which the Ombuds Officer discussed with his contact person (See chapter 5.4.) it became evident that there is a desire for a short instruction on the preferred course of action in dealing with students who become unwell during classes. This does not imply that the Ombuds Officer is pressing for an obligatory ERO training for all teachers, but he does wish to make this a point of attention, in particular for the training programme of new teachers.

Conclusion 4: Too often the processing term for requests to the Board of Examiners, and appeals submitted to the Board of Appeal for Examinations, is exceeded without the student who submitted the request or appeal being informed on the reason why the processing term has been exceeded.

Recommendation 4: For a submitted request to the Board of Examiners, the processing term based on the OER is generally 30 days, for the CBE there is a processing term of 10 weeks³. These are not strict deadlines like the Objection or Appeals terms for students as such, but for the purpose of carefulness, committees and boards should guard the processing term more closely. They can accomplish this by working with an automated tracking system in which the submitted Requests and Appeals can be monitored. The system will give off a signal if action is needed. Now it is often the students themselves who have to “give off a signal”. Often the guarding of processing terms is the job of one person within the Boards of Examiners without any back up. If he or she fails this should not be a reason for exceeding the processing term.

3

³ For the CBE appeal as described on page 27 (CBE19-161) the appeal was brought in action on July 17 2019 and ruling was done on February 11 2020 (!) without the student concerned receiving any notice from the CBE on the reason why the handling period was exceeded by 20 weeks!

Appendix: status of recommendations from 2018

Conclusion 1: In 2018, significantly fewer students report to the Ombuds Officer after referral by the study advisors/coordinators or front offices.

Recommendation: More exposure for the complaint facilities of the Ombuds Officer among study advisors/coordinators or front offices.

The tables seem to have turned in 2019! The number of complaints submitted after referral by study advisors/coordinators or front offices has increased from 24 to 37 (an increase of over 50 per cent). If referrals by Legal and Financial Counsellors (15) and front offices from administrative services(10) are added to these, it means that about half of the total amount of complaints were referred to the Ombuds Officer by a “dedicated” student support service. The Ombuds Officer has worked hard through various ways in 2019, to get information of his tasks and competencies known to this group of “first line” student workers.

Conclusion 2: In 2018 there was a considerable reduction in the number of complaints submitted to the Ombuds Officer by international students.

Recommendation: The Executive Board should remain alert to the specific problems of the international student population and the Ombuds Officer will contribute to this as well.

The decline of the number of complaints by international students has not continued in 2019; in 2018 there were 41 registered complaints, in 2019 there were 45. This is still a large part of the total complaints so the demand for special attention to information and guidance for this target group of student, should not diminish. The Ombuds Officer underlines the importance of several initiatives aimed at international students under the direction of SEA (amongst others the use of resident assistants and the Common Room De Klok in The Hague)

Conclusion 3: The Ombuds Officer suspects that, in many of the long-term complaints, autism on the part of the student may be part of the problem. With the result that the student completely loses confidence in their study programme department.

Recommendation : It is important as a preventive measure to provide proper guidance to students whom we suspect of having an autism disorder.

The Ombuds Officer has done some exploration in this field in 2019 and has spoken to the project leader of the Barrier Free Studying project. The Ombuds Officer has been informed that within this project there will be attention paid to his recommendation regarding this subject.

Furthermore, the Ombuds Officer has looked into what the Leiden University Treatment and Expertise Centre (LUBEC) could contribute in relation to this conclusion and recommendation. One of the permanent staff members of LUBEC, Hanna Swaab, has described the importance of extra attention for this target group strikingly:

“...A typical aspect of Autism is usually a great inability to oversee and plan the work and to think of a strategy to handle affairs. Especially the contemplation of one’s own role and the struggles that are hard, ask for support. That is why I would recommend a “supportive” preemptive approach, in other words, through analyses and coaching to come to a realistic perspective and an attainable goal during the study. Being familiar with autism helps of course in recognizing sooner that a student is not flexible enough or adaptive enough to think about himself and his/her possibilities in relation to the study outcome (or career options) The LUBEC can help here, in determining and analysing the problems and in supporting the students. Giving information about autism is of course also one of our competencies. For students with autism the success in a study is an important factor in rating the quality of life, so it is very important that realistic choices are made during the study.”

Conclusion 4: the university can make a valuable and supportive contribution to achieving greater focus on social themes within the student associations.

Recommendation: Themed meetings for this target audience tackling subjects like diversity, integrity or the striving for other core values.

On November 2019 the Ombuds Officer attended a training for Confidential Contact Persons for student associations for the second time. Through the contact with the associations he concluded that there is a growing interest for this theme. In July, the Ombuds Officer spoke in a more general way about the topic at a gathering for all new student associations boards. Furthermore, in 2019 the Ombuds Officer has offered advise “behind the scenes” at three student associations on matters of complaint handling in relation to three fairly serious, confidential matters.



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