

# Annual report 2021

*Ombuds Officer for students*

*“Online or on campus?”*



**Universiteit  
Leiden**  
The Netherlands

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# 1. Introduction

In terms of complaints, 2020 was a very busy year for the Ombuds Officer and a very uncertain year for students (205 complaints, an increase of 64 % compared with 2019!); after this, 2021 was a somewhat quieter year (180 complaints, a decrease of more than 12 % compared with 2020). While many of the complaints received by the Ombuds Officer in 2020 came from students who regarded the alternative online education as unsatisfactory, in 2021 many complaints were submitted by students who actually wanted to follow the education online instead of on campus.

In addition to the 180 complaints submitted in 2021, the Ombuds Officer also received 50 questions; these covered a variety of topics, ranging from University staff asking for input in order to answer press questions, to students asking about specific complaint (and other) procedures. As in 2020, many complaints were still related to coronavirus: 43 complaints directly (50 in 2020) and 19 indirectly (40 in 2020). I will discuss this in more detail in section 3.5.

A remarkable feature in 2021 is the increase in the number of complaints received by the Ombuds Officer that he himself could not handle or had to refer elsewhere. To his regret, these complaints shifted back towards the 2018 level (see 2018 Annual Report, page 28: 1 in 5); more specifically, nearly 1 in 6 (16.1 percent) of the complaints could not be handled by the Ombuds Officer or had to be referred to another University body. I will devote a conclusion and recommendation to this in Chapter 6.

To provide some variation, in this Annual Report the Ombuds Officer will give a “complaint impression” for each faculty, instead of an example of a complaint (see Chapter 5). Along with a description of the type of complaints, I will also discuss specific findings of each complaint. In just one faculty, Archaeology, it is difficult to speak of trends, because only 2 complaints were submitted against this faculty. Chapter 4 gives special attention to the relatively large number of privacy complaints in 2021.

In Chapter 6 the Ombuds Officer will present his conclusions and recommendations to the Executive Board. Finally, in the Appendix, the Ombuds Officer discusses what he considers to have happened in response to his recommendations in the 2020 Annual Report.

Leiden, March 2022

Eugène 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 process 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. The Ombuds Officer also has a network of contacts within the faculties and study programmes, with whom he can confidentially discuss complaints, if necessary. However, he will only do this with the permission of the student complainant.

In the year covered by this 2021 report, the Ombuds Officer **consulted with the University’s** confidential counsellors at the central level on several occasions. He also participated in the Social Safety expert consultation and fulfilled an advisory role in the appointment of the new Staff Ombuds Officer.

At the administrative level, the Ombuds Officer liaises with the Rector Magnificus of Leiden University, who is also chair of the Education Consultation (OWB). The OWB brings together the Directors of Education from the various Faculty Boards, and each year the Ombuds Officer presents an explanation of his Annual Report to this body. 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. On 27 November 2021 he contributed to the Safety Congress organised by the PKvV by explaining the current complaint procedures from the perspective of student associations.

## 2.7 Professionalisation

In 2021 the Ombuds Officer participated in one face-to-face peer review (“intervision”) session organised by the Mediators Federation of the Netherlands (MfN) and two organised by the National Association of Confidential Advisors (LVV).

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.



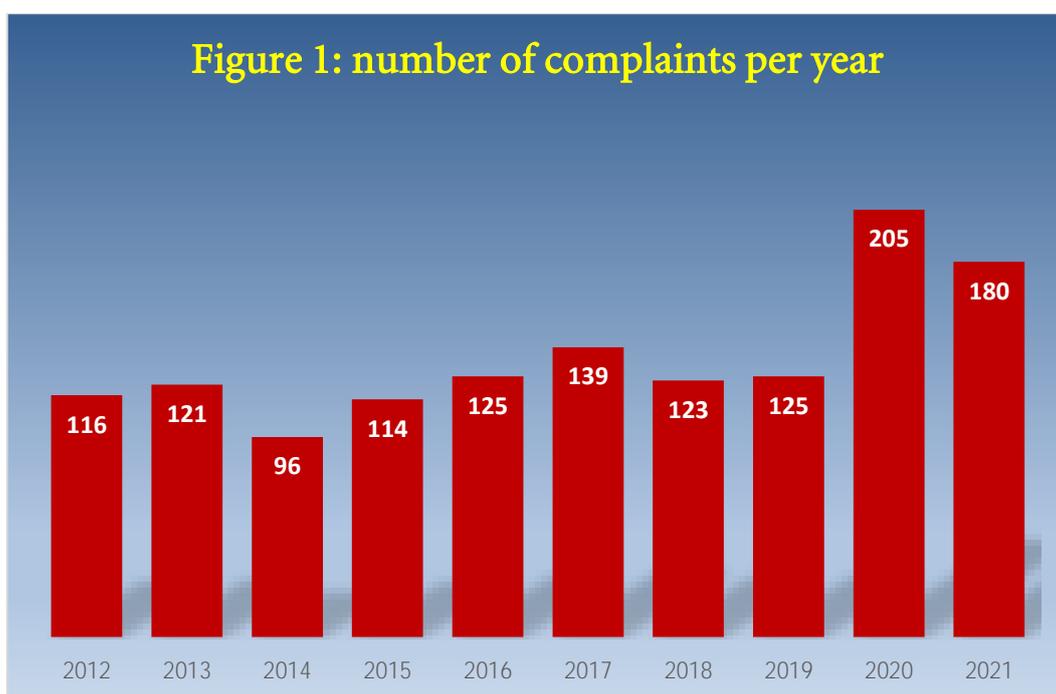
*1 September 2021, online panel discussion at Plexus Student Centre during the Summer OWL*

### 3. Complaints

In this chapter, the Ombuds Officer presents information on the number of complaints submitted in 2021, what action he took and the outcome of his complaint handling.

#### 3.1 Number of complaints

As mentioned above in the Introduction, in 2021 there was a slight decrease in the number of complaints compared with the record year of 2020, but the number of complaints can still be described as exceptionally high.

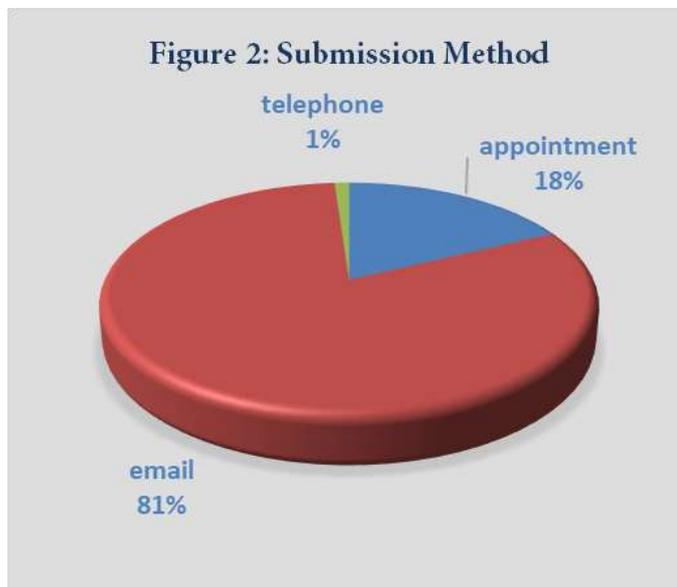


Although the Ombuds Officer had expected that the proportion of complaints incorrectly submitted to him would increase in the tumultuous year covered by his 2020 report, this actually only occurred in 2021. While in 2020 just 1 in 10 complaints could not be handled by the Ombuds Officer or were referred to another University body, in 2021 this proportion was 1 in 6 complaints (16.1 percent!). I will discuss this in more detail in my second conclusion and recommendation in Chapter 6.

#### 3.2 Submission method

The number of complaints submitted to the Ombuds Officer by email remained almost the same in 2021 at 81 percent (82 percent in 2020). The number of complaints that were first discussed by telephone

decreased to 1 percent (10 percent in 2020). By contrast, the number of complaints submitted after an appointment was made through the Ombuds Officer's secretariat increased to 18 percent (8 percent in 2020). A cautious conclusion could be that the Ombuds Officer's secretariat is now easier to contact again, or that students prefer to speak with someone in person when making an appointment with the Ombuds Officer.



It was again difficult in 2021 (as in 2020) to offer an appointment on campus – in the Plexus Student Centre in Leiden or the Beehive Student Centre in The Hague – **if this was the student's preference**. As far as **permitted by the University's** coronavirus measures, the Ombuds Officer was available on campus on one of his three regular weekly work days there.

### 3.3 How complaints reached the Ombuds Officer

When a complaint is received, the Ombuds Officer or his secretariat always asks the complainant about how they decided to submit a complaint to the Ombuds Officer. Were they referred by another body? This question can be relevant in order to request further information from this body about the reason for referring the complainant. This is particularly relevant if closer inspection reveals that the Ombuds Officer is not actually competent to handle the complaint. If the complainant decided to contact the Ombuds Officer after reading information on the internet, and the complaint turns out to be inadmissible (see section 3.9), the information provided on the website (and through other channels) can be checked to make sure it is adequate.

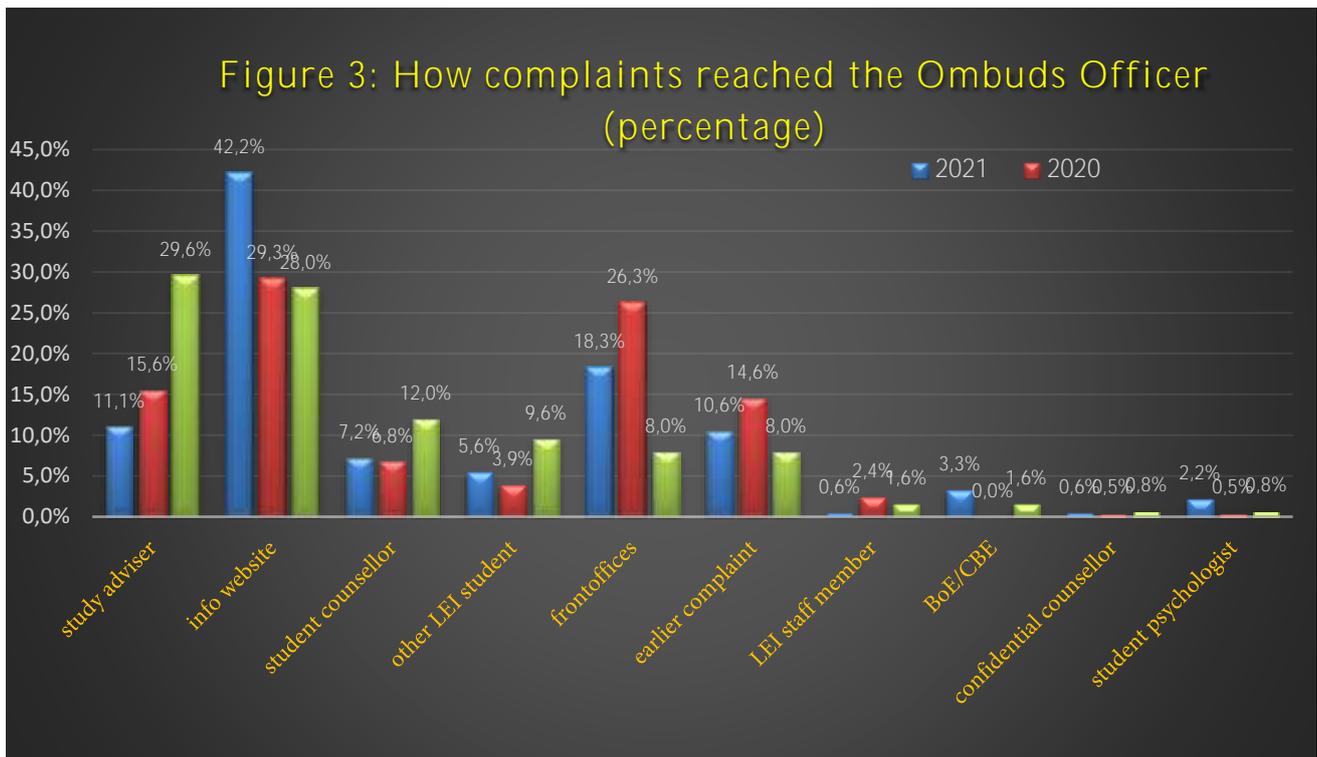
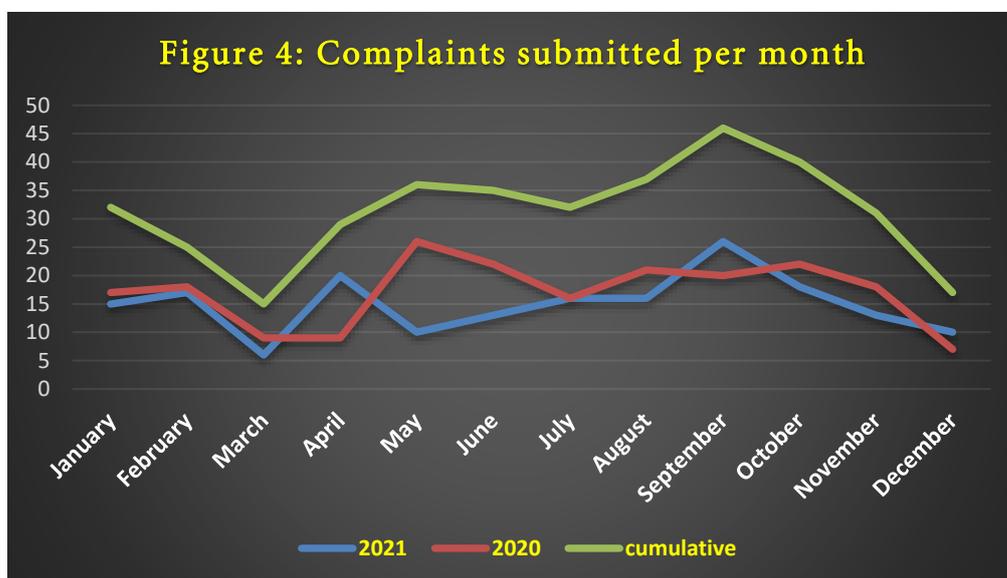


Figure 3 shows that complainants are increasingly contacting the Ombuds Officer after reading the information on the website (more than 42 percent). On the one hand, this confirms the accessibility and autonomous (and independent) status of the low-threshold service offered by the Ombuds Officer. On the other hand, it could also indicate that the many investments in the “complaint network” in study programmes, service departments, faculties and other complaint services were placed under pressure during the coronavirus pandemic. This is certainly also connected with the excessive workload experienced by the Ombuds Officer in 2020 and 2021, due to the much greater number of complaints received.

Another striking point is that the number of referrals to the Ombuds Officer by study advisers decreased further to 11.1 percent, after reducing by half in 2020 (from nearly 30 percent to just over 15 percent). This clearly calls for renewed investment by the Ombuds Officer in again improving his contacts with this important first-line student advisory service. The Ombuds Officer has particularly noted that there have been very frequent staff changes in the study advisers and study coordinators during his two three-year terms of office. This observation is not intended so much as a negative comment, but more to convey how important it is that the Ombuds Officer should constantly keep investing in his contacts with first-line points of contact for students (an important supplementation of his network of contacts in the faculties).

### 3.4 When the complaints were submitted

As mentioned above, an exceptionally large number of complaints were submitted during the year covered by this 2021 report, mainly in consequence of the coronavirus measures that the University needed to introduce (see section 3.5). The most informative approach is therefore to compare only the two “coronavirus years” in this report.



It is striking that the peak of complaints in 2021 occurred mostly in September, while in 2020 it occurred in May. There is a clear coronavirus-related explanation for this: in 2020 the effects of the imposed coronavirus measures on teaching and other services only became evident during the month of May. At that time, for example, many complaints were submitted by international students who had been compelled to return their home country because of coronavirus, while still being bound by the contract they had signed with the Housing Office. This resulted in many complaints, in response to which the Ombuds Officer provided the Housing Office with advice for each complaint about a reasonable notice period for terminating the contract or whether the contract should run for its full term.

Complaints were most notably submitted in September 2021 at the beginning of the academic year about the compulsory resumption of classes on campus; international students in particular, but also students with special medical or psychological conditions, frequently complained about no longer having the option of following certain courses online (remotely). The usual complaints about admission were also received in September, and in many cases the Ombuds Officer had to refer the complainants to the formal legal procedure. As a marginal note, however: with regard to complaints about the admission procedure, the Ombuds Officer was often informed by students that their experience of trying to make contact with the

University and the service they received (such as supply of information) was not very positive. Complaints were also regularly received about this in previous years. Students do not have – and are not given – a clear view of what is exchanged between a faculty’s Board of Admissions and the central Admissions Office during the admission procedure. When students complain about admission, the study programme directs them to the Admissions Office, which then directs them to the information they could already have accessed via automated systems (see Chapter 6 conclusion and recommendation 3).

### **3.5 Number of coronavirus-related complaints**

The Ombuds Officer sincerely hopes that this Annual Report will be the last time he needs to devote a separate section to coronavirus-related complaints. In 2021 he received 43 complaints directly related to the necessary coronavirus measures (50 in 2020). The number of complaints that were indirectly related to coronavirus fell more sharply: from 40 in 2020 to 19 in 2021. Examples here include long delays in service provision or supervision, where the cause was then found to lie in problems with staffing levels due to coronavirus.

The most striking complaints that are directly coronavirus-related are those from students – especially German students – about the resumption of classes on campus in the 2021-2022 academic year. Students also submitted various complaints about their studies, and in particular the thesis procedures that were delayed by the coronavirus pandemic. One specific complaint concerned a student who was unfairly treated by other students because she wanted the coronavirus measures to be respected within the housing complex where she had been appointed as the Residence Assistant by the Housing Office. The Ombuds Officer provided mediation in this case and did not give an opinion, because he found that the University had already investigated the issue. Nevertheless, the Ombuds Officer gave protracted attention to this complaint (a total of 164 days! See also section 3.10).

### **3.6 The procedure for handling a complaint**

When the Ombuds Officer receives a submitted complaint, he first looks at whether he is permitted to handle it (admissibility and competence, see section 3.9). Does the complaint involve a student, or prospective student or graduate? Does the complaint fall within his competence, as defined in the Regulations relating to the Ombuds Officer, or does he need to refer the complaint to another University body, which would be the case if, for example, it relates to 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, as yet 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 intends to take and will discuss this with the student; in his approach, he will always observe due care and confidentiality of the accused party, and will **also take account of the student's interests in the longer term** (for example, the relationship with the study programme).

Once the Ombuds Officer has reached an opinion about the complaint or has achieved an acceptable outcome through mediation, he can proceed to finalise the complaint. He records the closed complaint in his confidential (“GDPR-proof”) administration, giving it a score – partly for the purposes of his Annual Report – in terms of, for example, the action and conclusion (3.9) and its aspects and main topic (see 3.8). All complaint files 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**.

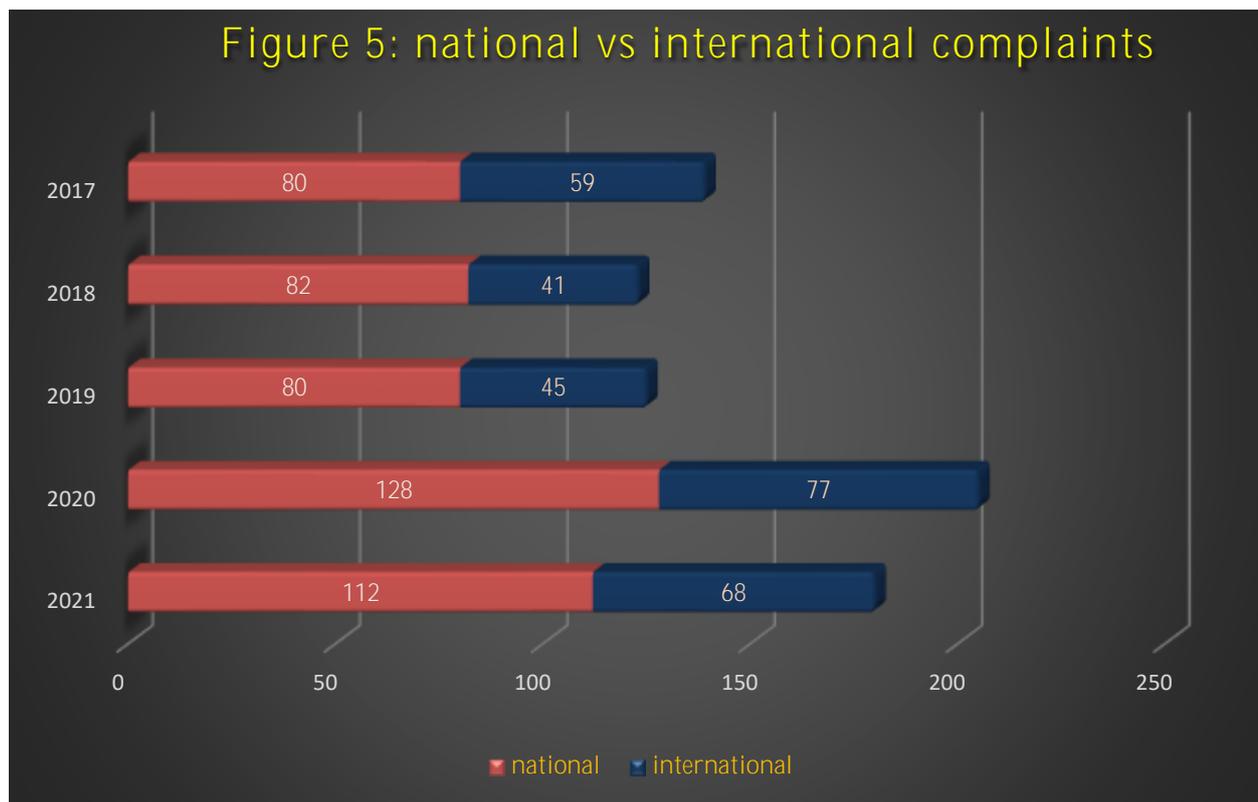
### **3.7 Who submitted the complaints**

Is it true that more students will always mean more complaints? Leiden University now has almost 34 thousand students and this number increased again slightly in 2021 (3.9 percent). There was also a further small increase in the relative proportion of international students in 2021, to 19.3 percent (18.2 percent in 2020). What proportion of the student complainants come from the categories national/international or

male/female/non-binary, for example, and with which study programme/faculty is the accused individual or body affiliated? This section will give an insight into these questions.

### *National-international*

As in previous years, international students submitted relatively more complaints to the Ombuds Officer than national students.

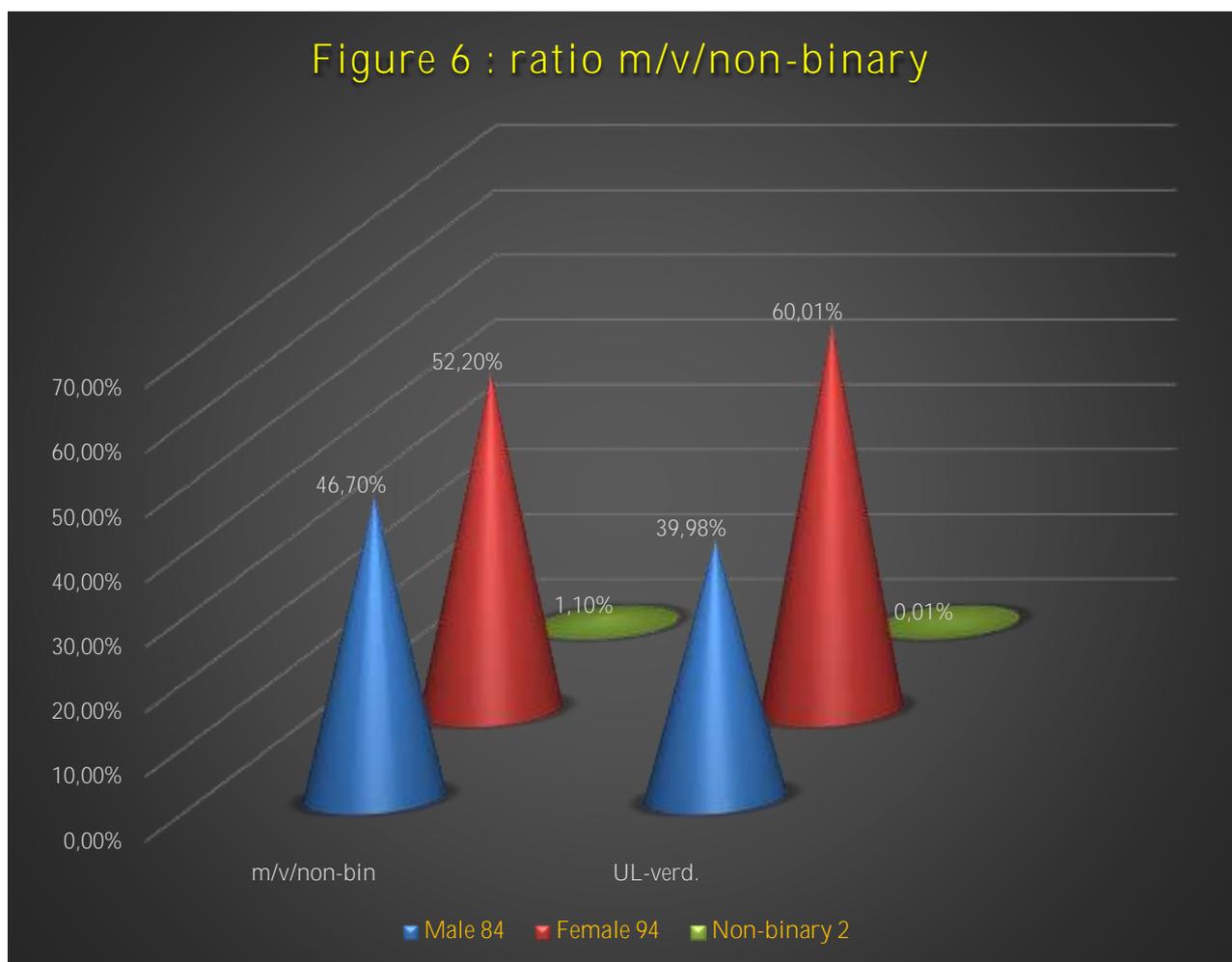


Given that the proportion of international students (EEA and non-EEA) at Leiden University is currently 19.3 percent, the proportion of complaints received from international students (37.8 percent) can again be regarded as high (almost identical to 2020: 37.6 percent). As a possible explanation for this relatively high proportion, the Ombuds Officer has previously suggested that international students are more dependent on the facilities offered by the University. They may also be under greater financial (and other) pressure to finish their study programme (especially in the case of master's programmes) within the regular period designated for this. Any circumstances that result in uncertainty or actual delay may give cause to submit a complaint to the Ombuds Officer. The Ombuds Officer has also found that cultural differences or communication styles and problems may sometimes form the basis of a complaint. In general, however, it can be observed that students are taking a harsher attitude to teaching staff and other staff. The coronavirus

restrictions in 2021 often made it impossible, in the event of escalation in the written communication via email (or social media), to propose that a conversation should be continued orally and the issue discussed “face to face”. Further and more long-term research would be required to determine whether a discussion via videoconference has the same de-escalating effect (see Appendix 1 conclusion and recommendation 2).

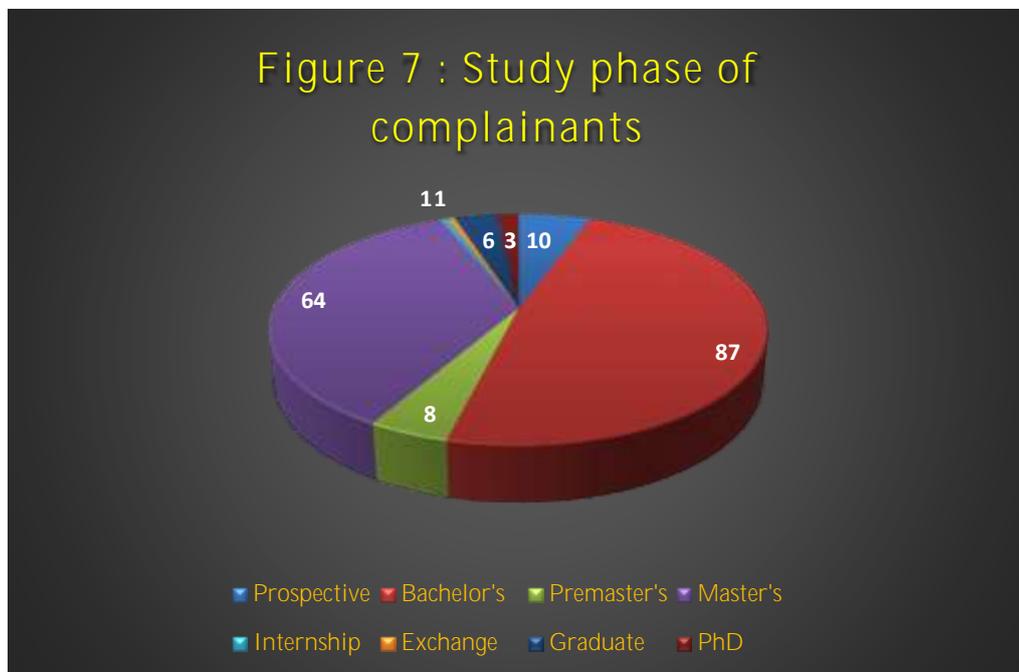
### *Female, male or non-binary?*

In previous years the male/female ratio (with non-binary added this year) of complainants has almost precisely reflected the male/female ratio of the student population, which has been stable for many years (male 40 percent, female 60 percent), but in 2021 a slight shift can be observed towards relatively more complaints submitted by male students. It is also very striking that half of the registered non-binary students, submitted a complaint to the Ombuds Officer.



### Study phase of the complainants

The Regulations relating to the Ombuds Officer only permit the handling of complaints from regular students; that is to say, students who are registered at Leiden University. However, the scope is extended to also cover prospective students who have applied for a study programme at Leiden University, while students who have already graduated can also submit a complaint to the Ombuds Officer, as long as the issue to which the complaint relates occurred while the graduate was still registered at the University. In the latter case, the Ombuds Officer uses a time limit (non-mandatory) of no more than one year after the incident to which the complaint relates. The Ombuds Officer is not competent to handle complaints from PhD candidates; however, he still receives complaints from individuals in this study phase, which he usually has to refer to the Confidential Counsellor for PhD Candidates (see Chapter 6 conclusion and recommendation 2).



Broadly speaking, 2 out of 3 registered students are in the bachelor's phase (65.2 % including pre-master's) and 1 in 3 are in the master's phase (34.8 % including internships). Once again, the proportion of complainants from the master's phase is slightly higher (40.6 %) than from the bachelor's phase (59.4 %). This can be explained logically by the fact that relatively more international students (20.8 %) are in the master's phase than the bachelor's phase (17.2 %) and, as mentioned above, international students complain relatively more often.

The number of complaints from prospective students is relatively slightly lower in 2021 (5.6 %) than in 2020 (8.7 %), but there is still good reason to remain alert to how prospective students experience their application to Leiden University.

### 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 member of the teaching staff or another staff member but also about how they were treated by organisational units of the University. It happens regularly that an entire study programme, faculty, administration office or service department is the “accused”, although the student’s description of the complaint is often targeted on a staff member of the study programme, faculty, administration office or service department in question. However, it is still possible that the complaint ultimately relates to the specific conduct of the staff member who is the target of the complaint.

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 2021.

Table 1: *Affiliation of staff members or University bodies against which a complaint was submitted in 2021.*

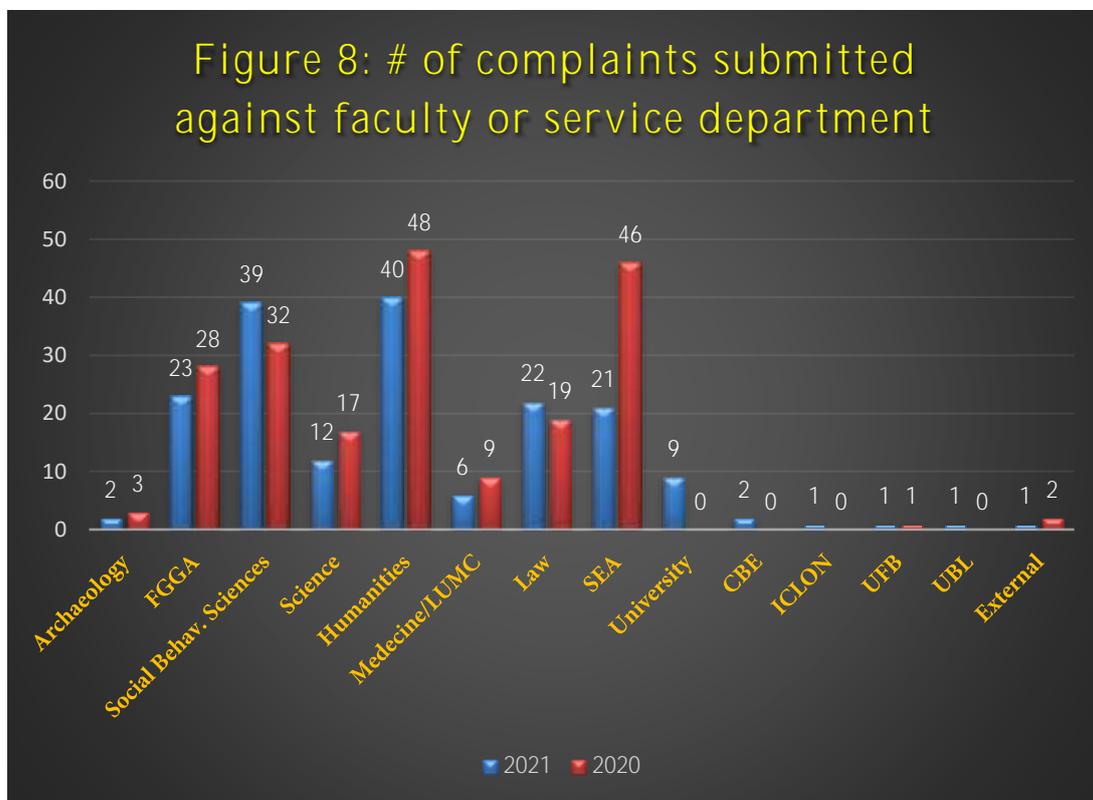
	Number of	% complaints	
	complaints	per faculty	% students
	2021	2021	2021
<b>Faculties</b>			
Archaeology	2 (2020: 3)	1.4	1.9
Governance and Global Affairs	23 (2020: 28)	16.0	10.1
Humanities	40 (2020: 48)	27.8	23.7
Medicine/LUMC	6 (2020: 9)	4.2	8.6
Law	19 (2020: 19)	15.3	17.8
Social & Behavioural Sciences	39 (2020: 32)	27.1	19.8
Science	12 (2020: 17)	8.3	17.5
<i>Total complaints against faculties</i>	<i>144 (2020: 156)</i>	<i>100.0</i>	<i>100.0</i>

### Other University bodies

Student & Educational Affairs (SEA)	21 (2020: 46)
University	9 (2020: 0)
Examination Appeals Board (CBE)	2 (2020: 0)
University Services Department (UFB)	1 (2020: 1)
University Library (UBL)	1 (2020: 1)
ICLON	1 (2020: 1)
External	1 (2020: 0)
<i>Total non-faculty complaints</i>	<i>36 (2020: 49)</i>

**Total** 180 (2020: 205)

Figure 8 depicts the number of complaints submitted against a specific faculty or service department. However, the complainant is not necessarily a student in the faculty against which the complaint was submitted. For example, the Ombuds Officer received various complaints from students who took elective courses offered by another faculty.



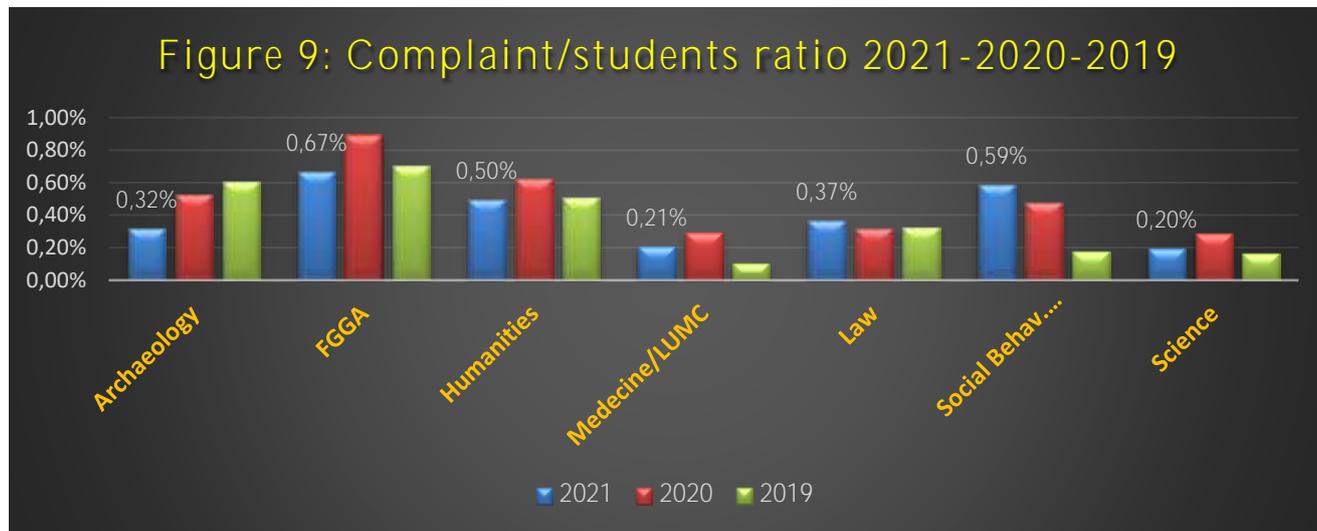
The chart in Figure 8 gives information about the numbers of complaints per faculty or service department and the increase or decrease compared with 2020. Since the numbers of students per faculty did not change greatly, an increase in complaints in a faculty in 2021, when fewer complaints were received (180 in 2021 and 205 in 2020), is remarkable. Again this year, the proportion of complaints against Psychology was even more noteworthy: this study programme has 10 percent of all Leiden University students, while nearly 16 percent (numerically 28) of all complaints were submitted against it (see Chapter 5). Despite the Ombuds Officer's many constructive contacts with this study programme, this Annual Report gives cause to devote even more explicit attention to the question of what can be done to reduce the number of complaints.

The most notable of the complaints against the University in general (9 complaints) are the **students' cries for help in dealing with the University's** perceived passivity in relation to the extreme shortage of student housing (especially at the Leiden campus). Other general complaints relate to mental health support, coronavirus testing policy and the travel expenses incurred by students without a student travel card (*OV-Studentenkaart*) whose study programme requires them to travel between Campus The Hague and the Leiden campus.

There was also an increased number of complaints against Leiden Law School in 2021, mainly due to more problems with enrolling for courses (especially in the case of elective courses) and disagreement about the conditions for taking online examinations or problems experienced with these (see Chapter 5).

The greatly reduced number of complaints against the Student & Educational Affairs (SEA) expertise centre (from 46 to 21) is mainly explained by fewer complaints about the Housing Office. Nevertheless, the Ombuds Officer considers it important to add a critical note about the way in which SEA transferred this service provision for international students to DUWO University Housing (student housing corporation). A notable point about the complaints that the Ombuds Officer still received about the Housing Office was that SEA did very little to publicise the transfer of Housing Office tasks to DUWO, with the consequence that student complainants were often unable to contact anyone at the Housing Office and after several unsuccessful attempts were simply referred to DUWO. This is merely the Ombuds Officer's impression, based on the complaints he received about the Housing Office in 2021.

To give a clearer picture of the relative share of the faculties in the number of complaints, Figure 9 shows the complaint/students ratio per faculty from the multiyear perspective. This ratio will be discussed in more detail Chapter 5 (Complaint impression per faculty).



In addition to the organisational 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 2021.*

	# complaints
- University, faculty, study programme, institute or other University body in general	55 (2020: 57)
- Member(s) of teaching staff, thesis supervisor	52 (2020: 48)
- (Staff member of) education/information desk, administration/ facilities department, student counsellor/psychological counsellor	35 (2020: 50)
- Board of Examiners/Board of Admissions/Examination Appeals Board	31 (2020: 40)
- Study, internship or thesis coordinator, study adviser or programme director/ manager	5 (2020: 7)
- Other (e.g. invigilator, DUWO, another student)	2 (2020: 3)
<b>Total</b>	<b>180 (2020: 205)</b>

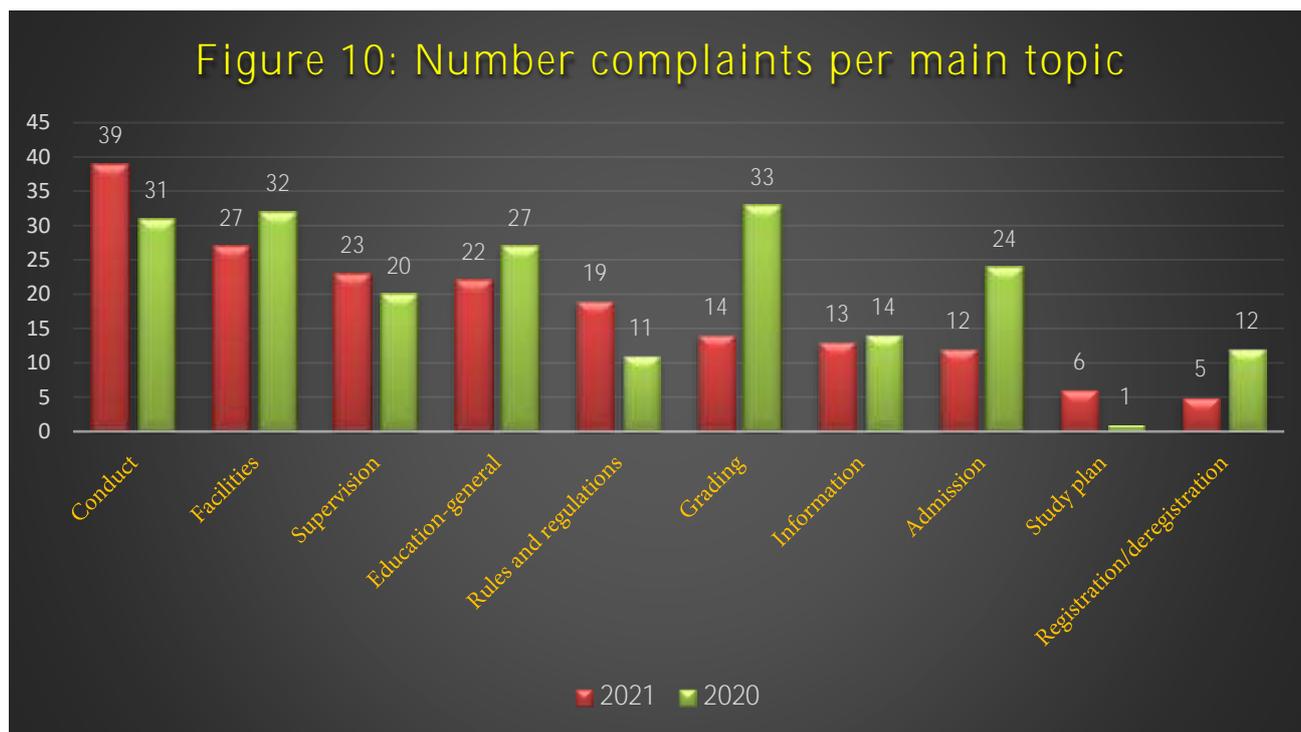
It can be seen that in 2021, as in 2020, most of the complaints were submitted against the University or a faculty, study programme, institute or other University body in general. Once again there were many complaints against Psychology as a “study programme in general” (17 complaints), but also – a new phenomenon compared with 2020 – there were 9 complaints against the University in general.

In 2021 the role that received the second largest number of complaints was “member of teaching staff/thesis supervisor”. It is notable that there was actually a slight numerical increase, although the total number of complaints decreased. The picture that emerged from handling complaints against teaching staff is that the longer the coronavirus measures were in force, the more the contacts about teaching and supervision took place directly between students and teaching staff. If teaching staff and supervisors were then temporarily more difficult to contact (including for coronavirus-related reasons), students often felt the need for other points of contact, which they sometimes perceived as being insufficiently available.

Table 3: *Main topic of complaints received in 2021, ranked by frequency of occurrence and further quantified in terms of international students.*

Main topic of complaint	# complaints	# international	% international
1. Conduct	39 (2020: 31)	13	33.3%
2. Facilities	27 (2020: 32)	14	51.9%
3. Supervision	23 (2020: 20)	7	30.4%
4. Education – general	22 (2020:27)	9	40.9%
5. Rules & Regulations	19 (2020: 11)	4	21.1%
6. Grading	14 (2020: 33)	5	35.7%
7. Information	13 (2020: 14)	5	38.5%
8. Admission	12 (2020: 24)	4	33.3%
9. Study plan	6 (2020: 1)	2	33.3%
10. Registration/deregistration	5 (2020: 12)	5	100,0%
	180 (2020: 205)	68	37.8%

The information in Table 3 above is visualised in the following chart:

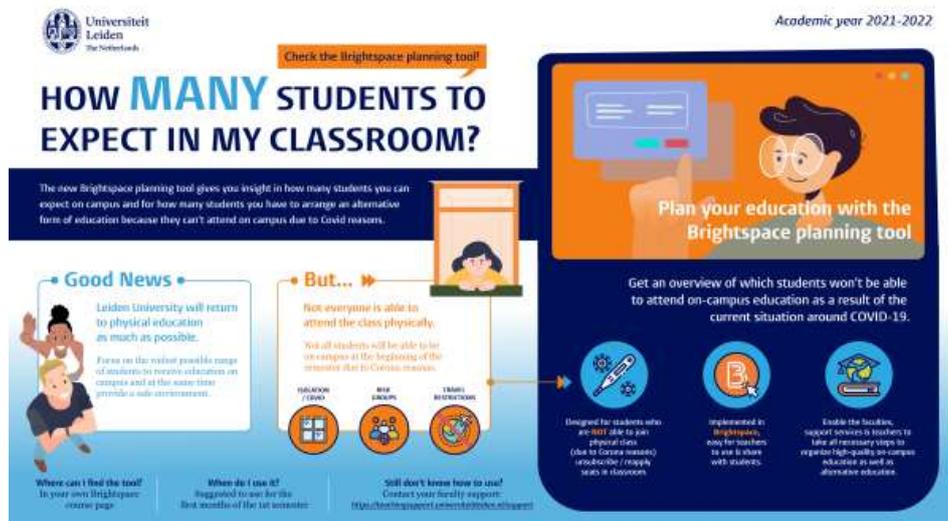


In 2021 the main topic that held first place in last year’s list, “Grading”, fell a long way down to sixth place, with fewer than half of the complaints. At the top of this year’s list is “Conduct”, and in terms of complaint handling this is actually a logical topic to hold first place, because complaints are usually about treatment and conduct. The pressure on the “Facilities” and service provision remained high during 2021 and this resulted in consolidation of this main topic in second place.

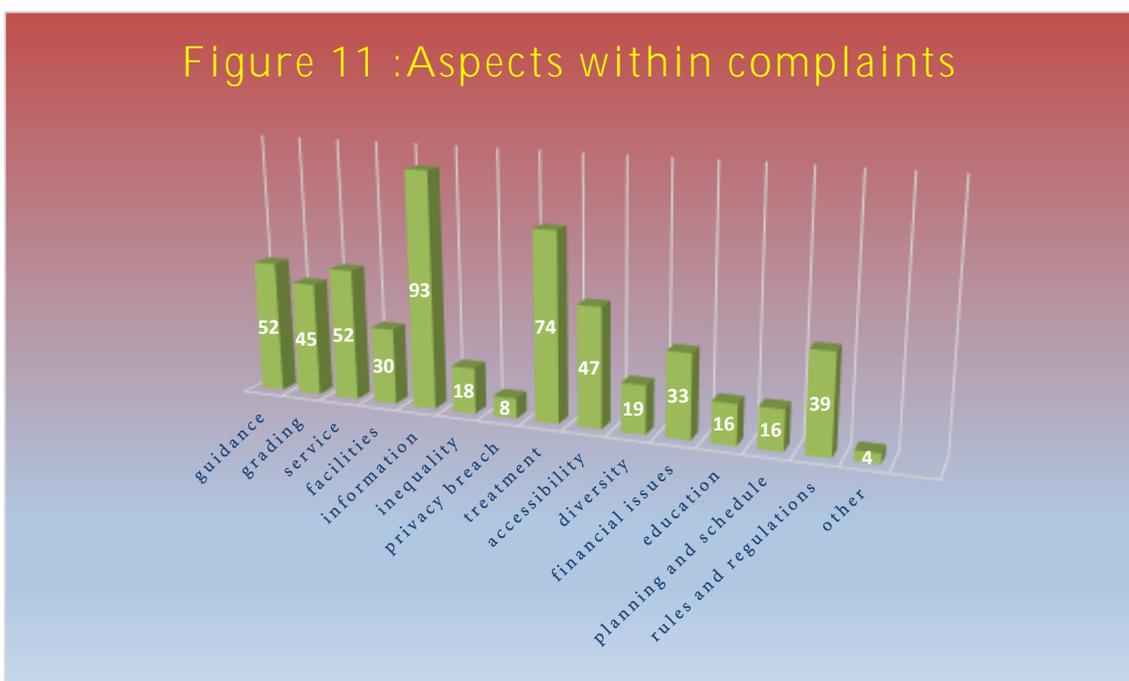
It is remarkable that very few complaints had “Registration/deregistration” as their main topic, and that the number of complaints with “Admission” as their main topic fell by half. This does not alter the fact that complaints relating to application, admission, registration and deregistration still occurred, but they were usually classed under the main topics “Conduct” (not replying to emails), “Facilities” (students sent from “pillar to post” or fobbed off with unhelpful answers) or “Information” (students given incorrect or incomplete information).

With regard to “Conduct” as the leading main topic and “teaching staff” in the second place for the role to which complaints related: it cannot be denied that many complaints against teaching staff were received. From the confidential discussions that the Ombuds Officer held with teaching staff who were the subject of a complaint, he learned that the tasks of teaching staff were not made easier by the enforced hybrid teaching. When lectures or tutorials are attended by some students on campus and other students online, this places many demands on the lecturer to ensure that the interaction flows naturally, and there is a greater risk

of “friction” between the lecturer and the students. The Ombuds Officer received a variety of complaints about this, with specific examples of how communication can sometimes be difficult, which in turn can lead to irritation on both sides.



To conclude this section, Figure 11 shows a chart of the different aspects and subspects recorded by the Ombuds Officer. Although each complaint is classed under just one main topic, it can actually comprise several aspects. For example, a complaint that includes the aspect “supervision” may ultimately not be classed under the main topic “Supervision”. Particular attention was given to the aspects “diversity”, which was mentioned in more than 10% of the complaints again in 2021 (see Chapter 6 conclusion 4), and “privacy breach” (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 accept a complaint for handling 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 was withdrawn soon after being submitted.

#### 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.

#### 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** (e.g. on the grounds of Article 5.2(a) of the Regulations relating to the Ombuds Officer).

#### 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. 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 (see Article 6 of the Regulations relating to the Ombuds Officer).

Table 4: *Method of handling the complaints submitted in 2021.*

Method of handling the complaint (“action”)	Frequency	
Not handled	7	(2020: 6)
Exploratory investigation only	63	(2020: 65)
Mediation	69	(2020: 79)
Referral	22	(2020: 15)
Advice	19	(2020: 39)
Formal investigation pursuant to Article 6	0	(2020: 1)
<b>Total</b>	<b>180</b>	<b>(2020: 205)</b>

Figure 12 shows the actions taken by the Ombuds Officer in 2021 compared with 2020 as a percentage of the number of complaints.



The most striking point is the larger proportion of “referrals” and complaints that were “not handled” (together 16.1 percent: nearly 1 in 6 complaints). I will devote a conclusion and recommendation to this in Chapter 6. With respect to the other actions, it is notable that the Ombuds Officer slightly more often sufficed with an “exploratory investigation”, without issuing advice to the complainant and accused when closing the complaint.

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 submitted complaint 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, without delivering an opinion. This is obviously also the case if the Ombuds Officer does not handle the complaint or limits himself to giving advice.

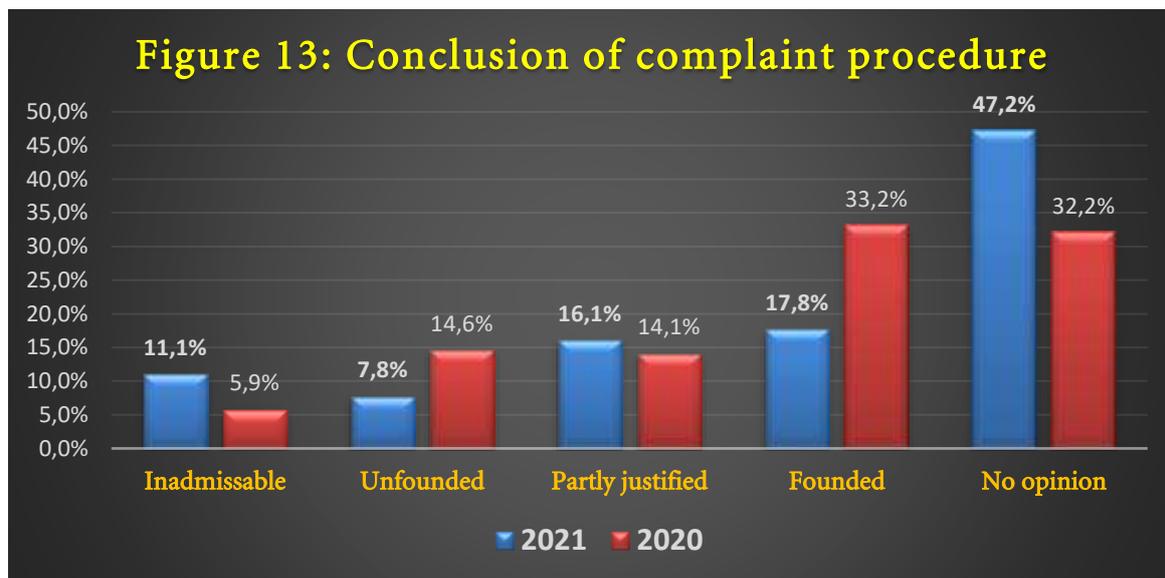


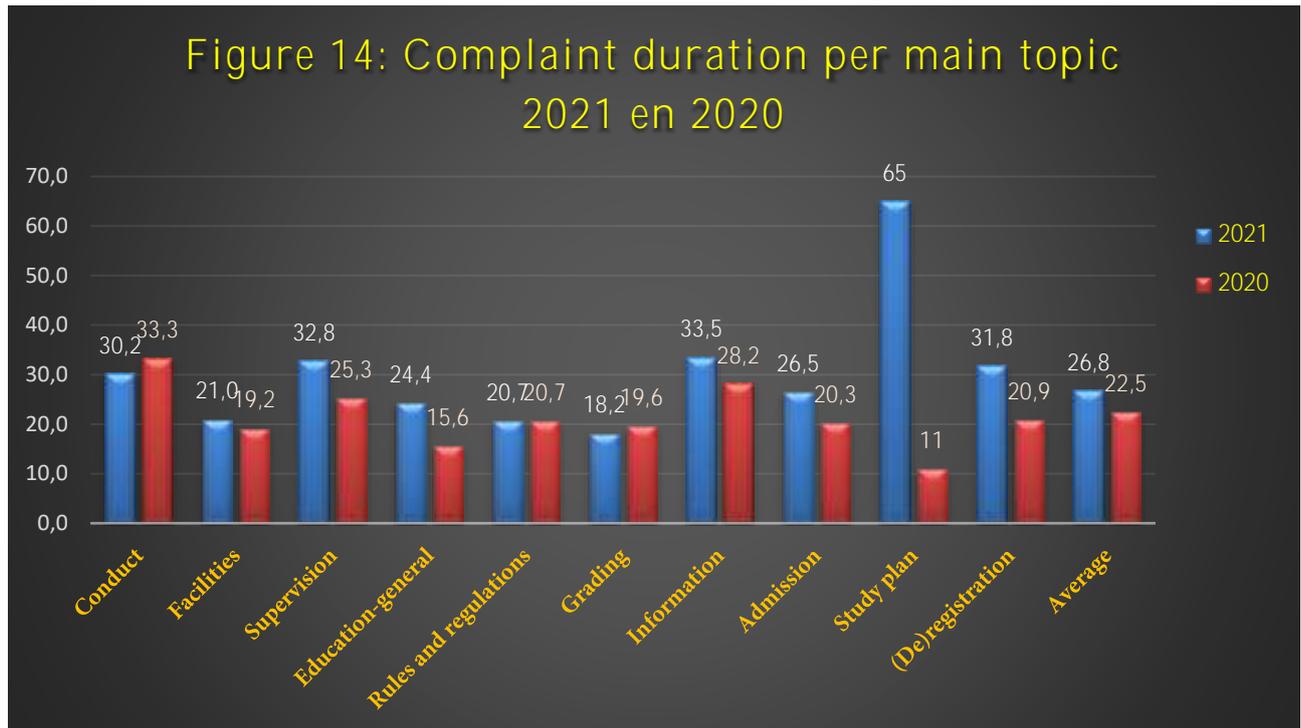
Figure 13 shows the different conclusions that the Ombuds Officer reached in his complaint handling, with 2021 in blue and 2020 in red. More complaints were declared “inadmissible” and referred to, for example, the Examination Appeals Board (CBE) or the Confidential Counsellor for Unacceptable Conduct. The number of complaints that the Ombuds Officer declared completely “justified” fell by almost a half, but there was a slight increase in the conclusion “partly justified”. The conclusion “unfounded” also fell by almost a half. It can be said that the Ombuds Officer delivered a decisive opinion on complaints less often in 2021 and also delivered “no opinion” for almost half of the complaints (47.2 percent). In 2020 this was only 1 in 3 complaints (32.2 percent).

Chapter 5 of this Annual Report (Complaint impression per faculty) will examine in greater detail the actions taken and conclusions reached by the Ombuds Officer with regard to the complaints against the faculties.

### 3.10 Duration of the complaint procedure

How long did it take to resolve a complaint in 2021, 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. Was this also the case in 2021?

Figure 14 shows a chart of the complaint duration per main topic in 2021 compared with 2020.



In 2021 the average time spent on handling a complaint increased slightly to 26.8 days per complaint. The most notable outlier is the average duration of the 6 complaints relating to the “Study plan”. This was mostly caused by one complaint against CSM/FGGA, where the student in question took a very long time (118 days) to accept that an excellence programme could not be added within his curriculum without this having consequences for the nominal duration of his master’s programme. It is significant that for a long time the student could not be persuaded in the written email communication that the outcome of the complaint handling was reasonable (with the involvement of the CSM programme director, among others). It was only when the Ombuds Officer made a final attempt to speak with the student face-to-face via Teams that it was possible to convince him, and soon after this Teams conversation he even sent a very friendly thank-you email to the programme director.

There was also a long-running case (95 days) against Psychology, relating to the “Study plan”. It concerned a complaint from a student about application for a specialisation course, where the student appeared not to have correctly understood the originally intended settlement of the complaint – in consultation with the study adviser – and only came back to it much later.

## 4. Privacy complaints

Since the beginning of 2019 the Ombuds Officer has maintained regular contact with the Privacy Office (the Data Protection Officers) about complaints relating to the GDPR and privacy breaches, and he has actively obtained information and advice to enable better assessment of these complaints. Additionally, the Ombuds Officer asked the Privacy Office to take a critical look at his own administrative records. Since 2019, however, there has not been a year in which more than two or three complaints required ad hoc discussion; that is, until 2021, when this was actually the case, with a total of eight complaints about privacy.

The striking point about the eight privacy complaints in 2021 is that the Ombuds Officer deemed most of them either “justified” (2) or at least “partly justified” (4). He declared one **student’s complaint** against another student “inadmissible”, and for one other complaint he gave the student complainant “advice”, without delivering an opinion.

I will now give an impression of the types of privacy complaints, as far as permitted by the confidentiality of these complaints. Students often experience a privacy breach if they notice that information they shared confidentially with one staff member is also held by another staff member, although they did not give consent for this. It can also happen **that something from the student’s personal life is put forward by the lecturer** as a reason for lower performance (e.g., if a lecturer has seen the student working for extra income in a supermarket). Specifically, the Ombuds Officer asked the Privacy Office for assistance with a complaint where the student complained that during a dispute about grading, the lecturer had used information about the student that the latter had placed on social media (in this case, Facebook). While this information had indeed been made public by the student, one might question whether it should have been mentioned in a one-to-one relationship between the student and the lecturer (within the educational context).

Another relevant privacy complaint in 2021 concerns a case where a student was suspected of involvement in a sex offence. The case was already being investigated by the police, therefore the University should have refrained from attempting to gain further information itself about **the student’s personal life**. Another long-running complaint was about photographs published via social media in the context of the introductory weeks. An international guest student of the study programme had serious objections against this. As far as reasonably and technically possible, **this student’s wishes** were fulfilled (although this has not stopped him from continuing to pursue his complaint in 2022...).

## 5. Complaint impression per faculty



### 5.1 Archaeology

*Complaint/students ratio = 0.32 % (third lowest out of seven)*

Only two complaints were submitted against the Faculty of Archaeology in 2021, although it was not the faculty that received the lowest percentage of complaints (this was Science, closely followed by Medicine). In view of this small number of complaints, it is difficult to say anything that could not be traced back to the complainants. Nevertheless, I will give a brief description. The first complaint concerned an international student who complained that he had been unable to submit his thesis. However, when the Ombuds Officer made further inquiries in the faculty, he learned that the thesis had in fact been submitted and could be found via BrightSpace. The Ombuds Officer therefore declared the complaint “unfounded”. The second complaint concerned a discussion about whether the requirements of a minor – set by the Board of Examiners – had been fulfilled. The Ombuds Officer merely provided “mediation” on this issue and did not deliver an opinion on the complaint, because grading a minor is one of the powers of the Board of Examiners.



### 5.2. Humanities

*Complaint/students ratio = 0.50 % (third highest out of seven)*

In recent years, the Faculty of Humanities has “numerically” received by far the most complaints against it. However, again in 2021, the complaint/students ratio reveals that in relative terms this large faculty

occupies the middle ground among the other six faculties. The complaints in 2021 are also quite evenly distributed across the many study programmes offered by this faculty. Out of the 40 complaints, 11 were directed against the BA in International Studies. This is not surprising, given the large number of students in this study programme.

Another specifically notable point about the complaint total of Humanities is that seven complaints were submitted against the MA in International Relations, all relating to thesis supervision. The impression gained by the Ombuds Officer from these complaints is that the organisation of **this study programme's** thesis procedure certainly requires additional attention. However, the Ombuds Officer delivered an opinion for only two of these complaints, giving the conclusion “**justified**”; he provided mediation for the other complaints, but ultimately refrained from giving an opinion.

Three students complained about one lecturer who was taking a very long time to grade an examination. The Ombuds Officer discussed the issue confidentially with his contact in the faculty, and they agreed that the lecturer should be asked to proceed more quickly. The programme management then contacted the lecturer in question, who then provided the grades. Although these complaints clearly involve the aspect “**rules & regulations**” (time limit for grading), the Ombuds Officer classed them under the main topic “**Conduct**”, because the lecturer had also been **negligent in replying to students' emails and actively** keeping these students informed.



### 5.3 Medicine/LUMC

*Complaint/students ratio = 0.21 % (second lowest out of seven)*

The 2021 report reveals a quiet year in the Faculty of Medicine/LUMC. Only six complaints were submitted against this faculty and three of these were found to be “inadmissible” and were therefore rejected by the Ombuds Officer. However, the Ombuds Officer issued advice to a student who had submitted a complaint about the faculty's Selection & Placement procedure and had already appealed to the Examination

Appeals Board (CBE); the outcome of that appeal had been “unfounded”. He provided this student with only general information and advice in the context of an appeal she had already lodged with the Appeals Tribunal for Higher Education (CBHO). Although he did not deliver his own opinion on this, the Ombuds Officer was interested to learn that this appeal was in fact declared “justified”.

As in the case of Archaeology, the Ombuds Officer also handled a notable complaint in Medicine, with “Conduct” as its main topic. This complaint related to the way in which a student was addressed in writing by a staff member of the Education Administration Office. The student had sent an email asking about a procedure, in response to which the staff member openly implied that she should already have known the answer (ignoring the fact that the student’s studies had been interrupted for some time due to special circumstances).



## 5.4 Governance and Global Affairs

*Complaint/students ratio = 0.67 % (highest out of seven)*

As in 2020, FGGA emerged as the faculty with relatively the most complaints, measured in terms of student numbers. The 23 complaints in 2021 are divided across the BSc *Bestuurskunde* (public administration) (7), BSc Security Studies (6) and Leiden University College (4). Most of these complaints (8) relate to the main topic “Conduct”, closely followed by “Supervision” (7). It is also striking that three of these complaints concern a privacy issue (for a more detailed description, see Chapter 4). To add nuance to this relatively high number of complaints, it should be noted that two FGGA students both submitted two complaints. The same two students also contributed to the high number of complaints against FGGA in previous years.

For 9 of the 23 complaints, the Ombuds Officer reached the conclusion “justified” (4) or “partly justified” (5). Two complaints were “inadmissible” and for the other complaints the Ombuds Officer concluded with “no opinion” and only provided “mediation”.



## 5.5 Leiden Law School

*Complaint/students ratio = 0.37 % (fourth lowest out of seven)*

Leiden Law School received relatively rather more complaints in 2021 than in previous years. The main topics of the complaints are evenly distributed: “Education – general” four complaints; “Rules & Regulations” also four complaints; “Supervision”, “Grading” and “Facilities” all three complaints each. The Ombuds Officer often sufficed with merely providing “mediation” and not delivering an opinion (8 complaints); even more often (10 times) he limited himself to conducting an “exploratory investigation”, reaching the conclusion “unfounded” on five occasions and “inadmissible” on one occasion (not entirely by chance, a complaint with the main topic “Grading”).

The most striking complaint came from a Chinese master’s student (duration 127 days!) who complained that one of the lecturers gives Asian students lower grades for a course (and has done for many years!). The Ombuds Officer initially limited himself to a cautious and confidential exploration, looking at the issue in terms of the overall picture of grades for all the courses in the **master’s programme via his contact** in the Law School. This brief exploration did not reveal any significant divergences in the grades of Asian students within this **master’s programme**. However, the complainant firmly persisted with her complaint, giving the Ombuds Officer cause to also speak to the lecturer in question about this perception of one of his students. Ultimately, the Ombuds Officer mediated in this issue and a discussion took place between the study programme and the student complainant. This did not affect his conclusion about the complaint, **which was “unfounded”, although the complaint was ultimately classed under the main topic “Grading”.**

Finally, in 2021 the Ombuds Officer received a few complaints from students in connection with the limited availability of places within a (popular) elective course or a minor. In all cases, the application procedure had been conducted in a completely regular way, therefore the Ombuds Officer saw no reason to consider these complaints “justified” or “partly justified”.



## 5.6 Social & Behavioural Sciences

*Complaint/students ratio = 0.59 % (second highest out of seven)*

The Ombuds Officer had already observed in 2020 that in relative terms (also measured against student numbers) students had submitted very many complaints against the Psychology study programme (26 of the 205 complaints). This trend continued in 2021 (28 of the 180 complaints). For this study programme alone, no fewer than eight complaints came from students who wanted to continue their education online in the 2021-2022 academic year. These complaints were recorded as follows: main topic “Education – general”; action “mediation”; conclusion “no opinion”. It should be noted, however, that the information provided to these student complainants there was indeed evidence of some room to press for continuation of online education. Nevertheless, the Ombuds Officer did not deliver an opinion on this, given that the coronavirus measures should be classed as a general University policy.

Three students also complained about “chaos” during an examination of the Clinical Neuropsychology pre-master’s programme. The Ombuds Officer’s **opinion was that these complaints were “justified”, although he ultimately left it to the Board of Examiners to make provisions for the affected students.**

The most notable complaint was submitted by an international student who was described as a “social idiot” by one of the lecturers in an email. This certainly gave cause for the Ombuds Officer to take action, and the lecturer eventually apologised to the student for this remark.

In addition to many complaints about Psychology, the Ombuds Officer also considered seven complaints from students relating to study programmes offered by the Institute of Political Science. These were three complaints about “Facilities” (service provision, providing facilities for students with a disability), two about “Grading”, one about “Admission” and one about “Supervision”. The Ombuds Officer’s **opinion for three of these complaints was “justified” or “partly justified”; for three he gave “no opinion”; and one was “inadmissible”.**



## 5.7 Science

*Complaint/students ratio = 0.20 % (lowest out of seven)*

Based on the 12 complaints received against the Faculty of Science in 2021, the Ombuds Officer sees very little reason to focus in detail on the nature of the complaints. They were evenly distributed across the main topics, and the Ombuds Officer usually played a mediating role or merely conducted an “exploratory investigation”, in some cases making a “referral” (to the Examination Appeals Board (CBE)).

The Ombuds Officer concluded that only two of the complaints were “justified”. One of these related to **the main topic** “Facilities” (service provision): a student had wrongly not received his first-year diploma and the Education Administration Office proceeded to provide it.

**In the case of the other** “justified” complaint, the Ombuds Officer deemed it unreasonable that an international student had been required to re-register for his study programme because his graduation defence had taken place just one day late, due to limited availability of examiners. The Ombuds Officer has a quick, effective line of communication with his contact in the Faculty of Science, which ultimately helped him to share his view that the student should be exempted from the re-registration requirement. Since the student had already appealed, this meant that the Board of Examiners had to actively inform the CBE about **the changed decision on this student’s graduation**. The Ombuds Officer takes this opportunity to express his appreciation for the Board of **Examiner’s** transparency, in stating honestly that this student “...was not treated well in all fairness. He should have been able to graduate in the academic year 2020-2021.”

## 6. Conclusions and recommendations

**Conclusion 1:** A sharp increase could be seen in the number of complaints about “Conduct”, arising from the harsher communication taking place between students and teaching staff (and other staff) through a variety of media.

**Recommendation 1:** Give consideration to how far the current system of rules, regulations and codes of conduct is adequate to allow better moderation of the conduct between students and teaching staff/other staff (and between students themselves).

**Conclusion 2:** In 2021 there was again an excessive number of complaints (1 in 6) that the Ombuds Officer was unable to handle or had to refer to another University body.

**Recommendation 2:** The increase in the number complaints that were inadmissible or were not handled by the Ombuds Officer calls for renewed attention to the information available both via the website and from the first-line points of contact for students, regarding the various procedures for complaints, objections and appeals at Leiden University. It is important to ensure that students are not repeatedly referred elsewhere (from “pillar to post”)!

**Conclusion 3:** It was evident from many complaints received by the Ombuds Officer about “service provision” and “facilities” that staff members are not always sufficiently aware of the importance of good communication and engaged supply of information to students. Even now, coronavirus is (sometimes) still used as an excuse.

**Recommendation 3:** Consideration should be given to how far the topics of “service provision” and “facilities” can be included under the heading “student wellbeing” within the University. It has a serious impact on students’ wellbeing if they have bad experiences with University bodies, which sometimes operate as a “black box” or are frequently difficult to contact or invariably refer students elsewhere.

**Conclusion 4:** The restrictions imposed by the Regulations relating to the Ombuds Officer mean that he is unable to contribute directly to Leiden University’s diversity policy with respect to complaints about discrimination or racism (see Appendix 2).

**Recommendation 4:** Investigate what accessible provision can be made, partly in the interests of social safety, so that students who complain about discrimination and racism can not only receive advice (Confidential Counsellors for Unacceptable Behaviour) or have their complaint investigated (Complaints Committee for Unacceptable Behaviour), but also be provided with mediation.

## **Appendix 1: Current status of recommendations made in 2020**

*Conclusion 1: In 2020 the percentage number of complaints increased 10 times more (64 percent) than Leiden University's student population (6.4 percent), 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.*

The University has given the same high level of attention to “student wellbeing” in 2021 and various Wellbeing Officers have been working on the basis of a specific action plan at both the central and faculty level to promote student wellbeing in a variety of ways: more targeted information, prevention and early detection, expanding the range of assistance, enhancing expertise within first-line services and efforts to ensure a safe study environment. Leiden University also participates in the Caring Universities platform. From the Ombuds Officer's perspective, however, he often still hears that students do not feel embraced by all these admirable activities. Wellbeing must obviously not be an activity reserved only for the Wellbeing Officers and first-line student advisors: the endeavour to achieve student wellbeing must be communicated with conviction by all University staff members; and an extremely important element of this is a professional yet personal approach.

*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.*

Again in 2021, the Ombuds Officer received support for his belief that a face-to-face meeting on campus is the most effective approach for certain more difficult or painful conversations with students. The Ombuds Officer was regularly informed by student complainants that he was the first person who had been willing to actually speak with them about their problem.

Especially for conversations with students who may perhaps have a psychological disorder, it is preferable to have a face-to-face meeting (**partly depending on the student's wishes**).

*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. A code of conduct for social media should 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).*

In 2021 many efforts have been made within the University – and with good reason – to draw attention to the need for a code of conduct for social media. In this respect, the Ombuds Officer suggested in his recommendation that a code of conduct for students should be linked to the existing house rules and disciplinary measures. This has not yet been achieved, but the Faculty of Humanities has extended the code of conduct in the International Studies programme (**based on the Ombuds Officer's formal investigation in 2020**) to produce a faculty-wide code of conduct for social media and lectures (described in Mare 2 below).

The Ombuds Officer yet again makes a plea for Leiden University's 2008 "Code of Conduct for Standards of Behaviour between Lecturers and Students" to be updated; the current Code says nothing at all about social media behaviour (which is increasingly aggressive, as described in Mare 12 below, giving Leiden Law School as an example) and also appears – based on the flexible approach to amorous relationships between teaching staff and students – to originate in a much earlier era (the "**flower power** Code of Conduct").

*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.*

The large number of complaints in 2021 about the conduct of staff members and about “facilities” and “service provision” (66 complaints in total) shows clearly that this recommendation remains in full force. In 13 of the 66 complaints, the students’ dissatisfaction was directly coronavirus-related, and in 6 complaints indirectly. Another relevant consideration is that the aspect “making contact” was mentioned in 47 of the 180 complaints.

It seems to the Ombuds Officer that it would sometimes only need a small additional step to make students happier. For example, in October 2021 the Ombuds Officer suggested to the Education Administration Office in one of the faculties – in response to a complaint from a very disappointed student – that in future its front desk could at least present a rose (artificial if preferred) or some other small gift, together with the bachelor’s diploma. Or it should, in any case, manage the expectations better... (so that it does not happen again that two parents come to Leiden with sky-high expectations for the festive nature of the diploma presentation).



## Appendix 2: Case Review based on 2020 sample complaints

In November 2021 the Ombuds Officer engaged an external expert to review his handling of three complaints against faculties (FGGA/LUC, Humanities and Science), which were discussed in his 2020 Annual Report, **in terms of the aspect “diversity and inclusion”**. This resulted in a confidential report at the end of January 2022, for discussion with the Executive Board.

This Case Review ultimately led to the following conclusions:

- 1) In order to play a role in complaints that he is not actually permitted to handle, based on the Regulations relating to the Ombuds Officer, he has to “compromise” with his use of language. For example, he often avoids terms like discrimination and racism, and speaks of unfair treatment, so that he is not compelled to refer the complaint to the Confidential Counsellor for Unacceptable Behaviour (Article 5(2)a of the Regulations) and is able to provide mediation.
- 2) Despite the restrictions imposed on him by the Regulations, the Ombuds Officer particularly retains the power to fulfil his formal investigative and assessment role and tasks, and to a (much) lesser extent his mediating and advisory role. A strict separation of these roles is complex but essential.
- 3) The external expert takes the view that the Ombuds Officer’s formally restricted role means that he cannot be directly supportive and effective as regards the diversity policy, with the aim of combatting racism and discrimination, and hence seeking to achieve greater social safety. In the formal sense, the Ombuds Officer may/can not simply instigate an investigation in the case of alleged discrimination and racism, and his advisory role is then restricted to taking an advisory and possibly mediating role in the careful procedural handling of behaviours, while necessarily avoiding a substantive opinion on discrimination and/or racism.
- 4) Although the external expert states that the Ombuds Officer may not directly contribute to the diversity policy, he can – as an accessible service for students – fulfil an important role in detecting potential problems among students for the purposes of this same diversity policy.

The Ombuds Officer’s own view is that the Regulations impose fewer restrictions on his role in the case of complaints about discrimination or unequal treatment from students with a disability. The aspect “diversity and inclusion” is **certainly also relevant for these complaints**.



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Ombuds Officer for Students  
Kaiserstraat 25  
PO Box 9500  
2300 RA Leiden

Tel: +31 (0)71 527 3657/8026

E-mail: [ombudsfunctionaris@leidenuniv.nl](mailto:ombudsfunctionaris@leidenuniv.nl)

Web: [www.ombudsfunctionaris.leidenuniv.nl](http://www.ombudsfunctionaris.leidenuniv.nl)

[www.universiteitleiden.nl](http://www.universiteitleiden.nl)



**Universiteit  
Leiden**  
The Netherlands