

# Annual Report 2020

Ombuds Officer for students

*“A year to complain about”*



**Universiteit  
Leiden**  
The Netherlands

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# 1. Introduction

Article 8 of the Regulations relating to the Ombuds Officer stipulate that before 1 April the Ombuds Officer for Students of Leiden University will provide the Executive Board with a report of his/her activities in the previous calendar year. The year 2020 turned out to be eventful in all respects, with exceptionally high demand for the Ombuds Officer's services. It called for a great deal of inventiveness, flexibility and additional effort, not only from the Ombuds Officer but also from his secretariat, to continue providing the full range of services online at an almost equivalent standard.

In 2020 the Ombuds Officer received a total of 205 complaints and 42 questions. This represents a 64 percent increase in the number of complaints compared with 2019 (a total of 125 complaints). Not surprisingly, this increase was largely due to the coronavirus crisis, which began in March 2020. However, this explanation is certainly not the complete picture (see section 3.4); for example, it was observed that a relatively large number of complaints had already been submitted in January and February, while remarkably few were submitted at the beginning of the coronavirus crisis in March and April.

This Annual Report of the Ombuds Officer will, as usual, include one example of a complaint for each faculty (Chapter 5). Additionally, separate chapters are devoted to the large increase in complaints against the Student and Educational Affairs (SEA) expertise centre submitted in 2020 (Chapter 4) and the formal investigation relating to the International Studies bachelor's programme, conducted by the Ombuds Officer in response to a series of instances of students' misconduct via social media and how the programme management responded to these (Chapter 6).

Finally, in Chapter 7 the Ombuds Officer presents his conclusions and recommendations based on the cases submitted in 2020. The report then ends with an Appendix, in which the Ombuds Officer reflects on the progress with realising the recommendations made in the 2019 Annual Report.

Leiden, March 2021

Eugène A.J. van der Heijden, LL.M.

## **2. About the role of Ombuds Officer for Students**

### **2.1 Legal basis**

Leiden University first created the role of Ombuds Officer for Students in April 1999. This position is subject to specific Regulations,<sup>1</sup> stipulating the method of appointment, the target groups that are granted the right to complain, the procedure for submitting a complaint, the Ombuds Officer's power to instigate an investigation and the obligation to provide the Executive Board with an Annual Report. The legal basis for the Regulations relating to the Ombuds Officer is Article 7.59b of the Higher Education and Research Act (WHW) and Chapter 9 of the General Administrative Law Act (AWB).

### **2.2 Mission**

The mission of the Ombuds Officer is to provide an accessible complaint service for students, thus promoting a respectful and diverse community of students and staff; this service aims to offer students the opportunity, at an early stage of a dispute, to present an issue confidentially to an independent body with the competence to form an opinion about this issue and, if necessary, to attach an appropriate action to this opinion.

### **2.3 Vision**

The aim of the Ombuds Officer is to make a contribution, by means of complaint handling and mediation, to creating a legally certain, safe and trusted environment for students and to improving the quality of processes designed to ensure careful provision of university education and other services to students.

### **2.4 Core values of the Ombuds Officer**

The core values of the Ombuds Officer's activities are: confidentiality, neutrality and independence. These are the specific core values of every Ombuds Officer role.

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<sup>1</sup> Regulations relating to the Ombuds Officer, adopted by the Executive Board on 29 April 1999, following approval by the University Council, and last amended on 17 December 2019.

### *Confidentiality*

... means that all complaints are handled in strict confidence. The Ombuds Officer will only contact staff or bodies within the University to obtain further information with the complainant's **consent**. This guarantee of confidentiality is also fully applicable for the staff member or body accused in the complaint.

### *Neutrality*

... means that the Ombuds Officer tries to achieve a fair, reasonable and unbiased resolution of the complaint. The process of the Ombuds Officer incorporates the principle of hearing both sides of the dispute. Although the Ombuds Officer is initially concerned with students who submit a complaint, his role certainly **also relates to the University's interests**; the Ombuds Officer therefore does more than serve the interests of student complainants.

### *Independence*

... means that the Ombuds Officer operates impartially and is not a member of a directorate, service department or faculty of the University. In his contacts with University staff and students, he aims to be objective and to maintain a certain distance. The Regulations relating to the Ombuds Officer stipulate that the role cannot be combined with any other employment at Leiden University.



## 2.5 Internal complaint procedure for students

The National Ombudsman defines the Ombuds Officer as an “internal complaint procedure for students” within the meaning of the General Administrative Law Act (AWB). One consequence of this is that a student who addresses a complaint directly to the National Ombudsman will be referred back to the Ombuds Officer for Students.

## 2.6 Integration of the Ombuds Officer within the Leiden University organisation

Within the limits imposed by the core values, it is important for the Ombuds Officer to remain sensitive to developments within the University that are relevant to the role. He therefore holds “routine meetings” with the Director of the Student and Educational Affairs (SEA) expertise centre every six weeks. Several times a year, these meetings are also attended by a representative of the Strategic and Academic Affairs directorate. Within the faculties and the other service departments of the University, the Ombuds Officer has a designated network of contacts who can be approached for confidential internal discussion of submitted complaints. Even though this discussion is confidential, it can only take place with the consent of the student(s) concerned.

At the administrative level, the Ombuds Officer liaises with the Rector Magnificus of Leiden University, who is also chair of the Education Consultation (OWB), which brings together the Directors of Education from the various Faculty Boards. Each year, the Ombuds Officer presents an explanation of his Annual Report to the OWB. This is followed by discussion of the Annual Report in the University Council, in particular by the Staff, Student Affairs & Internationalisation (PS&I) Committee, after which the University Council discusses the Annual Report with the Executive Board.

The Ombuds Officer fulfils his advisory role for student associations faced with serious complaint situations by maintaining contacts with the Local Chamber of Student Associations (PKvV) in Leiden. However, the closure of the student associations due to coronavirus meant that in 2020 the Ombuds Officer’s services in this advisory role were not requested.

## 2.7 Professionalisation

In 2020 the Ombuds Officer participated in one face-to-face peer review (“interview”) session organised by the Mediators Federation of the Netherlands (MfN) and one organised by the National Association of Confidential Advisers (LVV). In July, he also participated in an online course on Security and Privacy Risks, and in October, together with the University’s central confidential counsellors, he followed an online Ethnic Diversity training course given by Lida van den Broek of Kantharos.

Finally, the Ombuds Officer subscribes to various professional journals, including *Tijdschrift voor Conflicthantering* [Journal for Conflict Management] of the Dutch Mediators Association (NMv), and is provided with resources to regularly purchase literature of relevance for his professional duties.



## 2.8 Visibility

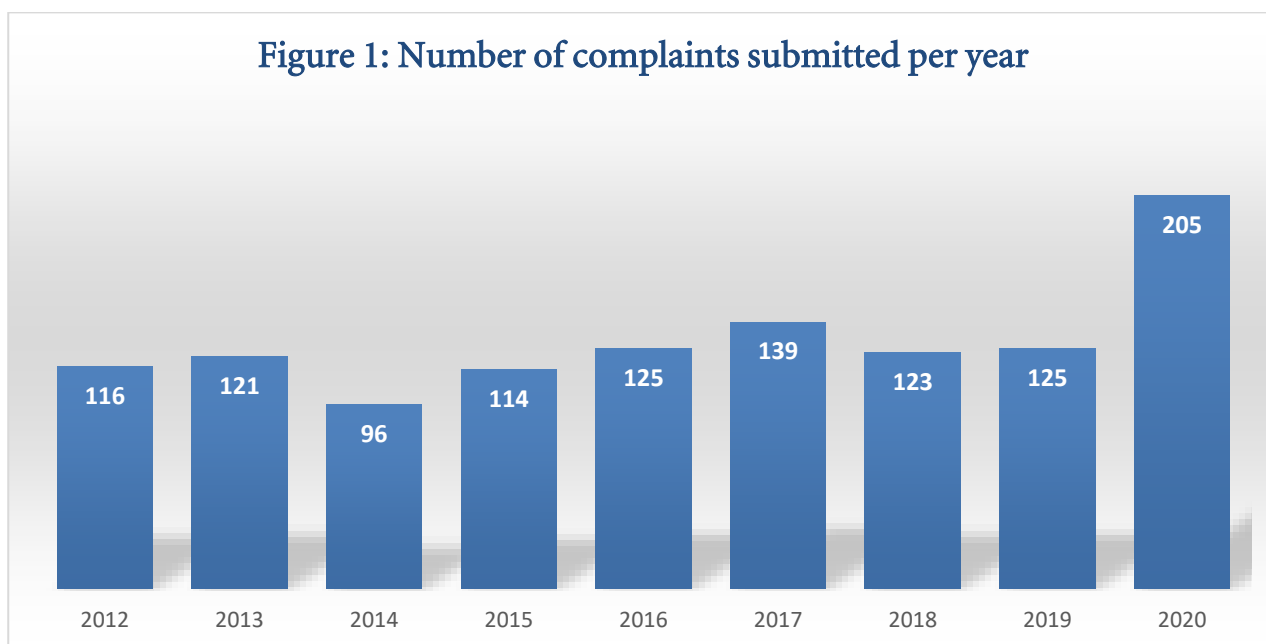
To raise awareness of the complaint service within the University, each year the Ombuds Officer engages in targeted promotion during the various introductory weeks for new students (EL CID, HOP, OWL). He also works to maintain visibility, and especially to keep a clear picture of developments within the University, by holding regular discussions with his contacts, programme directors, boards of examiners, faculty board members and staff of several central directorates.

### 3. Complaints

In this chapter, the Ombuds Officer presents information on the number of complaints submitted in 2020, what action he took and the outcome of his complaint handling.

#### 3.1 Number of complaints

In 2020 a “record number” of complaints were submitted: 205 complaints compared with 125 in 2019. This is an increase of 64 per cent, while the student population grew by “only” 6.4 per cent (from 30,491 to 32,456). Ironically, the Ombuds Officer has often proposed to the Executive Board that it should not aim for a complaint record but rather should focus attention on students’ problems as close as possible to their point of origin.



Although the Ombuds Officer had expected that the tumultuous and stressful coronavirus crisis among students would result in a larger number of complaints incorrectly submitted to him (inadmissible, not competent), this was ultimately not the case: in 2019 he had succeeded in reducing the percentage of such complaints to 11.2 percent, and in 2020 it actually fell further to 10.2 per cent. Only 1 in 10 submitted complaints were referred to another party or not handled by the Ombuds Officer.



### 3.2 Submission method

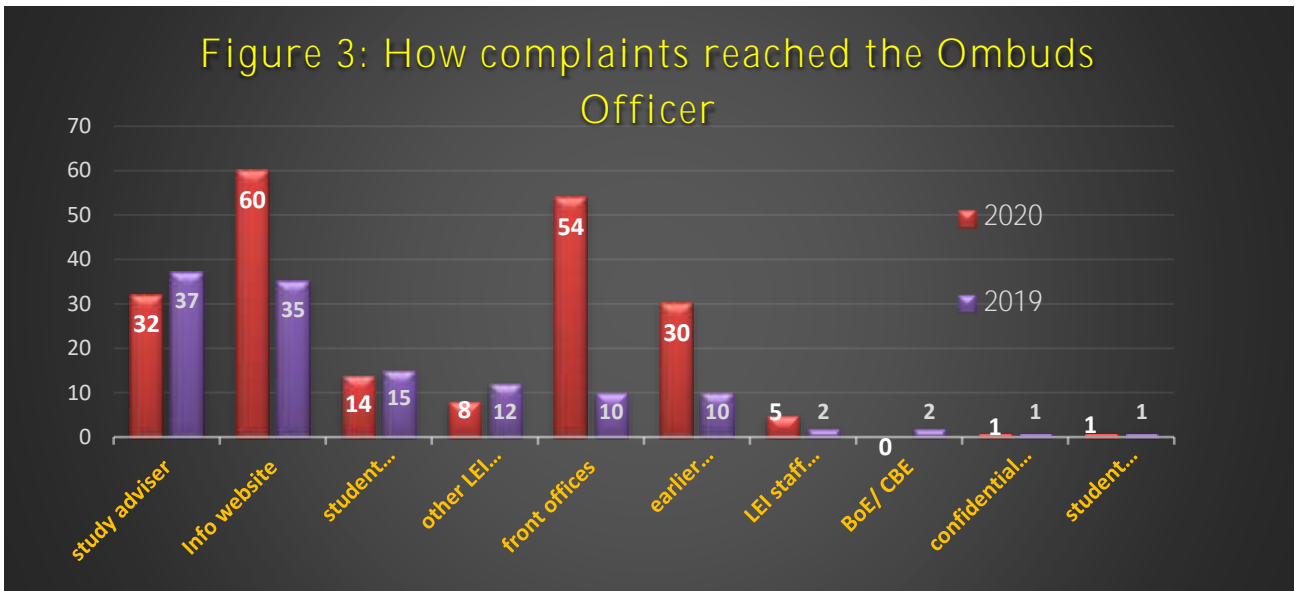
The number of complaints submitted to the Ombuds Officer by email increased further in 2020 to 82 per cent (72 per cent in 2019). The number of complaints that were first discussed by telephone remained the same at 10 per cent. Only 8 per cent of the complaints submitted in 2020 were registered after an appointment was made through the Ombuds Officer's secretariat. As it was necessary to work from home because of the coronavirus measures, the Ombuds Officer himself made some appointments for an online discussion (either by telephone or via Teams) after being contacted by email.



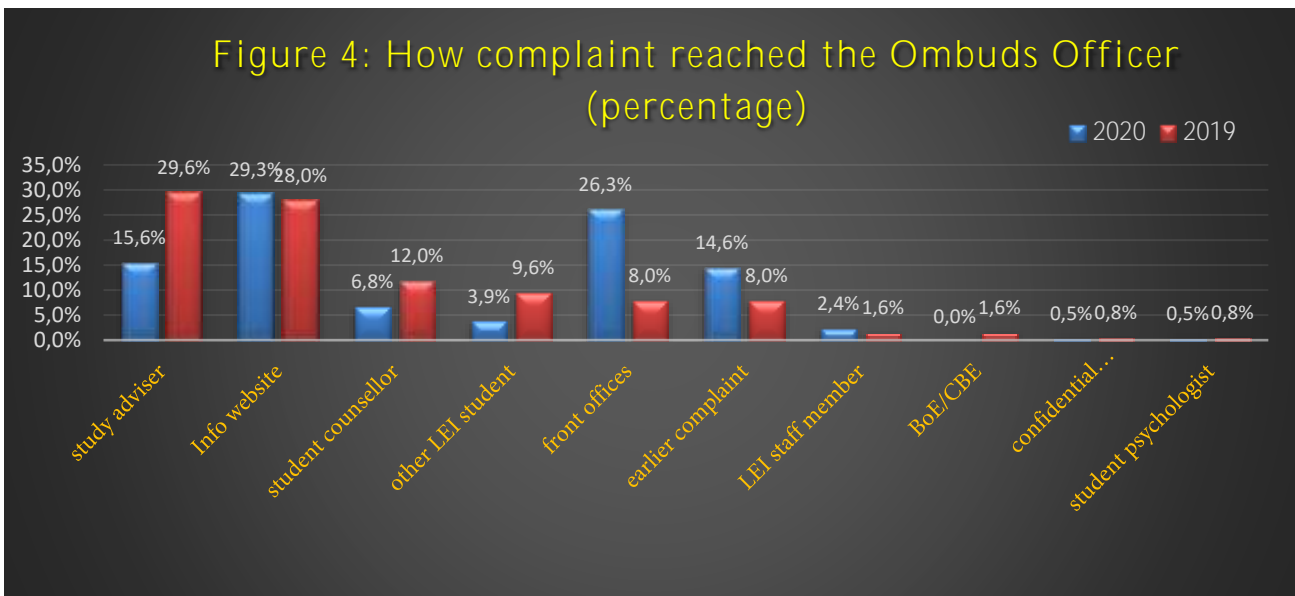
Despite the decrease in 2020 in the number of first complaint discussions after an appointment made through the secretariat, the Ombuds Officer emphasises that his secretarial support is very important for enabling people to contact him, especially on the days when he does not work for Leiden University (Tuesday and Friday) and when he is on leave. Figure 2 above could give an incorrect impression that this secretarial support is almost superfluous when coronavirus makes it necessary to work from home. However, the Ombuds Officer recognises the great value of the fact that he can only be contacted directly and in strict confidence by email, and explicitly NOT directly by telephone. In 2020 again there were a few student complainants who tried to speed up or influence the Ombuds Officer's handling of complaints by repeated attempts to contact him. This could have resulted in undesirable situations if they had been able to contact him directly by telephone (see also Chapter 4 "Exceptional case").

### 3.3 How complaints reached the Ombuds Officer

The way in which complaints reached the Ombuds Officer was different in the unusual year covered by this 2020 report. A particularly striking number of the complaints were referred by front offices. This is not surprising, given that these education and student administration front offices served as a “coronavirus frontline” for much of 2020.

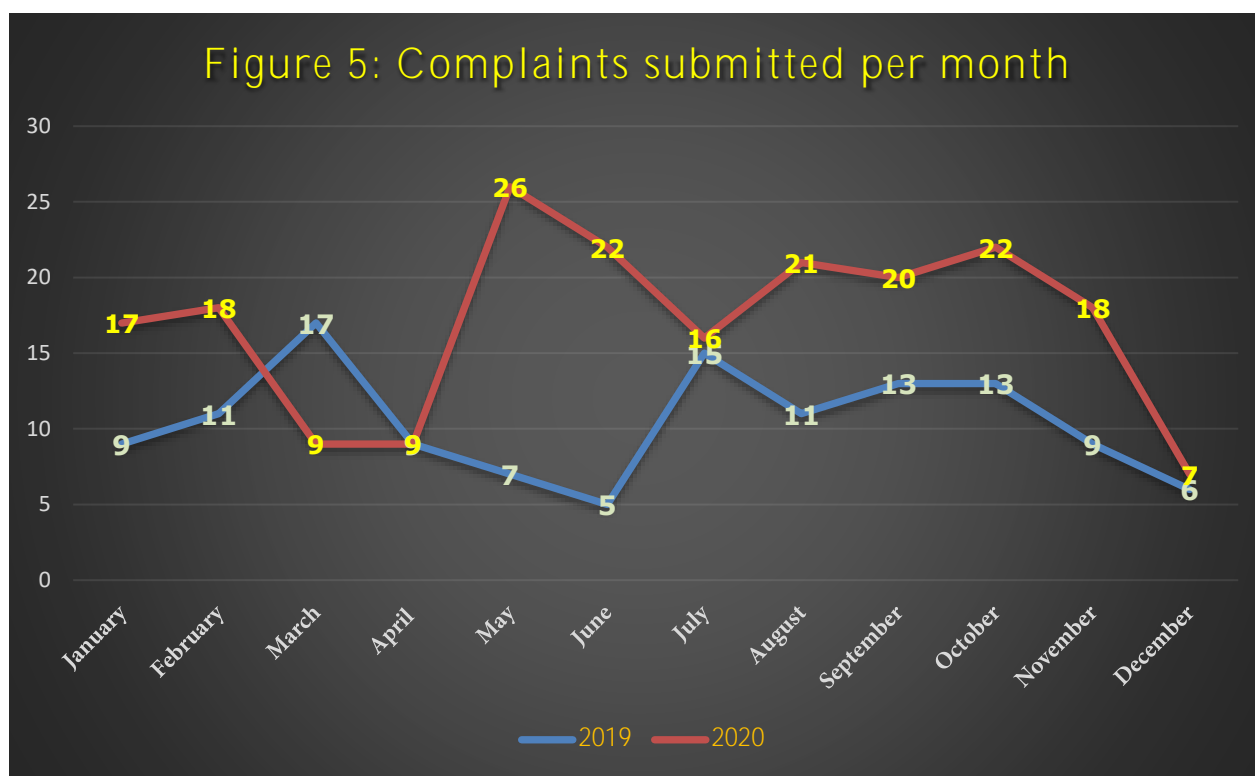


The large numerical increase in complaints submitted in 2020 (64 %) contributes to this distorted picture. It is therefore helpful to also show the percentage share of the referral sources (Figure 4).



### 3.4 When the complaints were submitted

The pattern of complaints submitted per month in 2020 was erratic, therefore Figure 5 shows only the number of complaints in the unusual “coronavirus year” of 2020 compared with the relatively “normal” complaint year of 2019.



One striking aspect is the relatively high number of complaints in the “non-coronavirus months” of January and February; no immediate explanation can be given for this, in view of the wide variety of topics and parties about which complaints were made, except that a relatively large number of assessments (examinations) take place in these months and also that many study programmes have an intake on 1 February, which means that complaints about registration/deregistration and admission can be expected.

It is also striking that at first there was scarcely any increase in complaints, and actually even a decrease, when the University’s coronavirus measures came into effect at the beginning of March. It was only at the end of April and beginning of May that the flow of complaints increased sharply – including a “bulk” set of complaints from international students complaining about the conditions for terminating their rental contract (see Chapter 4) – before ultimately becoming more normal again at the end of the year in December.

The next section (3.5) gives a summary of the complaints that the Ombuds Officer considers to be directly or indirectly related to the coronavirus measures.

### 3.5 Number of coronavirus-related complaints

The Ombuds Officer identified 55 of the complaints he received in 2020 as being directly related to coronavirus, either because the student referred to it directly in formulating the complaint or because there is a direct causal link between the coronavirus measures and submission of the complaint.

A further 40 complaints can be assumed to be indirectly related to the coronavirus measures, for example where the most appropriate University body for the student to approach about a problem was more difficult to contact, or where the student felt that this body was less accessible. In many of these cases, the student complained about staff members within the study programme, faculty or service department being less contactable or available.

Remarkably, these indirectly coronavirus-related complaints did not result in a large increase in the number of complaints that the Ombuds Officer had to refer to other parties. This is partly because these complaints often involved a combination of aspects, such as “Education – general”, “Facilities”, “Supervision” and “Rules & Regulations”.

### 3.6 The procedure for handling a complaint

When a complaint is submitted, the Ombuds Officer first looks at whether he is permitted to handle it (admissibility, see 3.9). Does it involve a student, or prospective student or graduate? Next, he asks whether it falls within his competence, as defined in the Regulations relating to the Ombuds Officer. Does it involve improper treatment or does it go beyond this boundary and involve, for example, sexual harassment, discrimination, racism or violence? Or is it purely a matter of the student being dissatisfied with an awarded grade, which therefore needs to be referred to the Examination Appeals Board (CBE)?

Depending on how he answers these questions, the Ombuds Officer may decide to not handle the complaint, refer it to another University body or start to explore the facts of the complaint. He will naturally not simply accept the information received from the student; it is important for him to investigate the facts for himself either via the internet (for example, the Prospectus) or – after obtaining the student **complainant’s consent** – by contacting staff members who were directly or indirectly involved in the complaint. If his assessment of the complaint relates to internal facts about a study programme, service department or faculty, the Ombuds Officer will usually ask the student for permission to discuss the complaint with his contact in the faculty, at this stage still within a confidential setting.

When the Ombuds Officer has a sufficiently clear picture of the nature of the complaint, he will make a proposal to the student complainant about the approach he might take, discussing this with the student and explaining how he has weighed the various interests. It could be, for example, that a student who complains about the conduct of his/her thesis supervisor must consider whether it is desirable for the Ombuds Officer to openly contact this thesis supervisor to hear the other side of the case. Conversely, the thesis supervisor's interests dictate that it is equally important to guarantee his/her confidentiality. A cautious approach is therefore required.

**The complaint will only be definitively “scored” on one or more aspects and one main topic** (see 3.8) after all the facts and information are clear and the Ombuds Officer has reached a conclusion. The Ombuds Officer records these aspects and the main topic – confidentially and with due regard for the General Data Protection Regulation (GDPR) – on a registration form, which he then places in a digital complaint file together with all the other documents and correspondence relating to the complaint. This file can usually only be viewed by the Ombuds Officer himself. All complaints are ultimately archived (securely!) in the Documentary Information and Archiving (DIA) department. A retention period of 10 years has been agreed for the Ombuds Officer's **complaint** files.

### 3.7 Who submitted the complaints

The Ombuds Officer will, as usual, make a comparison in this Annual Report between student complainants and the entire student population of Leiden University: what proportion of the total number of complaints are from international students; is the male:female ratio of complainants the same as the ratio in the total student population; which study phase accounts for relatively most complaints?

Leiden University attracts a growing number of international students each year, from both within and outside Europe. In 2020 the proportion of international students rose to 18.2 per cent.

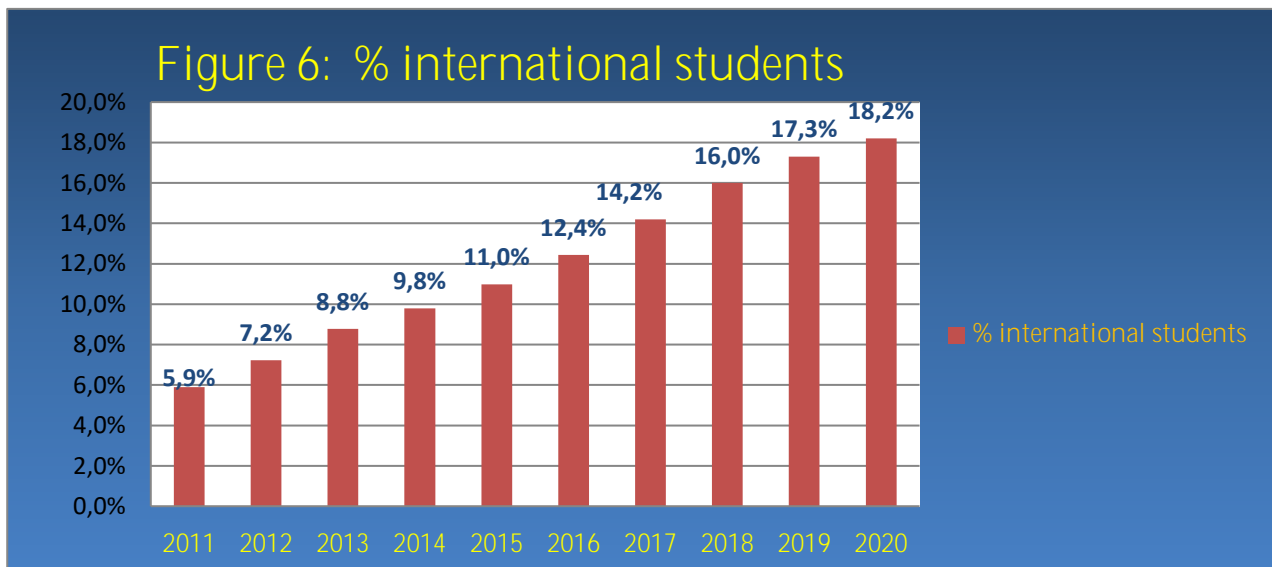


Figure 7 shows the absolute number of complaints submitted by international students in a multi year perspective.

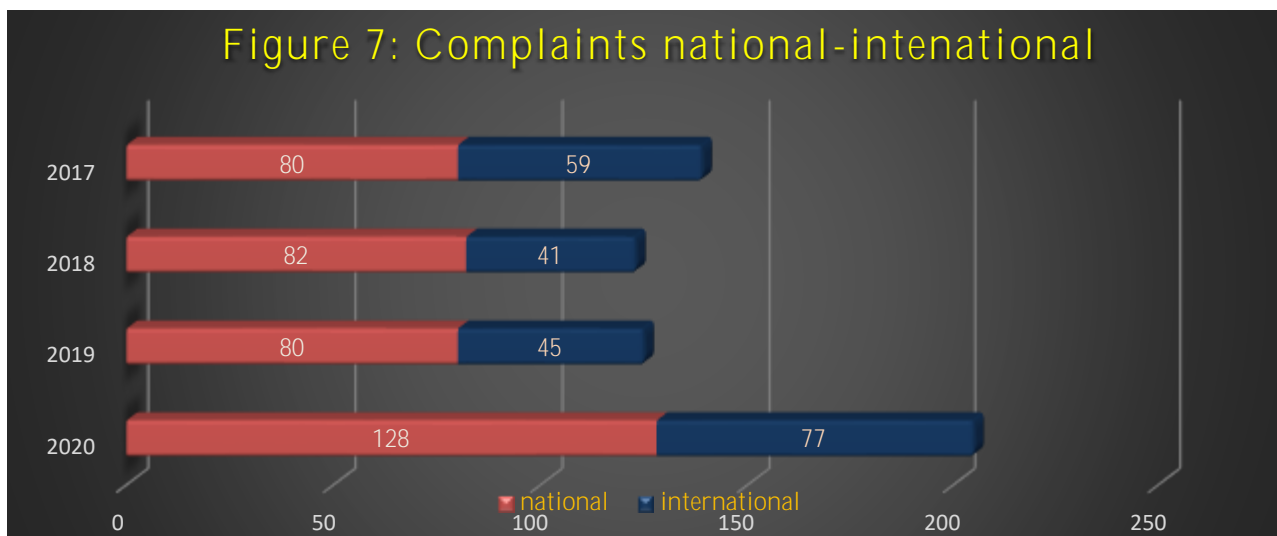
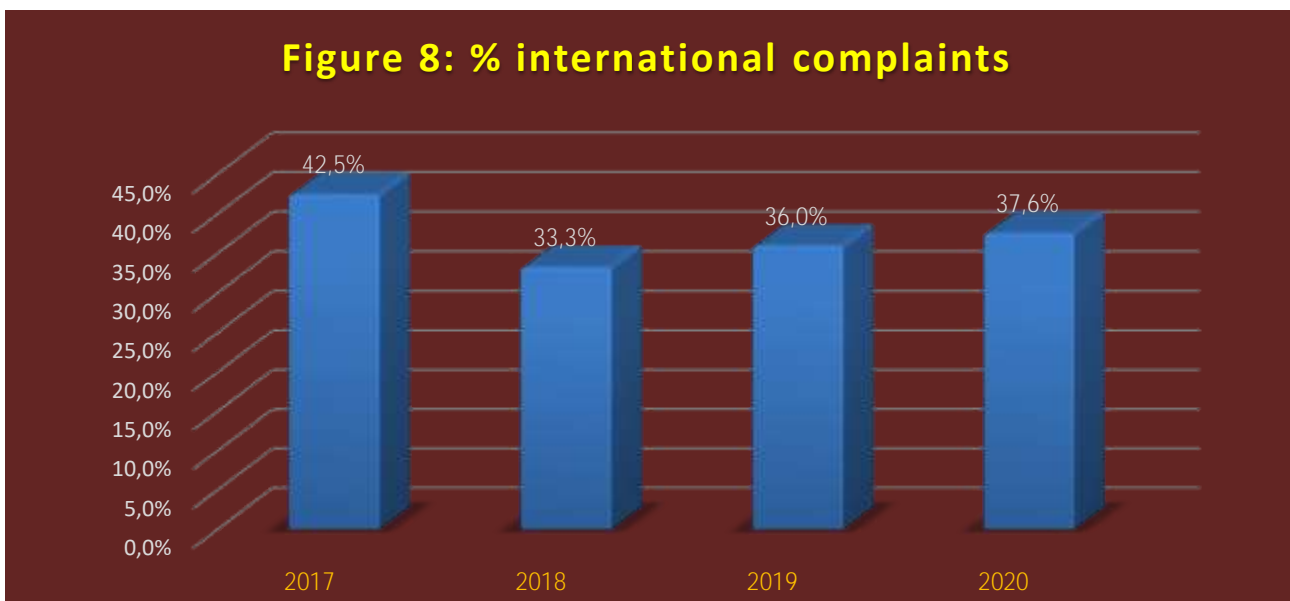
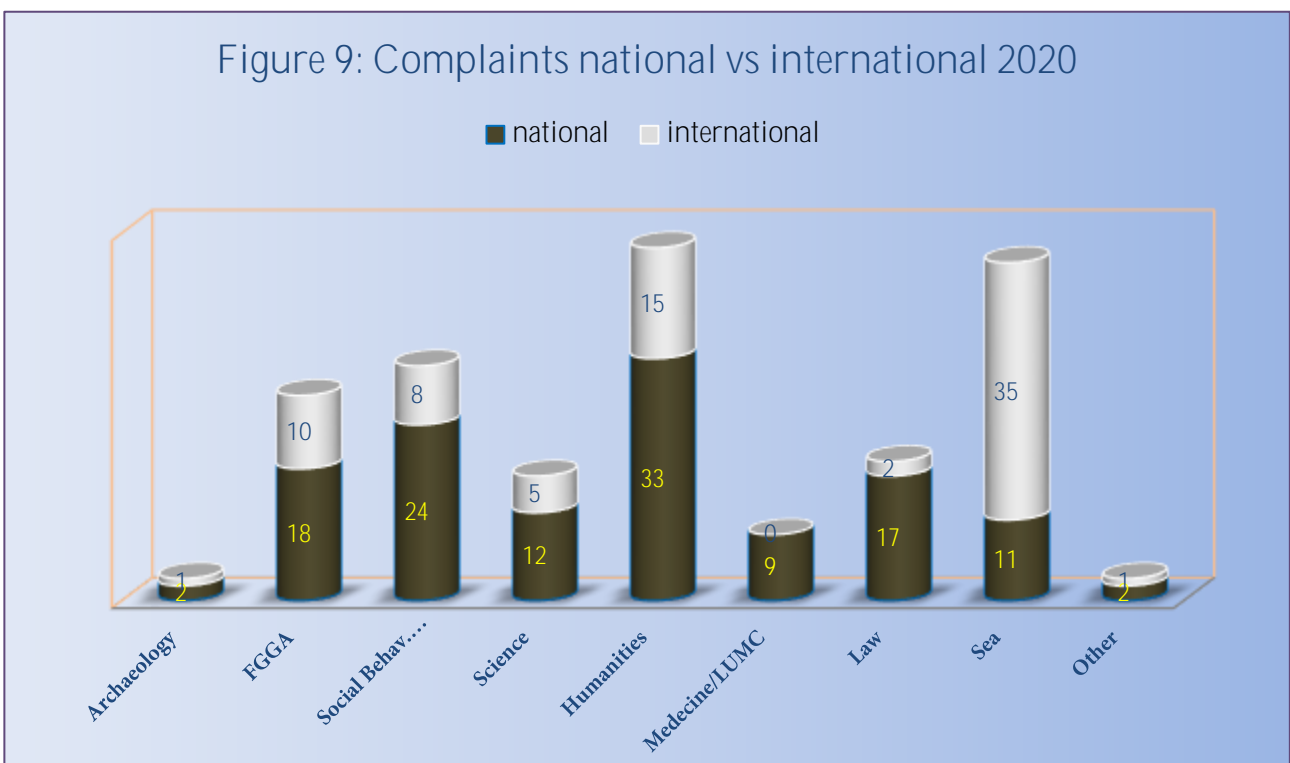


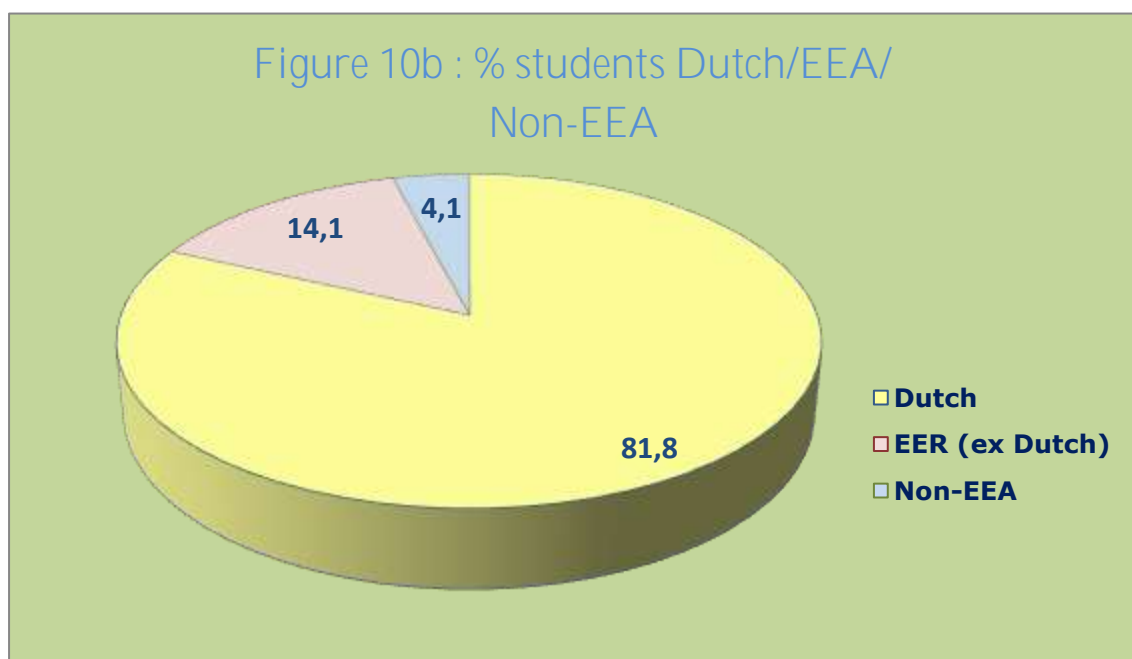
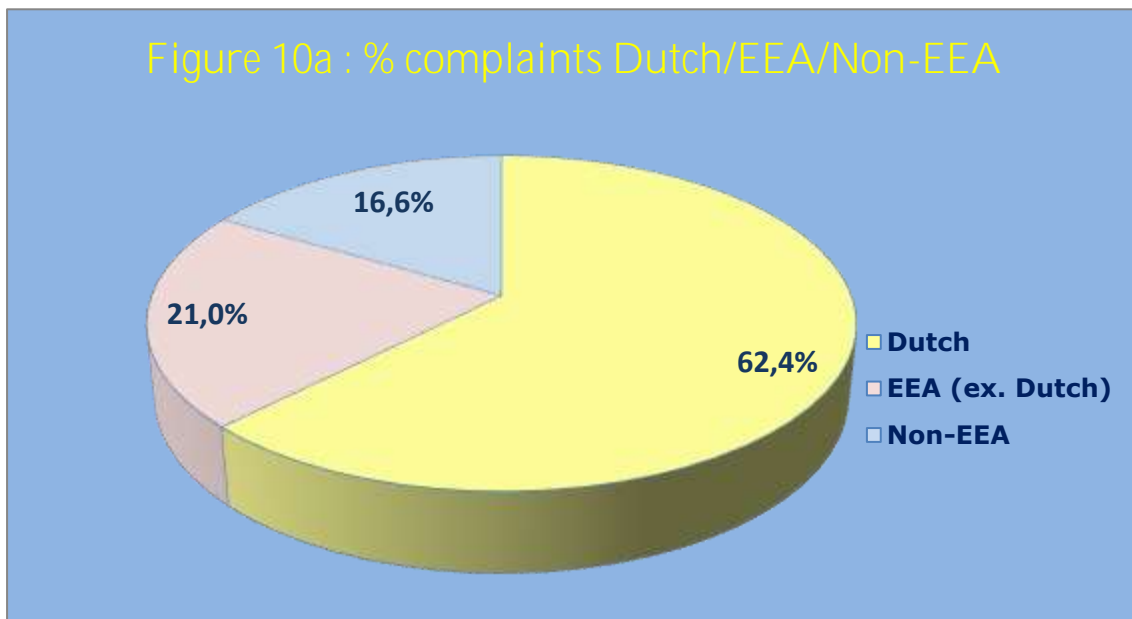
Figure 8 shows these numbers converted into percentages. It appears that the number of complaints from international students has stabilised in recent years at (or just over) 1 in 3.



It is also particularly interesting to look at the international share of complaints submitted against a faculty or service department. It should be noted here that the faculties differ considerably in terms of the proportion of international students. For instance, 97.5 per cent of the students in Medicine are national, while in Social & Behavioural Sciences this is “only” 69.6 per cent (Archaeology 70.5 %, Humanities 77.1 %, Law 95.0 %, FGGA 74.4 %, Science 86.2 %).

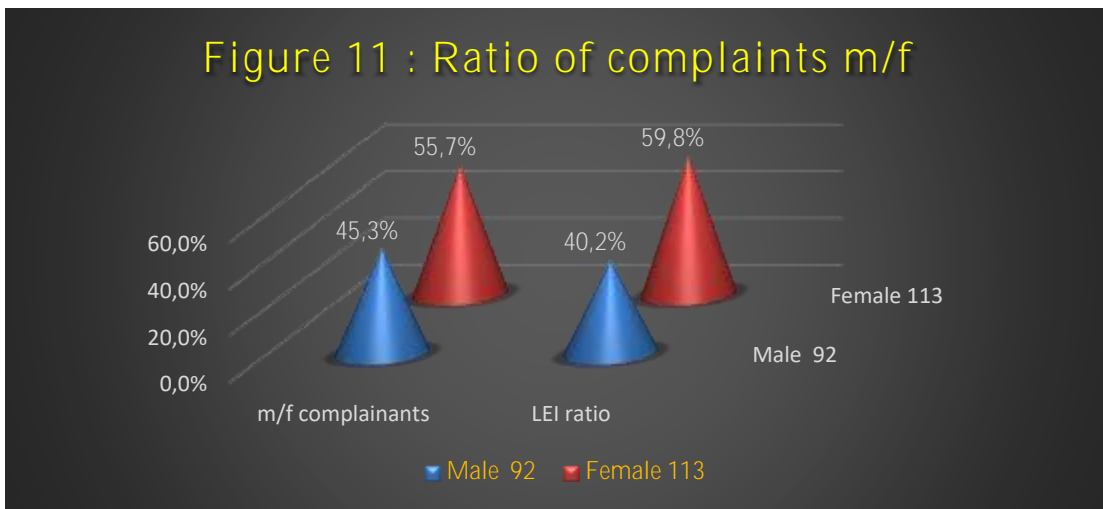


Finally, the numbers can be broken down into “European” (EEA) international complaints and “non-European” (non-EEA) complaints. The complaints of UK students are categorised in this analysis as non-EEA after the date of Brexit (31 January 2020). It is striking that the share of non-EEA students in the total number of complaints is relatively very high. This will be discussed in more detail in Chapter 4 (on complaints submitted against Student and Educational Affairs (SEA)). The Ombuds Officer received no fewer than 17 complaints from non-EEA students against SEA, which accounts for half of the complaints from non-EEA students.

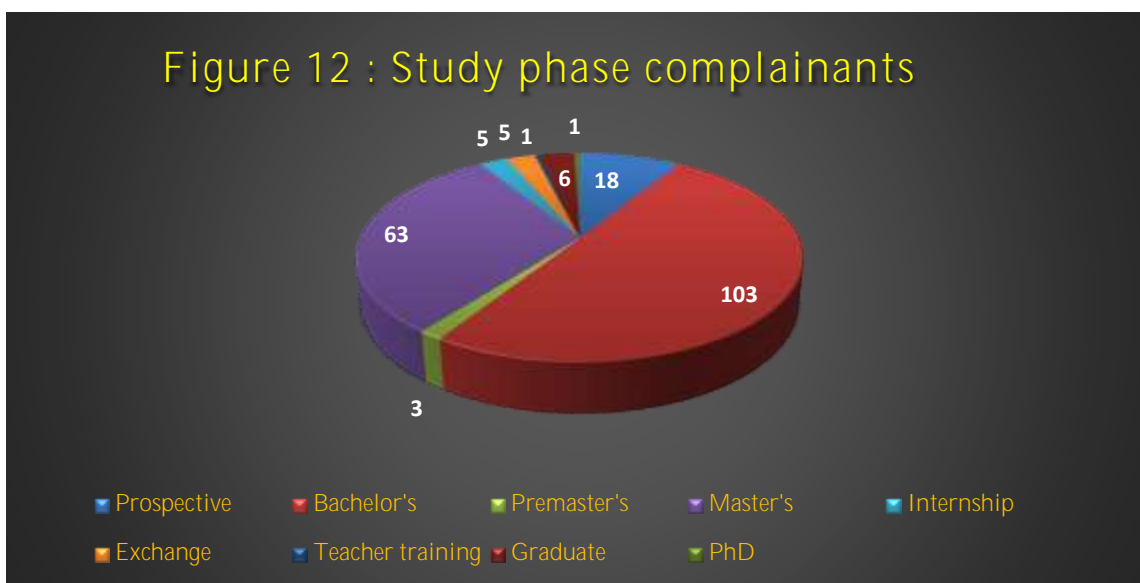




Looking at the ratio of male to female student complainants, Figure 11 clearly shows that in 2020 relatively more – i.e. compared with the male:female ratio in the total student population – complaints were submitted by male students. In the years covered by previous reports, the male:female ratio was closer to Leiden University's traditionally fairly standard 60(f):40(m) ratio.



Finally, consideration is given to the breakdown of complainants in terms of their study phase. The Regulations relating to the Ombuds Officer also offer scope for handling complaints from prospective students (e.g. with respect to admission) and from graduates (or ex-students). In the latter case, the decisive factors in whether the complaint can be handled are that the complainant was still registered at the University at the time of the situation to which the complaint relates and that the events about which the graduate or ex-student is complaining took place no more than one year before the complaint was submitted. This time limit has been imposed because it would otherwise be difficult for the Ombuds Officer to investigate the facts.



The proportion of bachelor’s to master’s student complainants shows that the representation of master’s students is still – as in 2019 – relatively higher than bachelor’s, although a clear shift can be seen towards complaints from bachelor’s students (2019 bachelor’s 55 and master’s 49; 2020 bachelor’s 103 and master’s 63).

Another striking point is the sharp rise in complaints from prospective students: in 2019 there were only 4 complaints, as opposed to 18 complaints in 2020. Of these 18 complaints in 2020, 14 related to admission.

### 3.8 Who or what were the target of students’ complaints?

Students can submit a complaint to the Ombuds Officer not only about the conduct of a specific staff member but also about how they were treated by organisational units of the University. For example, an entire faculty, study programme or service department can be the “accused”, while the student will then often target the complaint against the staff member who was the point of contact of this faculty, study programme or service department, or was the bearer of an unwelcome message. However, it is still possible that the student could complain to the Ombuds Officer about the specific conduct (e.g. the manner of communication) of the staff member concerned.

Table 1 shows the faculty or service department to which the accused staff member or University body was affiliated. A particularly interesting aspect here is the relative distribution and proportion of complaints submitted against each faculty. The column on the right shows the percentage of students registered in each faculty in 2020.

Table 1: *Affiliation of staff members or University bodies against which a complaint was submitted in 2020.*

	Number of	% complaints	
	complaints	per faculty	% students
	2020	2020	2020
<b>Faculties</b>			
Archaeology	3 (2019: 4)	1.9	1.7
Governance & Global Affairs	28 (2019: 20)	17.9	9.7
Humanities	48 (2019: 39)	30.8	23.8
Medicine/LUMC	9 (2019: 3)	5.8	8.6

Law	19 (2019: 19)	12.2	18.0
Social & Behavioural Sciences	32 (2019: 12)	20.5	20.3
Science	17 (2019: 10)	10.9	17.8
<i>Total complaints against faculties</i>	<i>156 (2019: 107)</i>	<i>100.0</i>	<i>100.0</i>

Other University bodies

Student & Educational Affairs (SEA)	46 (2019: 10)
University Services Department (UFB)	1 (2019: 3)
Others	2 (2019: 4)
<i>Total non-faculty complaints</i>	<i>49 (2019: 18)</i>

<b>Total</b>	<b>205 (2019: 125)</b>
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Figure 13 depicts the number of complaints submitted against a specific faculty or service department. In view of the exceptional coronavirus situation in 2020, these numbers are compared with the numbers in 2019. The complainant is not necessarily a student in that faculty. For example, a student from faculty A could be making a complaint about elective courses offered by faculty B.

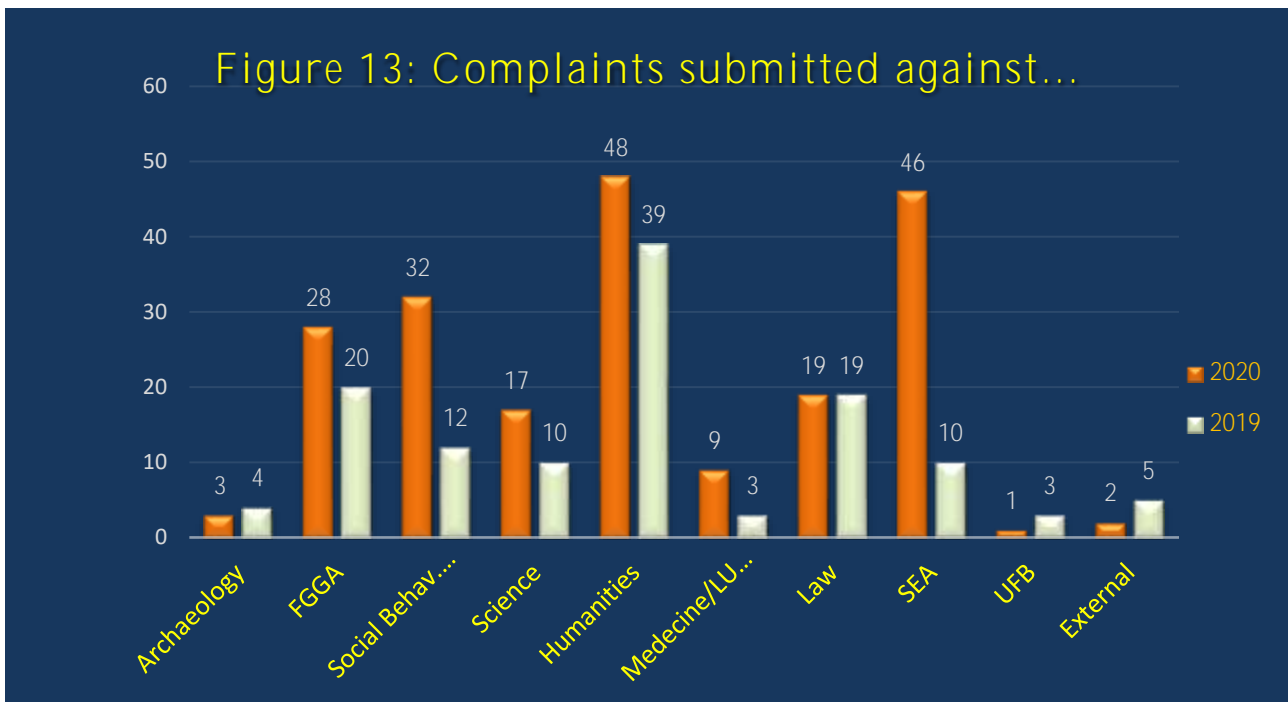


Figure 13 presents a somewhat surprising picture. While the total increase in complaints from 2019 to 2020 was 64 per cent, this is not reflected in all faculties; however, there was a significant increase in the Faculty of Social & Behavioural Sciences. This is mostly related to Psychology, the largest study programme in this faculty, which accounts for almost 10 per cent of all Leiden University students; yet the 26 complaints received about Psychology comprise almost 13 per cent of all complaints. The Ombuds Officer therefore contacted study advisers, the Board of Examiners and the programme directors, among others, on several occasions in 2020. The Ombuds Officer came to the conclusion that this sharp increase in complaints would have been lower if the very experienced official secretary of the Board of Examiners, a familiar and highly skilled contact point for students, had not unfortunately changed role at the beginning of 2020, after which the position remained vacant for a long time.

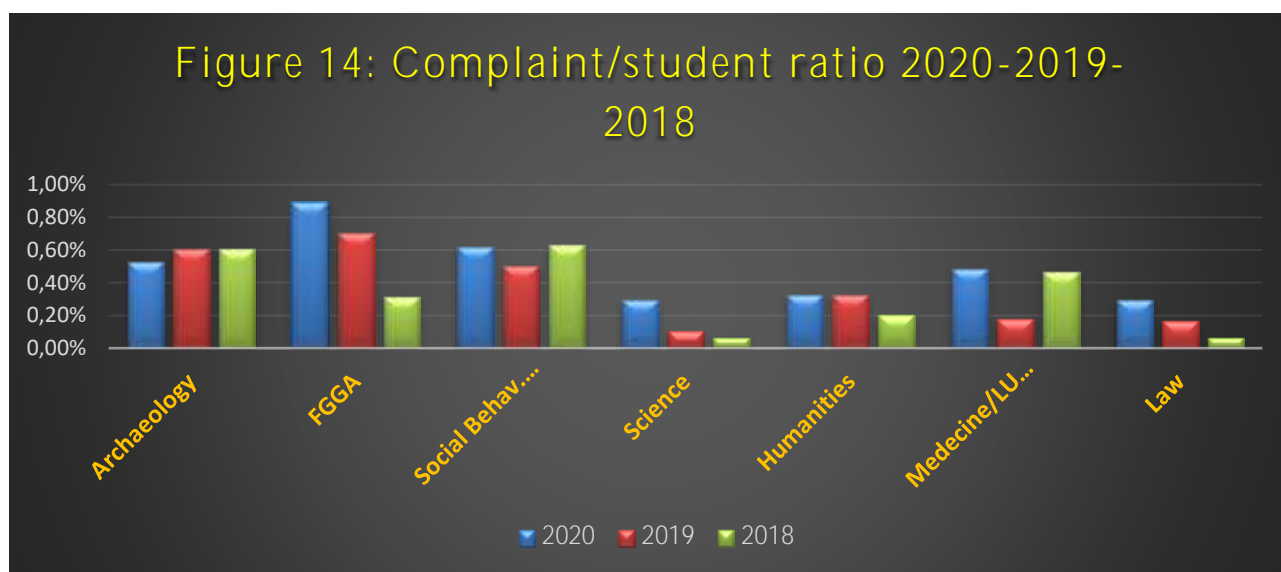
The increase in FGGA is less striking. However, the Ombuds Officer contacted the Vice-Dean of this faculty in relation to the Crisis & Security Management (CSM) study programme, after which there was discussion between the Ombuds Officer and the CSM programme director.

A relatively large increase can also be seen in Medicine, from 3 to 9 complaints. The Ombuds Officer held a discussion with his contact there, the chair of the Board of Examiners, quite soon after the coronavirus measures were introduced, about an effective way to handle the complaints received. The complaints mostly related to internships (*co-schappen*) that the students were unable to start. Students regularly stated that they considered it wrong that in this situation they had to pay tuition fees. In nearly all of these cases, the Ombuds Officer strongly advised the student complainants to keep in close contact with the on-duty study advisers in Medicine.

The most striking point is the sharp increase in the number of complaints submitted against the Student & Educational Affairs (SEA) expertise centre. This is not really surprising because the SEA is responsible for – or closely involved with – registration and deregistration, admission, international students' **housing** and various other facilities (such as study rooms), processes and provisions that required great additional effort to provide at the same high standard in view of the coronavirus situation (see Chapter 4).

To give a clearer picture of the relative share of the faculties in the number of complaints,

Figure 14 shows the complaint/student ratio per faculty for 2020, 2019 and 2018.



In addition to the unit of the University against which the complaint was made, we can also look at the role or position of the person or University body to which the complaint relates. This is shown in Table 2.

Table 2: *Role of staff members or University bodies about which a complaint was submitted in 2020.*

	# of complaints
- University, faculty, study programme, institute or other University body in general	57 (2019: 29)
- (Staff member of) education/information desk, administration/ facilities department, student counsellor/psychological counsellor	50 (2019: 14 )
- Member(s) of teaching staff, thesis supervisor	48 (2019: 30)
- Board of Examiners/Board of Admissions	40 (2019: 24)
- Study, internship or thesis coordinator, study adviser or programme director/ manager	7 (2019: 20)
- Other (e.g. Readershop, DUWO University Housing)	3 (2019: 8)
<b>Total</b>	<b>205 (2019: 125)</b>

It can be seen that the number of “general” complaints about the University, faculty, study programme, institute or other University body has doubled, making them top of the list in 2020; this is quite simply due to the coronavirus measures and restrictions since March 2020. Closely following them in second place are the staff members who were working on the “coronavirus front line”: the people contacted by the students, who were often worried and uncertain, at information desks, front offices and education and student administration offices, usually on a remote basis. Quite remarkably, in 2020 fewer complaints were submitted against coordinators and (study) advisers within study programmes. This will often be because there was less direct contact between this group of staff members and students.

Table 3: *Main topic of complaints received in 2020, ranked by frequency of occurrence and further quantified in terms of international students.*

Main topic of complaint	# complaints	# international	% international
1. Grading	33 (2019: 21)	7	21.2%
2. Facilities	32 (2019: 17)	25	78.1%
3. Conduct	31 (2019: 31)	10	32.3%
4. Education – general	27 (2019: 7)	8	29.6%
5. Admission	24 (2019: 5)	10	41.7%
6. Supervision	20 (2019: 20)	5	25.0%
7. Information	14 (2019: 5)	2	14.3%
8. Registration/deregistration	12 (2019: 6)	8	66.7%
9. Rules & Regulations	11 (2019: 8)	2	18.2%
10. Study plan	1 (2019: 5)	0	0%
	205 (2019: 125)	77	37.6%

In 2020 it is striking that the top of the list is “Grading”, closely followed by “Facilities” and then “Conduct”, which was top of the list in 2019. Strictly speaking, these 33 complaints about “Grading” should

have resulted in “Referral” as the action in six cases and “Inadmissible” as the conclusion in five cases, given that “Grading” is actually the competence of the examiners and the Board of Examiners, and not of the Ombuds Officer. However, it can be said that most of the complaints with “Grading” as the main topic related more to the process of grading (e.g. inadequate communication, no feedback, teaching staff difficult to contact) than to “the grade” itself. In cases without such “process” aspects, the Ombuds Officer naturally referred the student complainants to the competent bodies (Board of Examiners, Examination Appeals Board (CBE)).

The sharp increase in the number of complaints with “Education – general” as the main topic can be explained by the coronavirus situation. To a greater extent than in all previous years, students complained about the entire spectrum of the education offered by a study programme. It should be noted that in many cases the students disagreed with having to pay the same amount of tuition fees for the online teaching as for the face-to-face teaching before the coronavirus crisis.

As in 2019 (9.8 %), the Ombuds Officer recorded a “Diversity” aspect in one-tenth of the complaints in 2020 (10.7 %). There were 22 such complaints in total on a wide variety of matters, ranging from failure to take account of a disability (including autism, ADHD), age discrimination, ethnicity and sexual orientation. The last of these was among the initial complaints that led to the formal investigation described in Chapter 6. Ethnicity was an important factor in the examples of complaints relating to FGGA (section 5.4) and the Faculty of Science (section 5.7).

The second most frequent category, “Facilities”, and the fifth, “Admission”, will be discussed in more detail in Chapter 4 in relation to the Student and Educational Affairs (SEA) expertise centre (see Chapter 4).

### **3.9 How complaints are handled and settled**

The Ombuds Officer distinguishes six different ways in which complaints are handled (“actions”).

#### *1. Not handled*

The Ombuds Officer cannot undertake to handle a complaint if it does not meet the formal requirements for admissibility, which are in fact relatively minimal. It also needs to be clear which student is complaining, about which staff member or organisational unit and about what. It can also happen that the complaint is withdrawn soon after being submitted, because the problem has been resolved in a different way.

## *2. Exploratory investigation*

To gain a provisional picture of the complaint, the Ombuds Officer conducts an exploratory investigation in which he gathers information from the complainant, the accused and other parties involved in the complaint. Other sources, including the internet, can also be consulted for the purpose of this investigation.

## *3. Mediation*

In consultation with the complainant, the Ombuds Officer can decide that a mediating role will be the most effective in resolving a problem situation. The Ombuds Officer will then make reasonable attempts, on the basis of his neutral and independent role, to reach an outcome that is acceptable for both the student and the staff member or University body concerned. Sometimes the Ombuds Officer **“shuttles” between the two parties, and sometimes he brings them together at the table (“three-party discussions”)**. The coronavirus measures meant that very few three-party discussions were held in 2020, because these discussions are much more difficult to guide in online format and hence less effective (see Chapter 7, Conclusion 2).

## *4. Referral*

If the Ombuds Officer comes to the conclusion that he is not competent to handle a complaint and another body within the University is more appropriate, then he **will “refer” it to that body**. The most important example of this is referring the student to lodge an appeal with the Examination Appeals Board if the complaint is about that **student’s grade**.

## *5. Advice*

If the Ombuds Officer concludes, after exploring the complaint, that he cannot play a direct role in the matter, he may still decide that the complainant or the accused will benefit from his advice (about e.g. points for attention, procedure, methods).

## *6. Formal investigation*

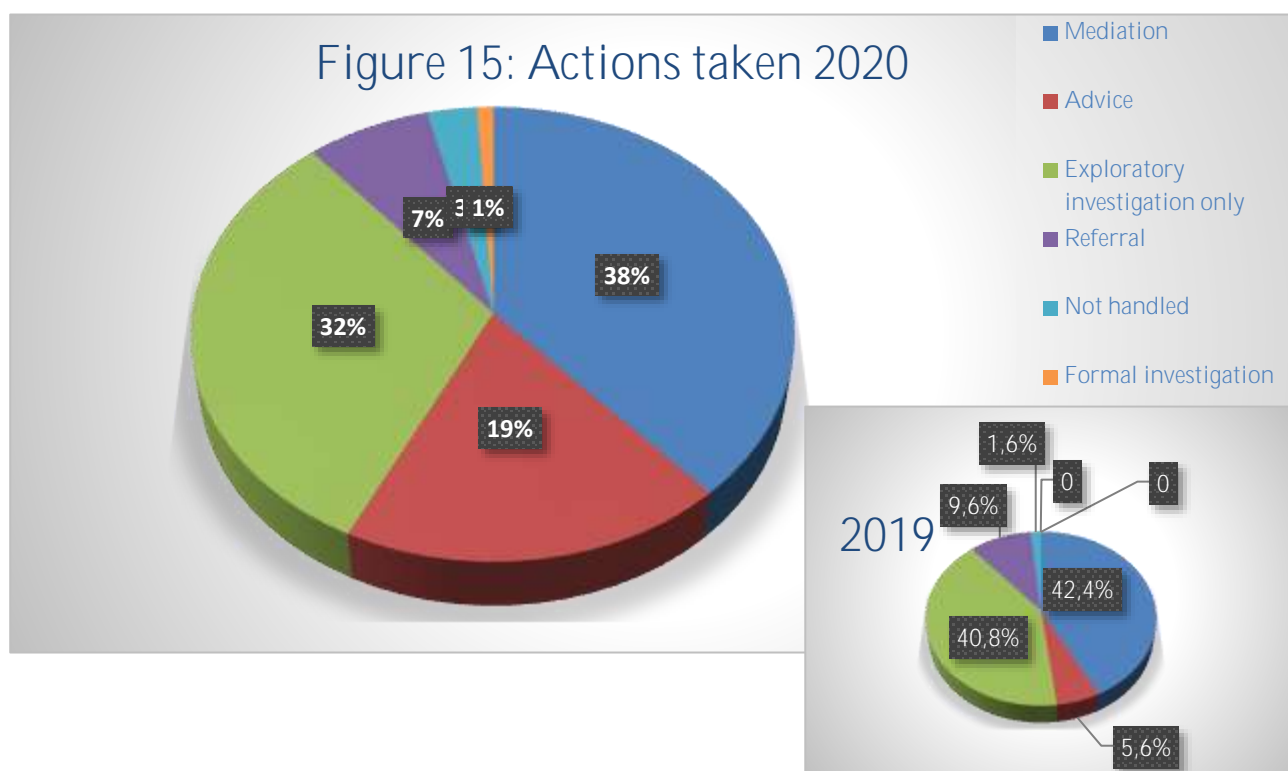
The Regulations relating to the Ombuds Officer provide him with the power to instigate a formal investigation in the event of repeated similar complaints or very serious complaints (usually involving more than just one study programme). This results in a confidential report of the investigation, which is sent to the relevant administrative body; a copy is also sent to the Executive Board.



Table 4: *Method of handling the complaints submitted in 2020*

Method of handling the complaint (“action”)	Frequency	
Not handled	6	(2019: 2)
Exploratory investigation only	65	(2019: 51)
Mediation	79	(2019: 53)
Referral	15	(2019: 12)
Advice	39	(2019: 7)
Formal investigation pursuant to Article 6	1	(2019: 0)
<b>Total</b>	<b>205</b>	<b>(2019: 125)</b>

Figure 15 shows the actions taken by the Ombuds Officer in 2020 compared with 2019 as a percentage of the number of complaints. It can be seen that relatively “Mediation” was used slightly less often in 2020, and the same applies for Referral and “Exploratory investigation only”. Advice (only) occurred more often. In 2020 the Ombuds Officer instigated and conducted one formal investigation, in contrast to 2019 with none (see Chapter 6).



The conclusions reached by the Ombuds Officer concerning the complaints can be divided into the following categories.

### *1. Inadmissible*

The Ombuds Officer considers that the complaint submitted does not fulfil the formal requirements for handling or is outside his competence to handle as a complaint. This will usually be applicable if he is obliged to refer the complaint to another University body, such as the Examination Appeals Board (CBE) in cases relating “purely” to a student’s grade, or the Confidential Counsellor for Unacceptable Conduct in cases of transgressive behaviour (e.g. racism, sexual harassment).

### *2. Unfounded*

The Ombuds Officer is of the **opinion that the student complainant’s** arguments for having been improperly treated are invalid and he communicates this to the student and the accused staff member or University body. This opinion relates only to how the student was treated, and does not exclude the possibility that a formal procedure on other grounds may be open to the same student.

### *3. Partly justified*

The Ombuds Officer takes the view that one or more aspects adduced in the **student’s** complaint are justified, but also that one or more of the adduced aspects are unfounded. It is also possible that the Ombuds Officer is unable to form an opinion about one or more aspects (see point 5).

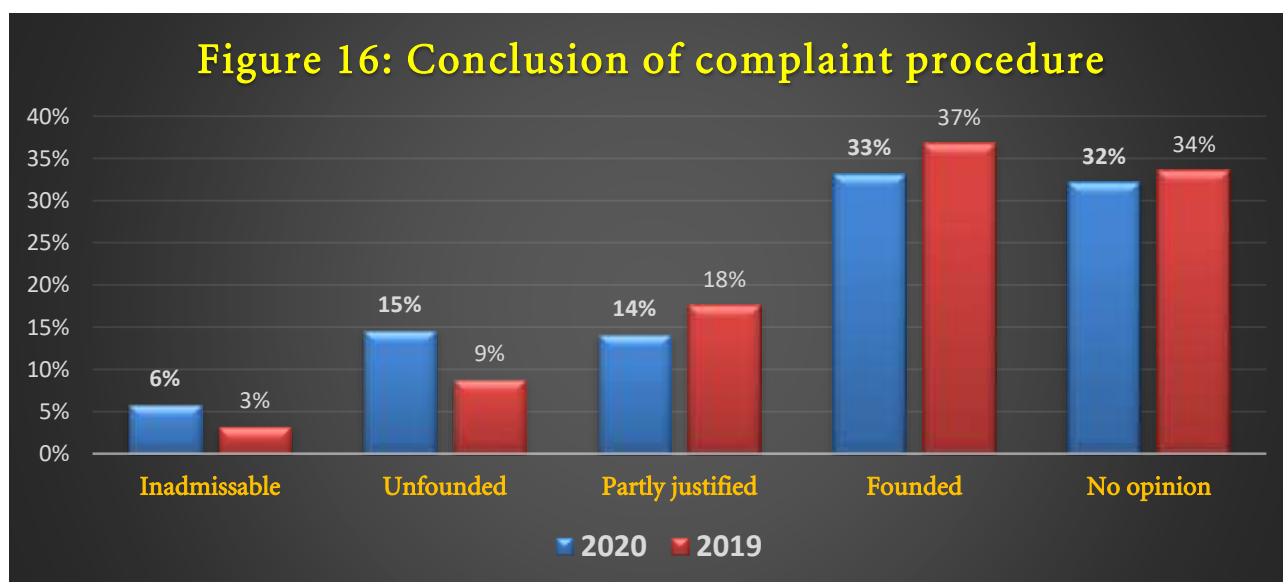
### *4. Justified*

The Ombuds Officer **decides in the student’s favour regarding all aspects adduced** in the complaint of improper treatment. The Ombuds Officer communicates his opinion on the complaint to the complainant and the accused. If the accused is an organisational unit of the University, the Ombuds Officer can attach a recommendation to his opinion, intended to remedy the situation about which the complaint was made.

## 5. No opinion

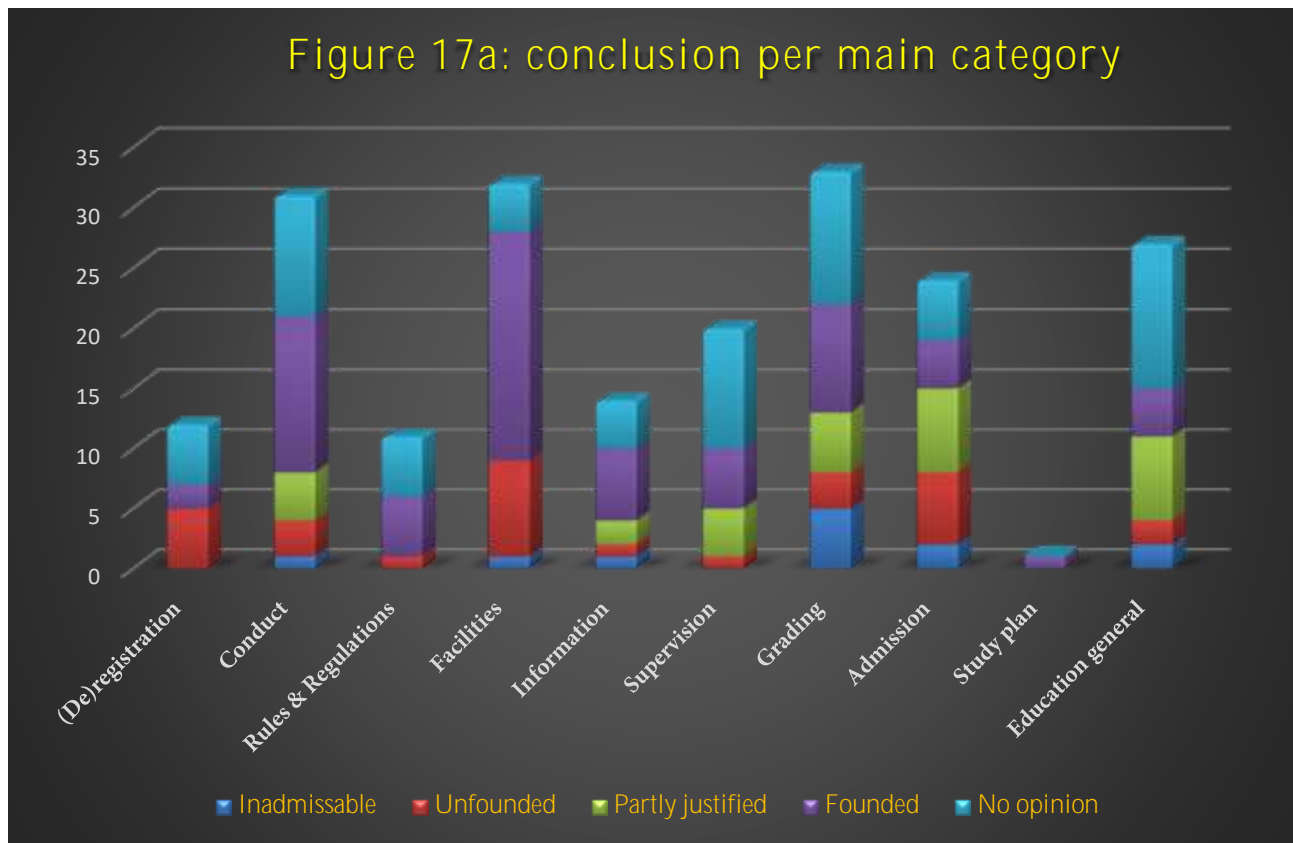
If the Ombuds Officer considers that he can play “only” a mediating role in resolving the complaint, a process of mediation will follow. He will then make reasonable attempts, on the basis of his neutral and independent role, to reach an outcome that is acceptable for both the student and the staff member or University body concerned. In these cases it is usually not necessary (and even not desirable!) for the Ombuds Officer to deliver an opinion about the complaint, because the complainant(s) and the accused party(-ies) ultimately reach a settlement themselves.

Figure 16 shows the percentages of the different conclusions that the Ombuds Officer can reach in his complaint handling, with 2020 in blue and 2019 in red. More complaints were declared “Unfounded” by the Ombuds Officer in 2020, and he also considered that more complaints were “Inadmissible” (6 % in 2020 compared with 3 % in 2019).



It is interesting to further analyse Figure 16 and to show the conclusion per main topic and per faculty or service department (see Figures 17a and b on page 28). When did the Ombuds Officer decide that a complaint was “Inadmissible”? This happened, for example, in situations where students wanted to lodge a formal objection or appeal through the Ombuds Officer; in those cases, the General Administrative Law Act (AWB) stipulates that the Ombuds Officer must pass on the objection or appeal to the relevant body. Complaints against external staff or organisations are also inadmissible.

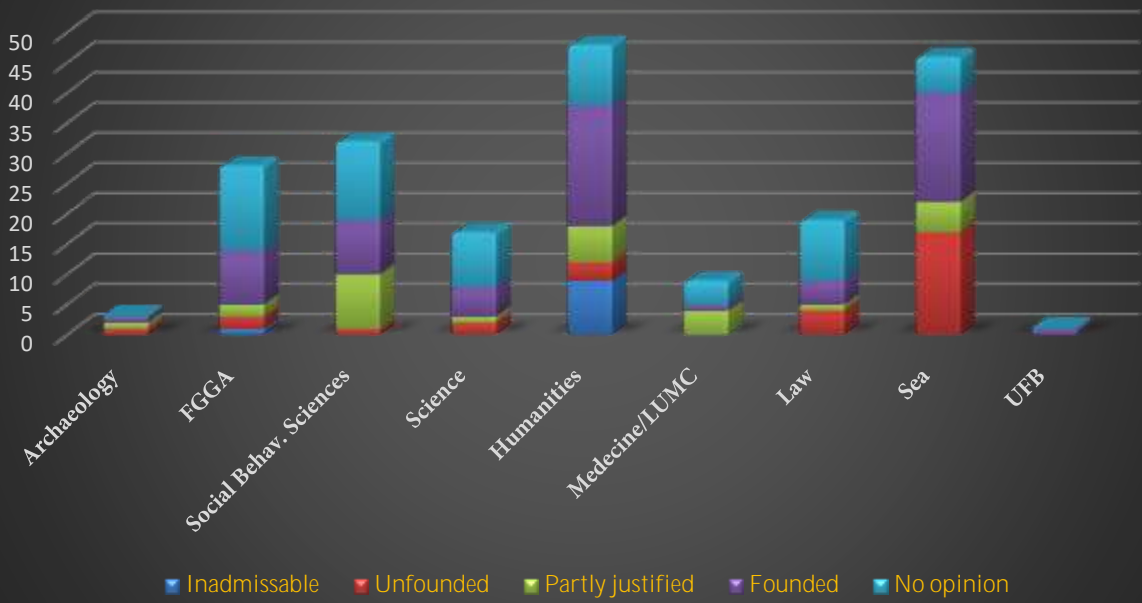
An example of the above can immediately be found in Figure 17a. A relatively large number of the complaints within the main topic “Grading” were declared “Inadmissible”; in those cases, a formal objection was found to be the most appropriate procedure for the student complainant. With respect to “Facilities”, the conclusion was that a relatively large number of complaints were “Justified”. This is connected largely (14 of the 19 complaints were “Justified”) with the many complaints about the conditions for terminating the rental contract with the Housing Office (see Chapter 4).



Making the same breakdown by faculty or service department gives Figure 17b on page 29. A striking point here is the large number of “Inadmissible” complaints (9) in Humanities. These include such diverse cases as a complaint against someone who was indeed a staff member of the University, but acting in a capacity entirely unrelated to the University; a student’s complaint against another student; and issues that should be regarded as purely “Grading” or “Admission”. Another striking point is the relatively large number of complaints submitted against Student & Educational Affairs (SEA) that the Ombuds Officer ultimately considered to be “Unfounded”.

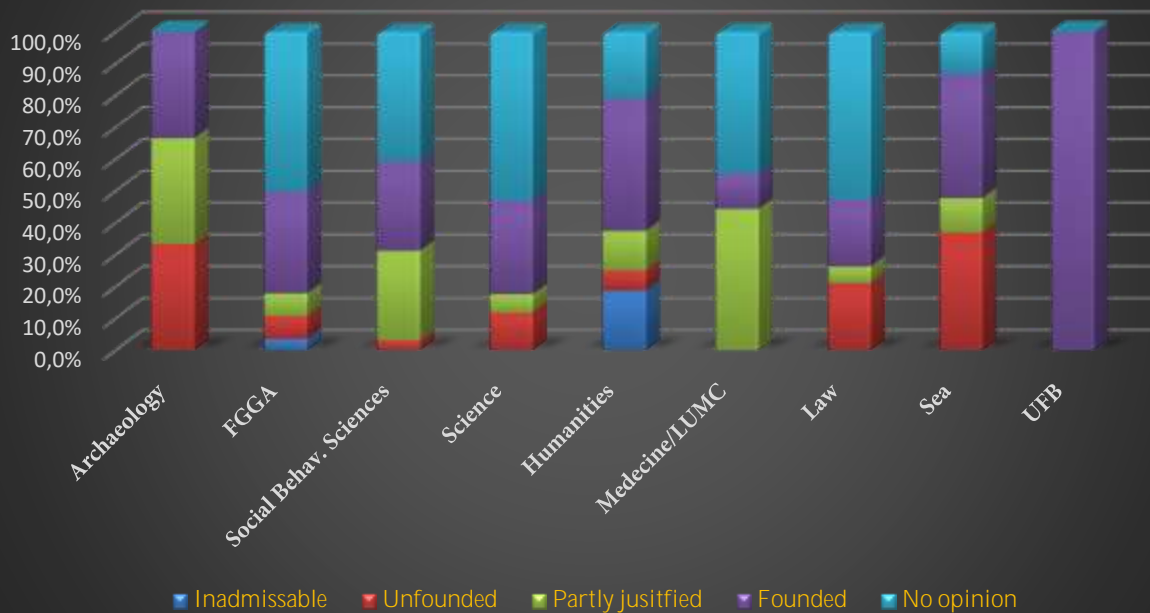
Finally, it is notable that the Ombuds Officer gave the opinion of “Justified” or “Partly justified” relatively more often for Humanities and Social & Behavioural Sciences than other faculties.

Figure 17b: conclusion per faculty/service dep.



Even more insightful it becomes when the conclusions per faculty or service department are displayed as percentage of the total number per faculty or service department

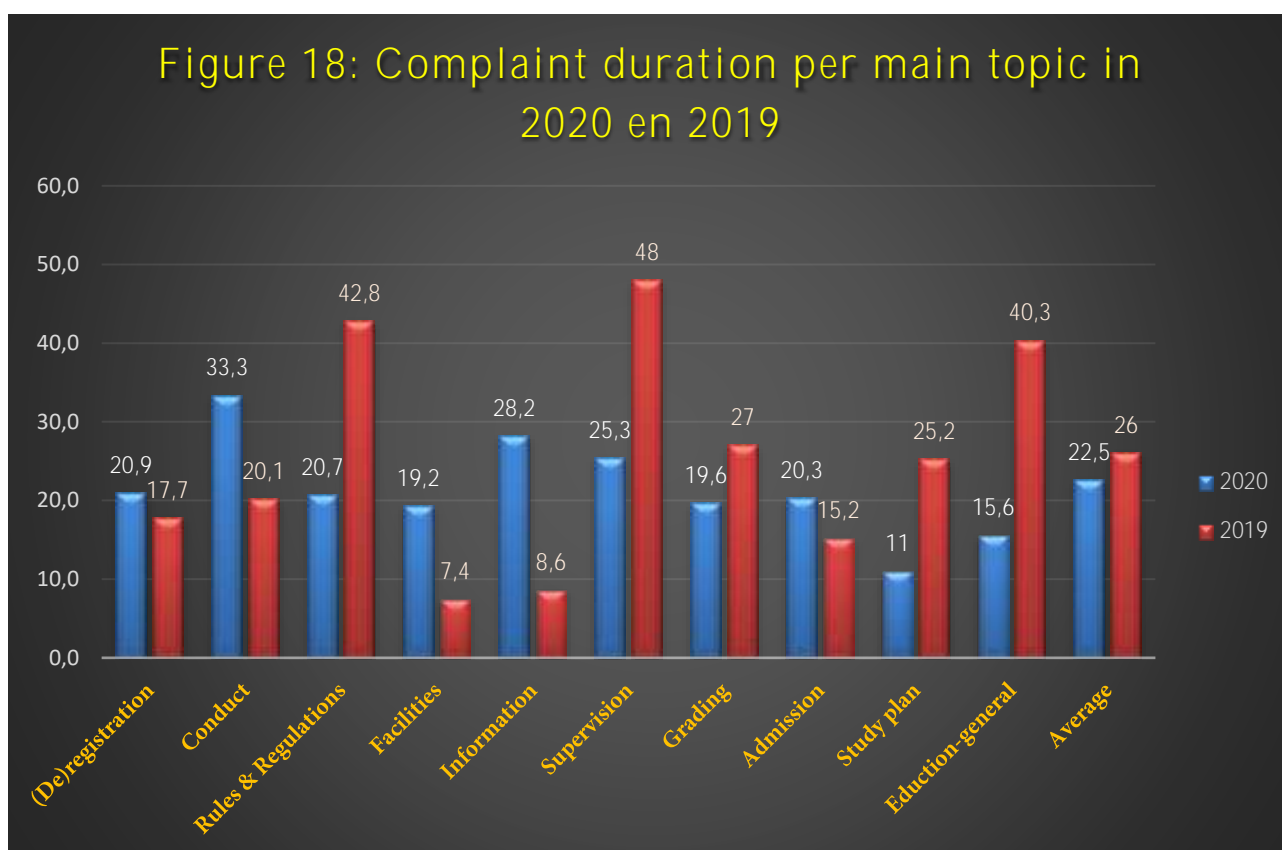
Figure 17c: conclusion % per faculty/service dep.



### 3.10 Duration of the complaint procedure

How long did it take to resolve a complaint in 2020, from the moment it was submitted to the Ombuds Officer until it could be regarded as settled? The average time spent on handling a complaint in recent years was consistently around three weeks, and this was also the case in 2020, despite the sharp increase in the number of complaints and the coronavirus measures and restrictions.

Figure 18 shows a comparison of the complaint duration per main topic in 2020 compared with 2019.



Overall, a slight decrease in the average complaint duration from 26 days to 22.5 days can be seen in 2020. The fluctuations – sometimes considerable – between the main topics are often connected with one or two complaints where the handling process went on for an exceptionally long time. For example, there were three “Conduct” complaints whose handling took 104, 163 and 180(!) days respectively. The last of these complaints was submitted by an international master’s student in FGGA who had a dispute with the Board of Examiners at the beginning of 2020 about an imposed plagiarism sanction that jeopardised her graduation in that academic year. After the student lodged an appeal with the Examination Appeals Board (CBE), partly on the advice of the Ombuds Officer, the dispute appeared to have already been settled in March 2020 as a result

of a settlement discussion between the Board of Examiners and the student. However, the agreements and commitments made were not recorded in writing and effectuated by the Board of Examiners, causing the **student's initial happiness to change to despair and frustration, under the watchful eye of the Ombuds Officer**. After various interventions by the Ombuds Officer, the student finally succeeded in reaching agreement with the Board of Examiners. She ultimately received official notification at the beginning of September 2020 that she had graduated on 31 July 2020.



## 4. Complaints against the SEA expertise centre

There was a large increase in the number of complaints against the Student & Educational Affairs (SEA) expertise centre in 2020 (46 as opposed to 10 in 2019), therefore the Ombuds Officer has decided to devote a separate chapter to the SEA in this Annual Report.

### *Coronavirus-related?*

As might be expected, much of the increase in complaints was coronavirus related: either directly (23 complaints) or indirectly (8 complaints). The increase that is not coronavirus related is thus “only” 50 per cent (from 10 to 15 complaints).

### *Housing Office*

Nearly all of the directly coronavirus-related complaints (22) are connected with a stream of complaints since the end of April from international students who wanted the Housing Office (part of SEA) to terminate their rental contract and disagreed with the fact that in many cases they were bound by the applicable condition that early termination of the rental contract is only permitted if the student personally finds a replacement tenant. Matters relating to this issue were further complicated because a lenient approach was attempted for students who contacted the Housing Office in March, soon after the difficult coronavirus situation began, because the chance of finding a replacement tenant during the coronavirus crisis was almost zero. After receiving the first ten complaints about unfair treatment within a short space of time – after referral by the Housing Office itself, it should be noted – the Ombuds Officer decided to contact the team leader of the Housing Office to discuss a reasonable approach to this stream of complaints. He asked for the correspondence with students about the termination, so that he could weigh this against the usual principle that “**contract is contract**”. He also included in his considerations the time when the student actually notified the Housing Office about wanting to terminate the rental contract because of the coronavirus situation. This resulted in establishing a system that the Ombuds Officer could use as the basis for handling the complaints which had already been received and would be received in the future. He then provided the Housing Office with advice on each complaint – because the Ombuds Officer **does not have the power to “overrule”** contracts – giving his opinion on what the student could reasonably claim. The student also received this advice, and was informed by the Ombuds Officer that the Housing Office is free to decide whether or not to follow the advice.



Ultimately, the Housing Office followed the Ombuds Officer's advice for 14 of the 22 complaints, thus giving these students the opportunity to terminate the rental contract early.

### *Other main topics*

Of the 23 complaints **not related to the main topic** "Facilities", 11 are about "Admission". For this main topic, it is often difficult for the Ombuds Officer to determine which body should be regarded as the accused; is it the study programme (Board of Admissions) or the Admissions Office section of the SEA? The Ombuds Officer decided that this should depend on the nature of the complaint: in cases relating to substantive assessment of the request for admission, he usually regarded the study programme as the accused; **and in cases relating to "the admission process" and the communication associated with this, he mostly regarded SEA as the accused. Frequent aspects of complaints against SEA relating to "Admission" included "service provision", "information" and "making contact".**

The other complaints against SEA concern "Registration and deregistration" (8) and "Conduct" (4).

### *Exceptional case*

Remarkably, the most notable complaint involving the SEA expertise centre was not submitted against SEA but initially against a Humanities lecturer (see section 5.2 on page 35). An international student directed her complaint against a lecturer, with the aim of being excused from paying her tuition fees to SEA. The Ombuds Officer's **opinion on the initial complaint was "Unfounded", but nevertheless he tried to ensure** that the student could resume her studies. SEA said that it was willing to make a very reasonable payment arrangement with her. Unfortunately this was not appreciated by the student, but rather resulted in further accusation and threats, this time also directed against SEA staff members. The secretariat of the Ombuds Officer received many peremptory and threatening (lawyer, press) telephone calls from the student. After the Ombuds Officer urgently advised this student in a personal discussion to change her behaviour towards staff members, the complaint handling was terminated several weeks later and the student was informed that her case has now been transferred to the Legal Affairs department (Security Management). The Ombuds Officer therefore did not succeed in "**limiting**"<sup>2</sup> the escalation of this case himself, to his regret.

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<sup>2</sup> See C. Koetsenruijter, "*Jij moet je bek houden! Omgaan met boze burgers, ouders, klanten en patiënten*" [Will you just shut up?! Dealing with angry citizens, parents, customers and patients], Baarn: S2 Uitgevers, 2020, p. 91 et seq. (see also the photograph on page 7 of this Annual Report).

## 5. Examples: one complaint per faculty



### 5.1 Archaeology

*Complaint: second-year students were given an excessive study load, without being told the reasons*

The Ombuds Officer received a complaint from a bachelor's student, stating that second-year students had been given an excessive study load because of curriculum changes due to the coronavirus measures. When discussing the complaint, the Ombuds Officer was informed that the student members of the Programme Committee also thought the study load was too high and the complainant also said that a proper explanation had not been given for changing the curriculum. A questionnaire had apparently also been circulated among second-year students, to which most respondents replied that they found the study load too high. The Ombuds Officer asked the complainant for her consent to speak in confidence to his regular contact in Archaeology, and the complainant consented. From the discussion with his regular contact in Archaeology, the Ombuds Officer discovered that there was indeed a proper explanation for changing the curriculum of the bachelor's second year: it was an attempt to defer the practicals to the second half of the 2020-2021 academic year as far as possible, in the hope that face-to-face teaching could be resumed by that time. This had been communicated to students through various channels. Soon after this, the Ombuds Officer spoke to the Dean of the faculty, who assured him that there had been ample involvement of the faculty's students in the changes in the context of the coronavirus measures.

This complaint appears to have been registered under the main topic "Education – general". The Ombuds Officer's action was "Exploratory investigation" and the outcome was that the complaint had to be regarded as "Unfounded".



## 5.2. Humanities

*Complaint: student alleges that she was excluded from a course on the grounds of discrimination*

In July the Ombuds Officer came into contact with a British student, who had been referred by one of the student counsellors. The initial email submitting the complaint came across as quite confused, therefore the Ombuds Officer proposed to have a discussion via Teams with the student complainant, in order to gain a clearer picture from her. This turned out to be impossible for the student, so the discussion took place by telephone. The core of the complaint in this discussion was that the student had been removed from a course by a lecturer who would not take account of her difficult psychological circumstances at that time as a reason for her absence from the compulsory teaching. She insinuated here that the lecturer was **influenced by “racist” motives**. The Ombuds Officer asked the student for further substantiation of her allegations and also for her consent to confidentially discuss her complaint with his regular faculty contact and with the director of that study programme. He did not receive a response for almost a month.

When the student contacted him again, it was not to give the requested consent and to supply the requested documentation. The student had meanwhile appealed to the student administration that she did not want to pay her overdue tuition fees (see also Chapter 4) because she had submitted a complaint to the Ombuds Officer. When the student eventually gave the Ombuds Officer consent to contact the programme director, he found that the case was completely different. The student had been absent from the course too often without giving reasons, as a result of which the lecturer had excluded her from the course in a regular and correct manner. Ultimately a settlement was reached with the student – in fact as a kind of positive discrimination – so that she could complete the course.

The main topic of this complaint was “Conduct”, the Ombuds Officer’s action was “Mediation” and the outcome/conclusion was that the student’s complaint should be regarded as “Unfounded”.



### 5.3 Medicine/LUMC

#### *Student incurs delay in his internships due to coronavirus*

At the end of April 2020 the Ombuds Officer received a telephone call through his secretariat from a Medicine student who could not continue with his internships (*co-schappen*) because of the coronavirus situation at that time. The faculty had informed him that he could only start them again when this was permitted by the hospital where he was doing these internships.

This was the first (directly) coronavirus-related Medicine complaint, therefore the Ombuds Officer felt it was important to ask his faculty contact, the chair of the Board of Examiners for Medicine, more about the current policy aimed at minimising study delay in consequence of the coronavirus crisis. The student gave his consent to bring his complaint to the attention of the Ombuds Officer's **contact**.

On the very next day, the Ombuds Officer was able to speak to his contact in Medicine, who agreed that difficult situations had sometimes arisen in relation to the internships but also assured him that many efforts were already being made to prevent study delay as far as possible. Coordination of identifying **students' current** coronavirus-related study problems was the responsibility of **the faculty's study advisers**. The Ombuds Officer therefore strongly advised the student complainant to contact these staff members.

This complaint about not being able to continue internships was categorised by the Ombuds Officer **under the main topic "Education – general"**. The action in response to the complaint was **"Exploratory investigation"** and the outcome was **"Partly justified"**.



## 5.4 Governance & Global Affairs

### *Student was not permitted to re-register because of misconduct via social media*

A British LUC student could not continue her registration because of problems with paying her tuition fees. When she was again able to pay her tuition fees, the LUC Board would not allow her to (re-)register during the academic year. In refusing this, LUC invoked, among other things, her failure to comply with the Social Honour Code by making various offensive remarks about LUC staff via social media (see also Chapter 6). **The student's study results also left much to be desired.**

The Ombuds Officer asked the student to send him the correspondence between herself and LUC about not being permitted to re-register and her conduct. It was evident to the Ombuds Officer that the **LUC's standpoint about not permitting** re-registration is perfectly comprehensible, but he wondered whether the procedure that was followed was actually sound. It would have been better to look at the possible sanctions for the **student's misconduct on the basis** of the house rules and disciplinary measures, and not to link this to the educational reasons for not permitting her to register during the academic year. Partly on these grounds, the Ombuds Officer decided to play a mediating role in this matter, to see how the student could be persuaded to improve her conduct and LUC could be convinced that if she re-registered, this would not result in new problems. With this aim, the Ombuds Officer held discussions with the study adviser and the Dean of LUC and with the student (in the presence of her father). Despite various efforts, the Ombuds Officer's mediation came to a standstill because the student herself did not want to continue at LUC.

This complaint was logged under the main topic "Conduct", with the action "Mediation" and the outcome/conclusion "No opinion".



## 5.5 Leiden Law School

### *Master's student was accused of cheating*

At the end of 2020, the Ombuds Officer received an email from a student, asking for advice about whether or not to appeal against a decision of the Board of Examiners. The student had recently taken an (open book) examination at home. For one of the questions, the student had given the correct answer despite **this being based on an incorrect calculation, and this constituted a reason for the course lecturer (“the examiner”)** to notify the Board of Examiners. The student had tried to tell the examiner that she had made a mistake in copying from her rough notes, but nevertheless she was informed by the Board of Examiners that the result of the examination had been declared invalid; however she would not be excluded from the retake in January 2021. After discussing the complaint with her by telephone, the Ombuds Officer deduced that a contributing factor to the suspicion of cheating was certainly that other students had also given the correct answer to the same question in exactly the same way on the basis of an incorrect calculation. This gave rise to the suspicion that there had been contact between students during the examination. **However, this master’s student** was able to convince the Ombuds Officer that in her case it was not plausible that she had been in contact with her fellow students, because the coronavirus measures meant she had little or no contact with these students **since the start of her master’s programme in September 2020** and also she did not know them **because she had obtained her earlier bachelor’s degree in Utrecht**. Instead of giving advice, the Ombuds Officer offered to mediate with the Board of Examiners. After hearing the case, the Board of Examiners decided to declare that the result of her examination was valid.

The main topic of this complaint was “Rules & Regulations”. The Ombuds Officer’s action was “Mediation” and the conclusion/outcome of the complaint was “Justified”.



## 5.6 Social & Behavioural Sciences

### *Student could not enrol on intended pre-master's programme*

Following referral by one of the Psychology study advisers, in October 2020 the Ombuds Officer received a complaint by email from a student who had recently discovered that he could not follow his intended study path, which he had discussed with the study adviser, because the study programme had discontinued the Clinical Psychology pre-master's programme. The impact of this decision was particularly great for this student, as he had given up his job in the communication sector with the specific aim of studying this specialisation. He then had to work hard to first obtain 60 EC of the Psychology bachelor's programme in order to then start on the Clinical Psychology pre-master's programme.

After reading the complaint, the Ombuds Officer proposed to speak to the student about it by telephone. He was informed that the study adviser had already made many efforts to persuade the student that there are similar study paths within Psychology that lead to similar professional qualifications (such as Healthcare Psychologist). The Ombuds Officer therefore suggested to the student that he could also contact the study adviser to discuss the case. During a discussion via Teams, the study adviser was able to convince the Ombuds Officer that the student could still achieve his intended study goal. Partly at the insistence of the Ombuds Officer, the study adviser discussed the alternative study paths with the student again, and this time the student was actually persuaded.

The Ombuds Officer assumed that the main topic of this complaint was "Education – general" (although "Admission" could also have been possible). The Ombuds Officer engaged in "Mediation" (action) without giving an opinion on the matter (outcome "No opinion").



## 5.7 Science

### *Biology master's student complains about treatment by her research colleagues*

After being referred by one of the student counsellors, a Biology master's student contacted the Ombuds Officer. She alleged that during her final-year research she was often treated badly, had to work far too many hours and was also regularly bullied by PhD candidates in the laboratories where she was conducting her final-year research. During the discussion, the Ombuds Officer discovered that the student had already been working on completion of her study programme for much longer than the intended time. The Ombuds Officer said that his handling of the complaint had to be restricted to events that had occurred in the past year. He also learned from her oral explanation of the complaint that she now had very little trust that the situation she was experiencing would improve. The Ombuds Officer's **proposal to the student** was that he should provide mediation aimed at restoring the student's trust, so that she could still complete her study programme. The Ombuds Officer wanted to "secure" the agreements about this at a high level within the study programme and therefore asked her if he could contact the director of her study programme to discuss her complaint. She gave her consent for this.

The discussion with the programme director had a positive outcome, which the Ombuds Officer emailed to the student. There was **complete willingness to make concrete agreements about the student's** completion of the study programme and the Ombuds Officer would act as the "monitor" of these agreements. The student was assigned a different supervisor, and the Ombuds Officer told the student that he had expressed deep concerns to the programme director about a WhatsApp group of PhD candidates where – as the student alleged – they spoke about students (including herself) in a denigrating way (see also Ch. 6).

The main topic of this complaint was "Conduct" and the action taken by the Ombuds Officer was "Mediation" without giving an opinion (outcome "No opinion").



## 6. Formal investigation of International Studies defamation case

At the beginning of June, the Ombuds Officer received a telephone call from one of the study coordinators of the International Studies programme about a complex case concerning a first-year bachelor's student who alleged that he had been subjected to a defamatory attack via social media by three other students during the election campaign for the board of the study association, which was necessarily conducted online. He complained that, in his view, the Programme Board had done very little about this, and he now wanted to contact a University body outside the study programme to complain about it. After discussing this with the study coordinator, the Ombuds Officer proposed that the student should submit a complaint to him.

The next step was an exploratory investigation of the complaint. The student sent the Ombuds Officer highly detailed documentation of his complaint, including more than 60 screenshots of examples of very harsh social media correspondence. Meanwhile, the three accused students were referred to the Ombuds Officer by a different study coordinator. They complained, in turn, about the statements (of a non-inclusive nature) made by the student complainant both on campus and via social media. The complainant took the view that the Programme Board was biased in favour of the accused students and that this was why sanctions were not imposed. The Ombuds Officer initially considered whether he could play a mediating role in this matter, as a way to handle the complaint. However, after speaking with the students concerned, the study association and the Programme Board, he decided to instigate a formal investigation on his own initiative (Article 2.8 of the Regulations relating to the Ombuds Officer) into how the Programme Board had acted in this matter. After investigating all aspects of the matter for just under two months, at the end of August the Ombuds Officer presented his report of the formal investigation, including his conclusion and recommendations, to the Faculty Board of Humanities.

The Ombuds Officer's conclusions were that the attacks on the complainant via social media cannot be tolerated within the University community. The Ombuds Officer also takes the view that the conversations of students via social media – even though these social media are not directly related to study programmes – can **still form a threat to students' wellbeing**. In addition to several recommendations specifically focused on aspects within the complaint, the Ombuds Officer made a more general recommendation to the Faculty Board and Programme Board that they should formulate and publicise a code of conduct for social media. Further to this formal investigation report, the Faculty Board will soon urgently request the Executive Board to also introduce a similar code of conduct for social media for the whole University.

## 7. Conclusions and recommendations

**Conclusion 1:** In 2020 the number of complaints in percentage terms increased 10 times more (64 per cent) than Leiden University's student population (6.4 per cent), in connection with the coronavirus measures introduced in March. This amounts to a dramatic increase.

**Recommendation 1:** The sharp increase in the number of complaints submitted to the Ombuds Officer should be construed as a sign that – despite the great efforts made by the University and faculties to enable most of the teaching to be offered online – it is essential to give the same high level of **attention to students' wellbeing**. It would be premature to assume that the ostensibly positive study performance in most of the study programmes necessarily signifies that the students at Leiden University are actually doing well. **Students' wellbeing should be actively monitored on a regular basis.**

**Conclusion 2:** It can be seen from various complaints that many of the advisory and guidance services provided to students are only effective to a limited extent in an online format because – even with a video connection – important non-verbal information does not come across.

**Recommendation 2:** Consider very carefully when providing guidance or advice to students whether the chosen online approach is actually suitable for the problem or situation that has arisen. Think about the facilities and options for speaking to students face-to-face. The usual requirements for this are that the rooms where the discussions take place are large enough and have the necessary coronavirus facilities to protect the on-duty staff.



**Conclusion 3:** Students' statements on social media that are related in any way to Leiden University's education or student community are often worrying and result in complaints to the Ombuds Officer, because it is unclear whether or not they should be regulated.

**Recommendation 3:** Set out a written code that stipulates how Leiden University students should behave on social media. Last year the study programme involved in the formal investigation described in Chapter 6 announced that it would introduce a code of conduct for social media, on the recommendation of the Ombuds Officer. A code of conduct for social media should also be introduced for the whole University, stating what is expected of students' behaviour and the sanctions that can be imposed if these expectations are not fulfilled (linked with the existing house rules and disciplinary measures).

**Conclusion 4:** It is evident from several complaints that staff members of the University's service departments use the coronavirus situation as an explanation for why they are more difficult to contact and the standard of service provision is lower.

**Recommendation 4:** Give even more attention to the communication and supply of information by staff of service departments, faculties and study programmes who are in direct contact with students. It is important to convey the ambition to maintain the requested service provision at the same high standard, despite the coronavirus measures and restrictions. The Ombuds Officer reads too often in email correspondence relating to complaints that staff have communicated with students in a clumsy – and therefore, in his opinion, often improper – way about the coronavirus situation, using it as an excuse for services being provided very late or even not at all.



## Appendix: Current status of recommendations made in 2019

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

*Recommendation 1: Take a more uniform approach to inadequate supervision (of a thesis), making a closer link to the Leiden University Regulations on Financial Support for Students (FOS), where provision is made in Article 3.d for support for students who have been delayed by reason of insufficient educational circumstances (“educational force majeure”, legal basis Article 7.51.2.f of the Higher Education and Research Act (WHW)).*

The procedure used in the 20 “Supervision” complaints received in 2020 still does not show a more uniform approach to delay resulting from inadequate supervision (of a thesis). From the 9 complaints about “Supervision” that the Ombuds Officer considered to be “Justified” or “Partly justified”, it was evident that once again (much more often) there was reliance on the unofficial reimbursement arrangement, rather than the Leiden University FOS Regulations and the WHW by reason of educational force majeure. Faculties still seem to have strong reservations about choosing the most appropriate approach and procedure.

*Conclusion 2: Boards of Examiners in smaller study programmes often do not provide for sufficient checks and balances; there is regularly a lack of clear focus when it comes to the incompatibility of different roles.*

*Recommendation 2: When appointing members of Boards of Examiners, more attention must be given to the separation of roles and the incompatibility of functions.*

The faculty that gave cause for this conclusion and recommendation in 2019 (Humanities) has now taken steps to combine the Boards of Examiners of smaller study programmes. The Ombuds Officer also observes that in other faculties the Boards of Examiners are more aware of the compatibility of functions and roles. Nevertheless, a clear focus is still required to ensure that students who wish to defend their interests do not encounter the same staff members or teaching staff in every board or committee of a faculty or study programme.

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

*Recommendation 3: The induction programme for new teaching staff ought to include more attention to what they should do if a student becomes unwell during their classes (on campus).*

The faculty that gave cause for this conclusion and recommendation (Law) already made the commitment to the Ombuds Officer in 2019 that it would give attention to this. The Ombuds Officer communicated this point for attention to the other faculties through his network of contacts. However, the coronavirus situation that arose very soon after this, in March 2020, made the realisation of this recommendation somewhat less urgent (few or no classes on campus).

*Conclusion 4: Too often the time limit for processing requests submitted to the Boards of Examiners, and appeals submitted to the Examination Appeals Board (CBE), is exceeded without the student who submitted the request or appeal being informed of the reason why the time limit has been exceeded.*

*Recommendation 4: Monitor the time limits for handling requests to the Board of Examiners and objections and appeals to the CBE and the Appeals and Objections Committee (CBB).*

In 2020 the Ombuds Officer did not receive any further complaints about the processing time limit for the CBE and CBB. However, there were still a few complaints about slow or very slow processing of requests by Boards of Examiners. The Ombuds Officer found it notable that the coronavirus situation was often used by Boards of Examiners to explain the slow processing of requests. In particular, several complaints were received about diploma presentations: diplomas were lost in the post; a student was not informed that a diploma would not be available for her at the official presentation ceremony, attended by her parents; diplomas could not be presented because no members of the Board of Examiners could come to the campus to sign the diplomas.

The Ombuds Officer was pleased to hear that students **have now received a “postponement notification”** from CBE if the processing of an appeal looked likely to exceed the 12-week time limit.



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