

Annual Report 2022

Ombuds Officer for students

“Calm after the storm?”



**Universiteit
Leiden**
The Netherlands

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1. Introduction

When the year 2022 began, the country was still in the grip of a hard lockdown, which had come into effect on Saturday 18 December 2021. During the months of January and February 2022, the government gradually relaxed this policy, and on 25 February it lifted most of the measures (including the 1.5 metre rule, the entry pass and the face mask requirement). People in the Netherlands breathed a sigh of relief and students could start to move around more freely again. Is this also reflected in the pattern of complaints received by the Ombuds Officer for Students in 2022? In terms of the actual number of complaints, the positive effect of the relaxed coronavirus policy only became evident around the summer. Nevertheless, can we already speak of “calm after the (coronavirus) storm”?

The year covered by this 2022 report shows a reduction in the number of complaints from 180 in 2021 to “only” 150 in 2022, while the number of students remained about the same. Although this is a decrease of 17 per cent in the number of complaints, it is still considerably more than before the coronavirus period.

In addition to the 150 complaints, the Ombuds Officer also received 42 questions in 2022 (in 2021 there were 50 questions). The most striking of these were the various requests for advice received from student associations (three questions) about what action to take in response to seriously transgressive behaviour, the requests for advice from faculties about contributing to the faculty’s complaint procedures (from three faculties) and requests for advice from both faculties and study advisers relating to complex cases that also involved discrimination and racism. This year, Chapter 4 of my report is devoted to these specific requests for advice.

The Ombuds Officer is pleased to report that the complaints he received in 2022 were more “accurate”, and only one in nine complaints had to be referred to another University body (11 complaints) or could not be handled by the Ombuds Officer (6 complaints). In 2021 this was the case for one in six of the submitted complaints.

Finally, Chapter 6 of this year’s report is once more devoted to the conclusions and recommendations that the Ombuds Officer presents to the Executive Board in accordance with the Regulations relating to his position, and the report again has an Appendix in which the Ombuds Officer looks back, on the basis of his own observations and perspective, on what has visibly happened in response to last year’s recommendations.

Leiden, March 2023

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,¹ 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). As of 1 July 2021, the role of Ombuds Officer has also been laid down in the 2020 Collective Labour Agreement for Dutch Universities (CAO NU).

2.2 Mission

The mission of the Ombuds Officer is to provide an accessible complaint service for students, thus promoting a respectful, inclusive 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.

¹ 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 autonomously and is not a member of a directorate, service department or faculty of the University and therefore cannot receive any instructions with respect to his complaint handling. 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 complaints procedure for students

The National Ombudsman defines the role of the Ombuds Officer as the “**internal complaints 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. In a **news report² published on 2 November 2020**, the National Ombudsman states: “... *Staff, students and third parties have the right to lodge a complaint about a university. This complaint must be handled by the institution itself. If the complainant is not satisfied with how the complaint was handled, the law requires that the route must be open to contact an external, independent, second-level complaint handling body. The National Ombudsman fulfils this role for 11 public universities. The Ombudsman can give an opinion on whether or not an Executive Board handled a complaint properly.*”

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 (SOZ) 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 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 2022 report, the Ombuds Officer consulted with the University’s confidential counsellors at the central level on several occasions and also had frequent contact with its Staff Ombuds Officer and Diversity Officer, although not at the level of individual cases.

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

² <https://www.nationaleombudsman.nl/nieuws/nieuwsbericht/2020/nationale-ombudsman-biedt-vereniging-van-universiteiten-kennis-en#>

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.

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 one organised by the National Association of Confidential Advisors (LVV). He is also provided with resources to purchase subscriptions and relevant specialist literature in the interest of fulfilling his 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. 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 various staff of central directorates.



3. Complaints

How many complaints were submitted in 2022, what action was then taken by the Ombuds Officer and what was the conclusion that resulted from his complaint handling? Chapter 3 will look at all these questions.

3.1 Number of complaints

As the title of this Annual Report has to some extent already suggested, the number of complaints submitted by students in 2022 decreased yet further compared with the “record year” of 2020: this year, there were 150 complaints.

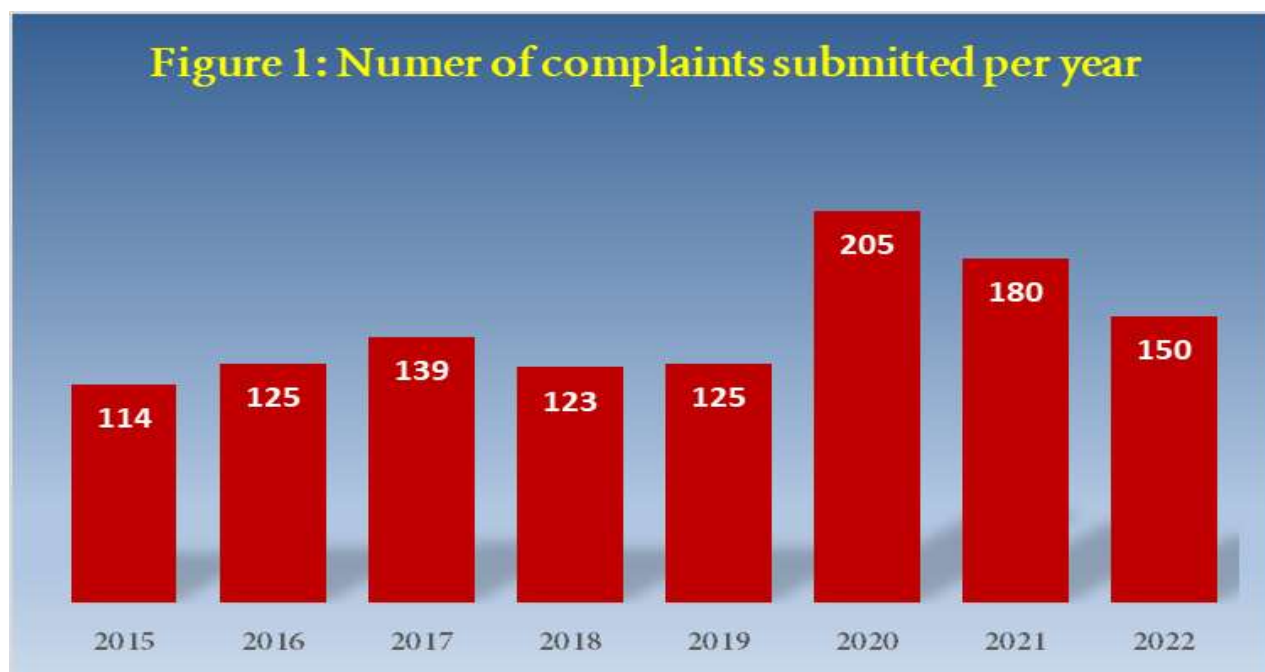
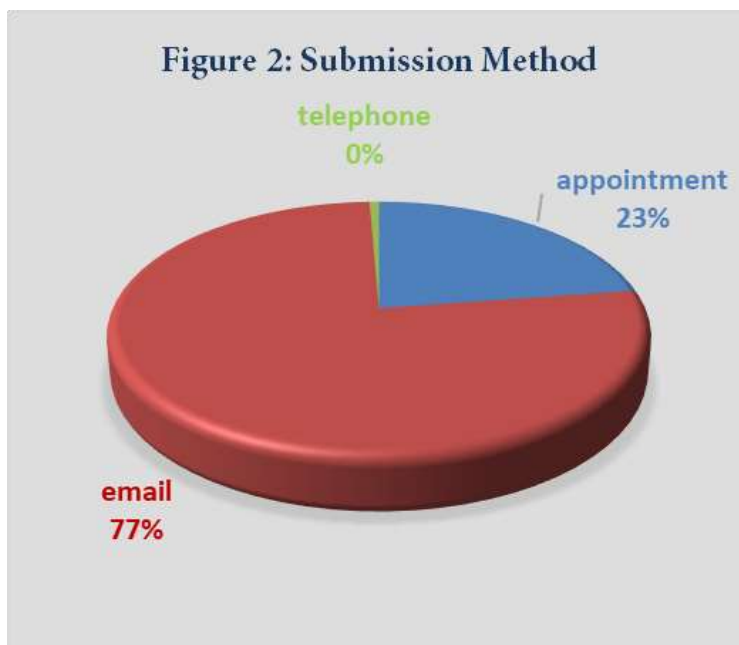


Figure 1 shows the number of complaints submitted per year since 2015, the starting year of the present Ombuds Officer’s first term in the role. It should be noted that the student population in that year was just over 25 thousand students, while in 2022 it was just over 33 thousand. One may therefore anticipate that the number of complaints will gradually increase again slightly, after the large peak during the coronavirus period, provided that the student population starts to grow again in 2023-2024, following the (re-)introduction of the basic student grant.

3.2 Submission method

In 2022 relatively more complaints were received after an appointment was made (23 per cent in 2022 and 17 per cent in 2021). This obviously means that relatively fewer complaints were submitted directly by email (77 per cent in 2022 and 81 per cent in 2021). Just one complaint reached

the Ombuds Officer via a direct telephone call. It should be mentioned here that while students ARE permitted to contact the Ombuds Officer directly by email, they are NOT permitted to contact him directly by telephone (on the understanding that students can contact the Ombuds Officer’s secretariat directly every week day during office hours).

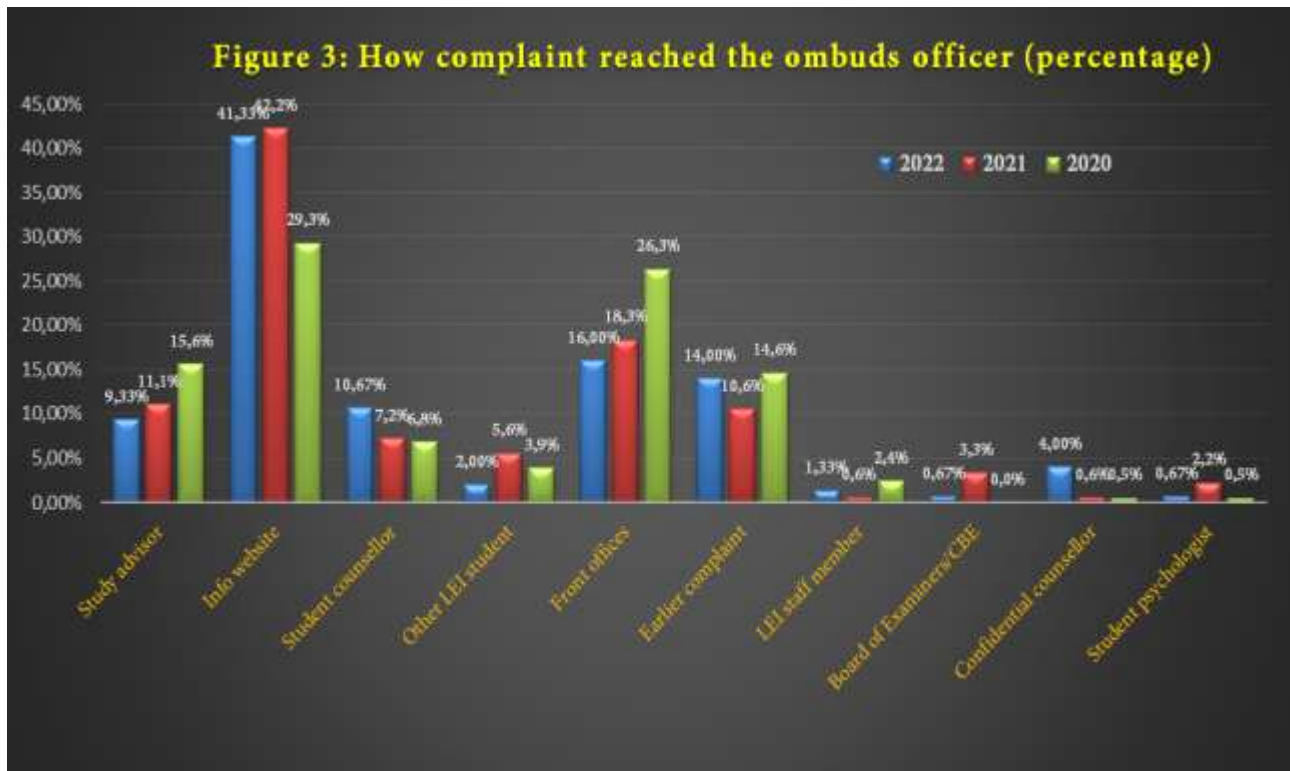


In 2022 the Ombuds Officer continued to be available on his regular work days of Monday, Wednesday and Thursday: “in person” at his office in the Plexus Student Centre on the first two of these days and working from home on Thursdays.

3.3 How complaints reached the Ombuds Officer

During the intake procedure for a complaint via the secretariat, the student is always asked whether they were referred by a person or body within the University. The Ombuds Officer also asks the student the same question when a complaint is received via email, without the fixed intake procedure, partly to gain a picture of any other parties who might have previous involvement with a complaint. In view of the relevance of this question and other information about the complainant (e.g. when and how they can be contacted, their faculty and study programme), at the end of 2022 the Ombuds Officer took the first steps towards introducing a standardised intake form with effect from 2023. As a precondition, however, the Ombuds Officer stipulated that the intake form must not make the complaint service less accessible. In particular, when extremely urgent or serious complaints were received in 2022, the Ombuds Officer asked the student for very little of this information before making the initial contact with the student about the nature of the complaint.

A striking point in 2022 is the increasing number of complaints referred by student counsellors, especially compared with the further reduced percentage of complaints referred by study advisors. This may be due to the student counsellors being more aware of the Ombuds Officer's role (many of them – like the Ombuds Officer – also work in Plexus!) and the frequent staff changes in study advisors. This is why the Ombuds Officer has again invested in raising awareness of his role among study advisors.



3.4 When the complaints were submitted

Generally speaking, based on when complaints were received in 2022 and Figure 4 on the next page, hardly any pattern can be perceived in the highs and lows of the number of complaints per month. It may be expected that around the regular student intake dates of 1 September and 1 February there will be peaks in the number of complaints about, for example, admission and registration/deregistration. Although this was indeed the case, it does not actually create a steady pattern. While most of the complaints in 2021 were received in the second half of the year (“after the summer”), the opposite picture is seen in 2022. To a certain extent, one could interpret this as the “calm after the (coronavirus) storm”, but it cannot be described as really significant.



3.5 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 3.8). Does the complaint involve a student, or a 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? He will have to do this if, for example, the complaint relates to sexual harassment, discrimination, racism or violence; and if it relates to a grade or a decision of the Board of Examiners, then he will have to refer it to the Examination Appeals Board (CBE).

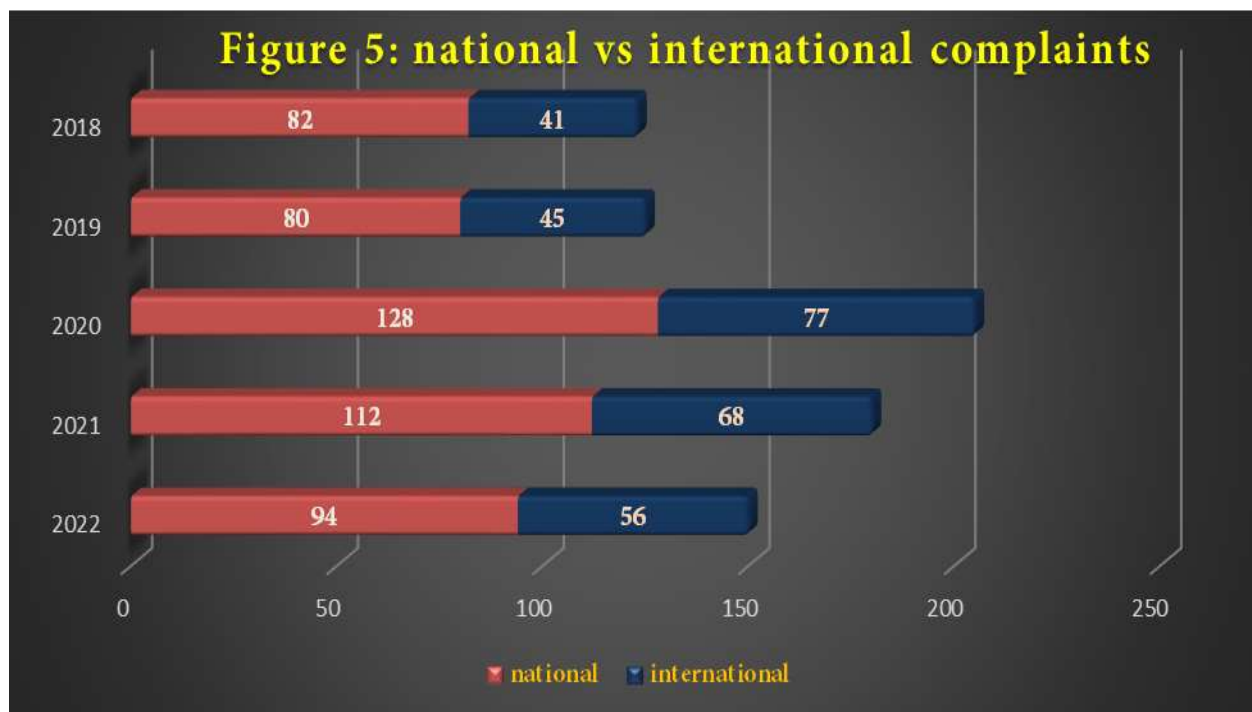
Depending on how he answers these questions, the Ombuds Officer may decide to not handle the complaint, refer it to another University body or start to explore the facts of the complaint. He will naturally not simply accept the information received from the student; it is important for him to investigate the facts for himself, either via the internet (for example, the Prospectus) or – after obtaining the required prior consent of the student complainant – by contacting staff members who were directly (“**principle of hearing both sides**”) 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 or the service department concerned, still within a confidential setting. **Before the Ombuds Officer “takes steps” in his complaint handling**, he will make a proposal to the student complainant about his approach to the dispute or problem.

Finally, the Ombuds Officer closes the complaint, either without giving an opinion about the complaint (e.g. in the case of referral to another University body, advice or mediation) or with a declaration that the complaint is “justified” or “partly justified”. 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 aspects and main topic of the complaint and his actions and conclusions (see section 3.8). All complaint files are ultimately archived (confidentially) in the Documentary Information and Archiving (DIA) shared service centre. A retention period of 10 years has been agreed for the Ombuds Officer’s complaint files.

3.6 Who submitted the complaints?

In 2022 fewer complaints were submitted, while the number of students at Leiden University remained around the same (just over 33,000). As always, it is interesting to see how the 150 complaints are spread across the categories male/female/non-binary, study phase, national/international and so on.

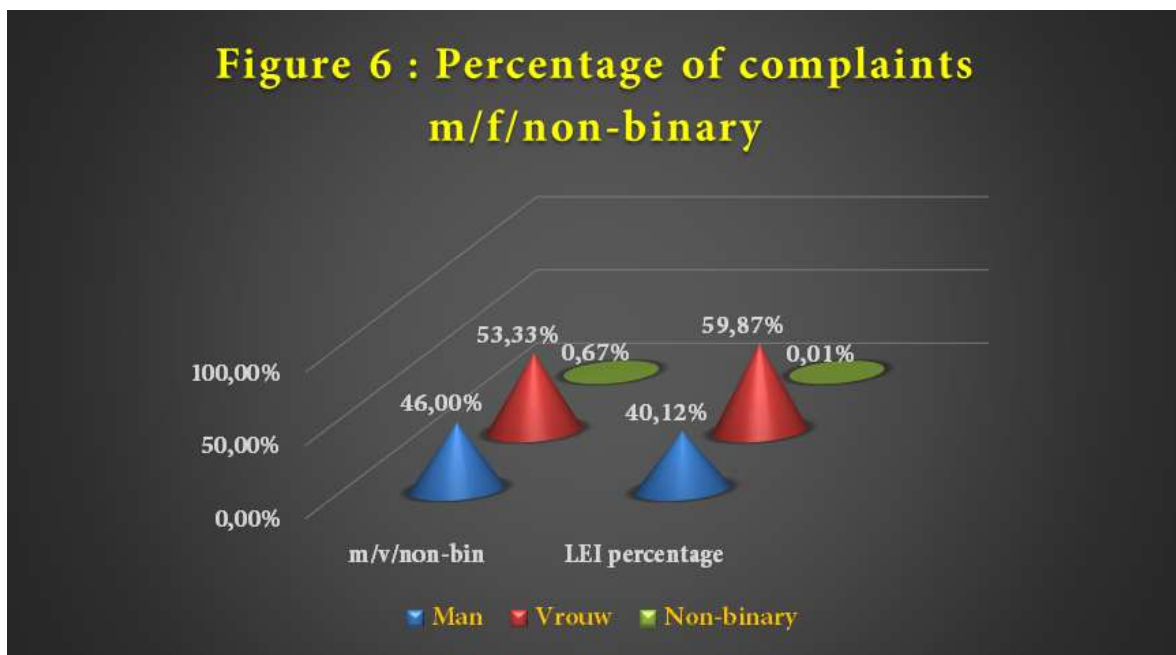
National-international



As in previous years, international students submitted relatively more complaints to the Ombuds Officer than national students. With just a slight increase in the percentage of international students, from 19.3 per cent in 2021 to 20.4 per cent in 2022, the proportion of complaints from international students within the total number of complaints remained about the same: 37.3 per cent in 2022 and 37.8 per cent in 2021. More notable, however, is that over half (29) of the 56 complaints submitted by international students came from students from outside the EEA, although this group constitutes just 4.1 per cent of the total Leiden University student population. Some distortion in this regard is due to the fact that nine of these complaints were submitted by students from the United Kingdom, which until recently was part of the EEA. The Ombuds Officer is also regularly contacted by Chinese students (eight complaints in 2022). A possible explanation suggested by the Ombuds Officer in previous years is that international students are more dependent on the facilities offered by the University. They may also often be under greater financial (and other) pressure to finish their study programme within the regular period designated for this (especially in the case of master's programmes). Any circumstances that then result in uncertainty or actual delay may give them cause to submit a complaint to the Ombuds Officer.

The Ombuds Officer has also found that cultural differences or communication styles and problems may form the basis of a complaint in the event of a difference in nationality between the student and the lecturer or other staff member who is the target of the complaint.

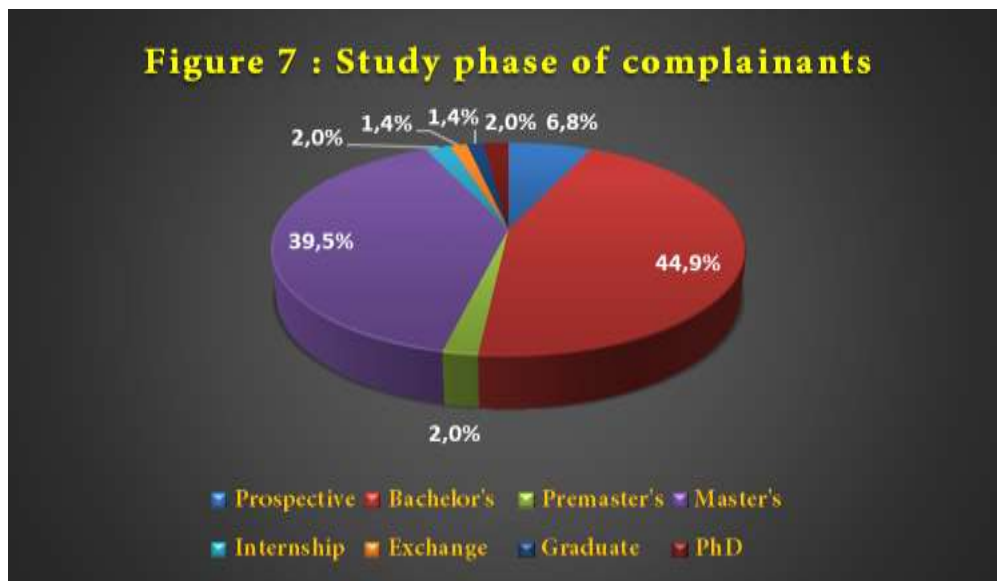
Female, male or non-binary?



In previous years, the male/female ratio of complainants has usually closely reflected the male/female ratio of the student population (fairly constant for many years at 40 per cent male and 60 per cent female), but in 2022 relatively more complaints were submitted by male students.

Study phase of complainants

The Regulations relating to the Ombuds Officer only permit the handling of complaints from regular students about situations that occurred while the complainant was registered as a student. An exception is made for prospective students who have actually applied via Studielink 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 it relates to a situation that occurred no more than one year ago and while the graduate was still registered at the University. The Ombuds Officer is not competent to handle complaints of, for example, PhD candidates or other complainants for which the Regulations do not provide. Nevertheless, the Ombuds Officer is able to provide advice to these PhD candidates or other complainants.



The most striking point in Figure 7 is that complainants in the master's phase are relatively somewhat overrepresented in comparison with students in the bachelor's phase. The proportion of bachelor's students to master's students is roughly two-thirds to one-third (where pre-master's students are formally included in the bachelor's phase and interns in the master's phase). The fact that the proportion of international students in the master's phase is 24.3 per cent and in the bachelor's phase 18.4 per cent can explain to some extent why

relatively more complainants – including international complainants – are in the master’s phase.

3.7 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 staff (such as a lecturer) but also about how they were treated by University bodies. It often happens that an entire study programme, faculty, administration office or service department is the “accused”, although it sometimes initially appears that the complaint is directed against the staff member with whom the student was in direct contact. If the student’s treatment occurred while this staff member was fulfilling duties on behalf of a particular University body, then the target of the complaint is the University body. **It is only if the complaint actually relates to the staff member’s specific improper conduct towards the student that the staff member is the target.**

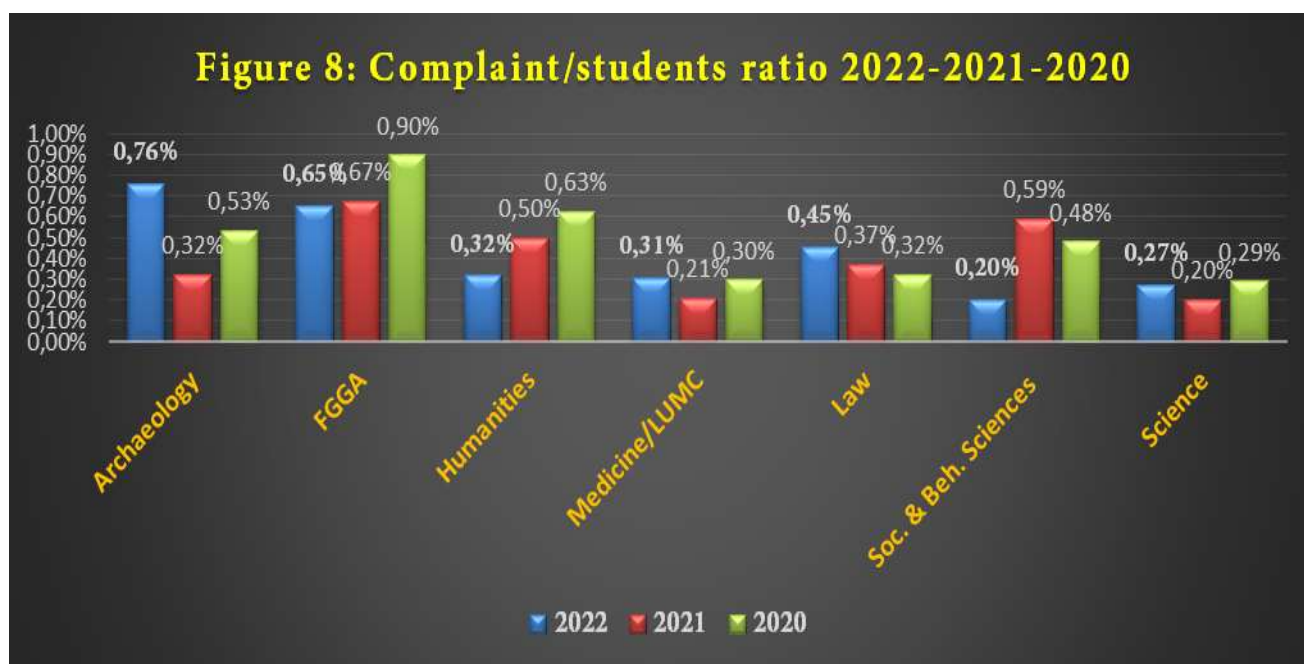
Table 1 does not show the breakdown into the role of the staff member or the University body against which the complaint was submitted; these further details will be shown in Table 2.

Table 1: *Affiliation of staff members or University bodies against which a complaint was submitted in 2022.*

	Number of complaints 2022	% complaints per faculty 2022	% students 2022
Faculties			
Archaeology	5 (2021: 2)	4.1	2.0
Governance and Global Affairs	22 (2021: 23)	17.9	10.1
Humanities	35 (2021: 40)	28.5	23.2
Medicine/LUMC	6 (2021: 6)	4.9	8.9
Law	16 (2021: 19)	13.0	17.6
Social & Behavioural Sciences	21 (2021: 39)	17.1	19.9
Science	18 (2021: 12)	14.6	17.7
<i>Total complaints against faculties</i>	123 (2021: 144)	<i>100.0</i>	<i>100.0</i>
Other University bodies			
Student & Educational Affairs (SOZ)	14 (2021: 21)		

University	4 (2021: 9)
Examination Appeals Board (CBE)	0 (2021: 2)
University Services Department (UFB)	3 (2021: 1)
University Library (UBL)	1 (2021: 1)
ICLON	2 (2021: 1)
External	3 (2021: 1)
<i>Total non-faculty complaints</i>	<i>27 (2021: 36)</i>
Total	150 (2021: 180)

To give a clearer picture of the relative share of the faculties in the number of complaints, Figure 8 shows the complaint/students ratio per faculty from the multiyear perspective. This ratio will be briefly explained in 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 staff member or the University body to which the complaint relates. This further breakdown is shown in Table 2.

Table 2: *Role of staff members or University bodies against which a complaint was submitted in 2022.*

	Number of complaints
- University, faculty, study programme, institute or other University body in general	50 (2021: 55)
- Member(s) of teaching staff, thesis supervisor	38 (2021: 52)
- (Staff member of) education/information desk, administration/facilities department, student counsellor/psychological counsellor	27 (2021: 35)
- Board of Examiners/Board of Admissions/Examination Appeals Board (CBE)	25 (2021: 31)
- Study, internship or thesis coordinator, study adviser or programme director/manager	9 (2021: 5)
- Other (e.g. external person or organisation)	1 (2021: 2)
Total	150 (2021: 180)

As in 2020 and 2021, most of the complaints were submitted against the University or one of its bodies in general, namely: University (4), faculty (9), study programme (37). Psychology as a study programme continues to be responsible for a large number of complaints, but it is noteworthy that in 2022 this study programme's share of the complaints was relatively less than its share of the total student population, which is around 10 per cent; this year there were "only" 13 complaints related to Psychology (8.7 per cent).

Special mention should be made of the complaints submitted by students against teaching staff, in the role of thesis supervisor or otherwise. Now that the coronavirus measures have been lifted, the Ombuds Officer was able to hold a personal meeting with the relevant teaching staff member "on campus", either in that staff member's study programme and faculty or in Plexus, to discuss many complaints with the main topic "Conduct" (12 complaints; see Table 3 on the next page). The Ombuds Officer wishes to express his appreciation of the constructive attitude of these teaching staff members, and their willingness to discuss with him an issue relating to a student. It was very seldom that a discussion of this kind, in the context of "hearing both sides of the dispute", resulted in an exchange of "did-didn't" arguments. A contributory factor here was certainly that the confidentiality of these discussions was fully guaranteed.

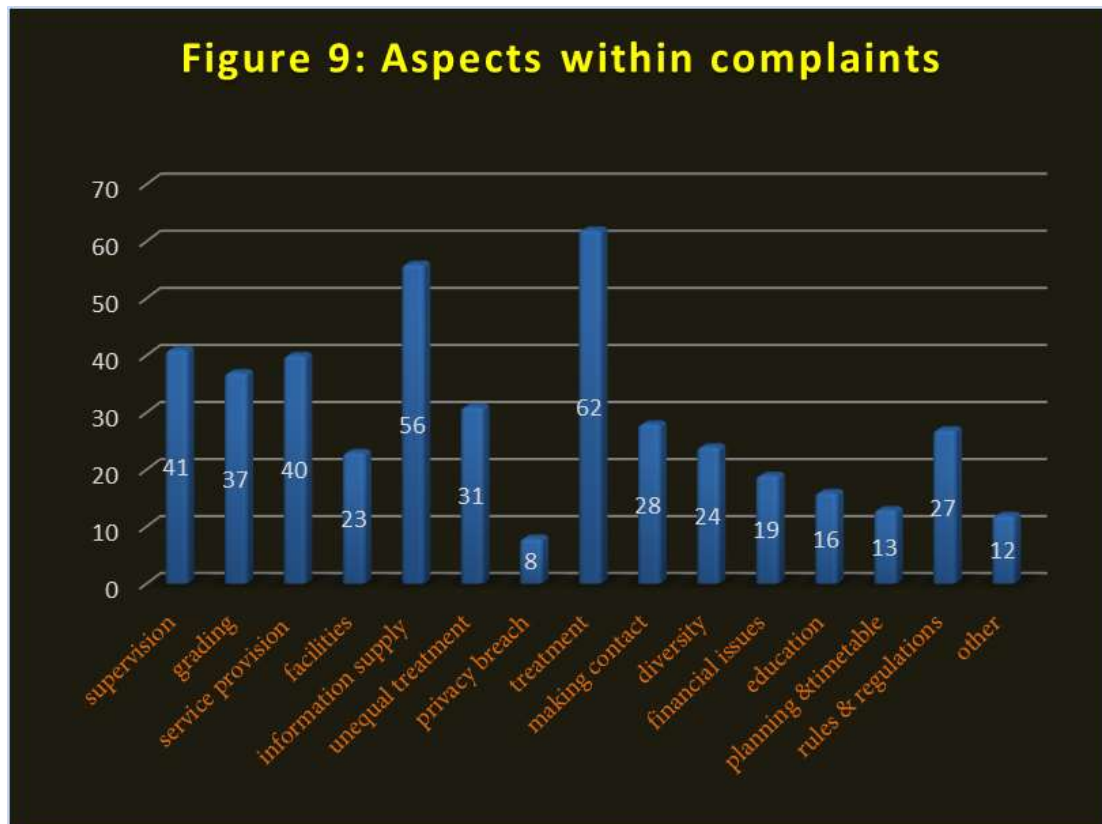
Table 3: *Main topic of the complaints received in 2022, ranked by frequency of occurrence and further quantified in terms of international students.*

Main topic of complaint	# complaints	# international	% international
1. Conduct	38 (2021: 39)	18	47.4%
2. Facilities	21 (2021: 27)	7	33.3%
3. Supervision	20 (2021: 23)	3	15.0%
4. Grading	17 (2021: 14)	7	41.1%
5. Education – general	14 (2021: 22)	7	50.0%
6. Rules & Regulations	13 (2021: 19)	5	38.4%
7. Admission	12 (2021: 12)	3	25.0 %
8. Study plan	8 (2021: 6)	1	12.5%
9. Registration/deregistration	6 (2021: 5)	4	66.7%
10. Information	1 (2021: 5)	1	100.0%
	150 (2021: 180)	56	37.3%

Table 3 shows that the “top 3” main topics of complaints remained the same. The fact that “Conduct” still accounts for most complaints is not surprising, because the right of complaint provides particularly for treatment and conduct. The main topic in second place, “Facilities”, this year includes various complaints about the recently introduced system of enrolment for courses and examinations, MyStudymap (see Chapter 6 conclusion 3), and about housing (see Chapter 6 conclusion 2). The slightly lower ranking of “Education – general” is understandable, given that many of these complaints in 2021 related to the coronavirus policy on providing online education. The complaints covered by the main topic of “Rules & Regulations” often pertain to the implementation of measures in the area of cheating (“fraud”) and plagiarism, or how a study programme or Board of Examiners should take account of special circumstances experienced by the student.

To conclude this section 3.7, Figure 9 shows a chart of the different aspects and sub-aspects recorded by the Ombuds Officer. Although each complaint is classed under just one main topic, it can actually comprise several aspects. Consequently, a complaint that includes the aspect “information

supply” (a common aspect!) will in many cases not have been classed under the main topic “Information”.



Particular attention was again given to the “diversity” aspect, which the Ombuds Officer considered to be included in nearly one in six complaints in 2022, while in previous years this was usually “only” one in ten complaints. This is certainly a reason to bring the general issue to the attention of the Diversity Office.

As in 2021, in the year covered by this 2022 report there were again eight complaints relating to “privacy”. These exclusively concerned a fairly time-intensive “aftercare procedure” arising from a privacy complaint dating back to 2021, which ultimately resulted in a request for advice from the faculty and/or study programme (see Chapter 4).

3.8 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 (for example, about 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 2022

Method of handling the complaint (“action”)	Frequency	
Not handled	6	(2021: 7)
Exploratory investigation only	51	(2021: 63)
Mediation	47	(2021: 69)
Referral	11	(2021: 22)
Advice	35	(2021: 19)
Formal investigation pursuant to Art. 6	0	(2021: 0)
Total	150	(2021: 180)

In 2022 the actions shifted slightly away from “mediation” and towards “exploratory investigation only” and especially “advice”. Another striking point is that the number of “referrals” fell by a half.

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*

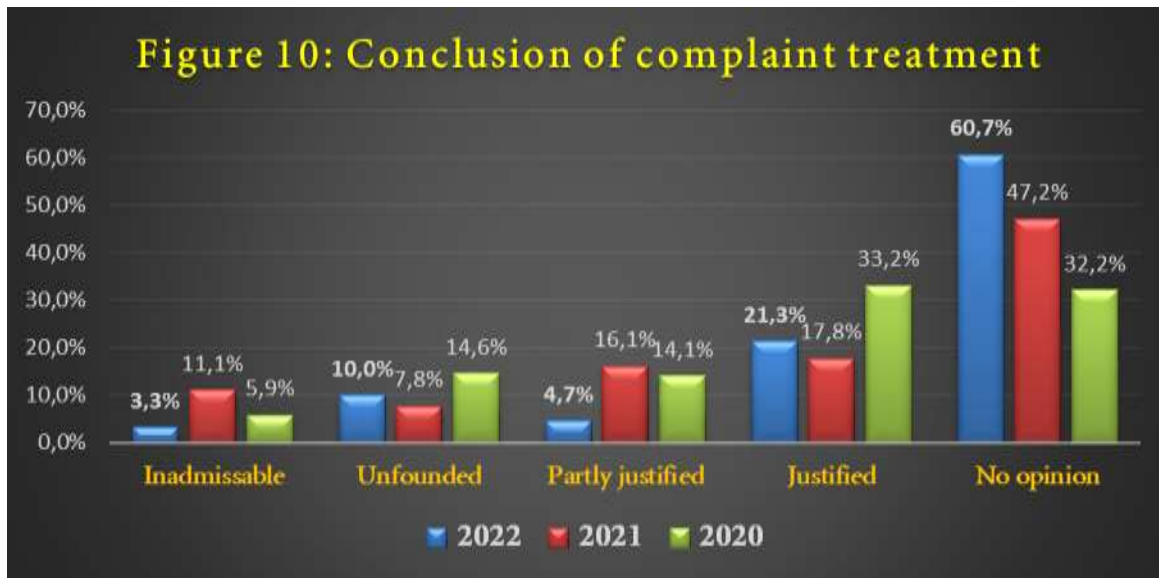
The Ombuds Officer takes the view that one or more aspects adduced in the student's complaint are justified, but also that one or more of the adduced aspects are unfounded. It is also possible that the Ombuds Officer is unable to form an opinion about one or more aspects (see point 5).

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.



It is striking that the number of complaints for which the Ombuds Officer delivered "no opinion" increased again. In most of these cases, he considered that "mediation" or "advice" was sufficient. As mentioned above, the complaints received in 2022 were more "accurate" and the Ombuds Officer reached the conclusion "inadmissible" for only five complaints (3.3 per cent).

4. Requests for advice 2022

Aftercare

In 2022 the Ombuds Officer received several questions and requests for advice, asking him to play a mediating role in issues that had already been addressed to a number of University bodies (Faculty Boards, Executive Board, confidential counsellors). These were mostly cases where the Ombuds Officer had already handled the student's complaint (in fact, often with a clear outcome for the student). For some of the aftercare issues, the Ombuds Officer was successful in his mediation and the matter was now concluded to the student's satisfaction. In two cases, however, it was necessary for the Ombuds Officer to terminate his mediation and to transfer the issue to Legal Affairs. For example, a request for mediation made by FGGA (in particular, LUC) in a privacy issue was ultimately taken over by the University's lawyer.

Student associations and study associations

As in previous years, the Ombuds Officer was regarded by student associations and study associations as the point of contact for advice in the event of complaints and disputes. In 2022 he received a request for advice from three associations. Two of these cases involved a more legal question, while the third concerned a more procedural question from a student association about taking measures in relation to repeated transgressive behaviour of one of the members.

Requests from faculties

In three requests from two faculties (Social & Behavioural Sciences and Humanities), the Faculty Board asked the Ombuds Officer to act as an adviser in connection with issues of internal or organisational disputes. The Ombuds Officer also advised four faculties on internal complaint procedures or faculty initiatives to introduce a code of conduct for students.

Requests from the University

At the beginning of 2022 the Ombuds Officer for Students was asked to share his ideas on appropriate accommodation for the "new" Staff Ombuds Officer as from 1 May 2022.

5. Complaint impression per faculty

5.1 Archaeology

In 2021 there were only two complaints, and then suddenly in 2022 there were five. When the numbers are so small, there is little point in offering an interpretation. Two of these complaints were submitted by the same student about almost the same issue: not receiving approval for a minor at a university outside the LDE (Leiden, Delft and Erasmus Rotterdam) alliance. It is also worth mentioning two “justified” complaints (main topics “Facilities” and “Conduct” respectively), which the Ombuds Officer had already discussed with his contact in Archaeology.

5.2. Humanities

As the largest faculty in terms of student numbers, it is standard that Humanities also receives the most complaints (35). However, in 2022 this faculty’s complaint/students ratio decreased further to 0.31 per cent (see Figure 8 on page 16). Out of the 35 complaints, seven relate to the main topic “Supervision”. This reason for complaint occurs especially often in the MA in International Relations. “Grading” occurred as a main topic even more frequently: no fewer than 17 times. Given that “Grading” in principle falls under the competence of the Board(s) of Examiners, the Ombuds Officer took a reserved approach (only two complaints were declared “justified”).

5.3 Medicine/LUMC

2022 was a relatively quiet year for complaints in the Faculty of Medicine/LUMC. Students submitted only six complaints against this faculty: three about “Grading”, which did not result in an opinion; one about “Rules & Regulations”, for which the Ombuds Officer conducted only an exploratory investigation (ultimately “no opinion”); one relating to admission to the MSc in Pharmacy (following an exploratory investigation, the problem was quickly resolved); and one “justified” complaint against the Education Administration Office, in which the student complained about enrolling for examinations via MyStudymap. The Ombuds Officer discussed this complaint with the chair of the Board of Examiners, who is also his contact in the Faculty of Medicine. The complaint was not so much directed against the new MyStudymap system itself, but rather against how the Education Administration Office responded when her enrolment was found not to have gone through correctly (see also Chapter 6 conclusion 3 in relation to MyStudymap).

5.4 Governance and Global Affairs

Of the 22 complaints against FGGA, the Ombuds Officer concluded that five were “justified” and one was “unfounded”, and in the other cases he concluded with “no opinion”. In response to one of the “justified” complaints, the Faculty or study programme (BSc in Social Studies: “BaSS”) frankly admitted that the enrolment of a small group of students was mistakenly cancelled for two courses. Also with respect to the other “justified” complaints, the Faculty was ultimately willing to reach a solution with the student concerned. The complaints received against FGGA in total were divided as follows across study programmes: BSc *Bestuurskunde* (public administration) (8), BaSS (6), MSc in Crisis and Security Management (4), Leiden University College (3) and MSc in International Relations and Diplomacy (1).

5.5 Leiden Law School

For Leiden Law School as a whole, 2022 was a fairly quiet year in terms of complaints, which were divided across a number of main topics: “Admission” (4), “Facilities” (3), “Supervision” (3), “Conduct” (5) and “Rules & Regulations” (1). The handling of two of the “Conduct” complaints took a considerable length of time (around three months) and the ultimate conclusions were “unfounded” and “partly justified” respectively. In total, the Ombuds Officer considered six complaints to be “unfounded” and one “partly justified”, and he gave “no opinion” for nine complaints; he reached the conclusion of “partly justified” for only one complaint, relating to “Conduct”, as mentioned above. In all the cases where students complained about the conduct of a member of teaching staff, the Ombuds Officer also heard the latter’s side of the dispute, confidentially and with the student complainant’s consent. The Ombuds Officer appreciates the willingness of these members of teaching staff to contribute constructively to his complaint handling.

5.6 Social & Behavioural Sciences

In 2022 the number of complaints submitted against the Faculty of Social & Behavioural Sciences fell by nearly a half (from 39 to 21!). The Psychology study programme still accounts for a substantial share of these complaints (13); this year, however, in relation to the total of 150 complaints, the proportion is lower than the study programme’s share in terms of student numbers, which is around 10 per cent. The main topics of the complaints were “Supervision” (3), “Facilities” (4; in particular, chaotic situations during examinations), “Conduct” (6; including alleged discrimination in relation to physical disability and gender), “Education – general” (3), “Rules & Regulations” (2), “Study plan” (2) and “Registration/deregistration” (1). The Ombuds Officer concluded that five complaints

were “justified” and one “unfounded”. For the other complaints, he provided either “mediation” or “advice”, without giving an opinion.

5.7 Science

In 2022 there were 18 complaints against the Faculty of Science. Particularly noteworthy were the five complaints against the Biology study programme, which appear to indicate organisational problems relating to timely and adequate communication of education-related information to students. The complaints against the Faculty of Science involved the following main topics: “Supervision” (2), “Grading” (2; one with the conclusion “inadmissible” and one “no opinion”), “Conduct” (4), “Education – general” (5), “Rules & Regulations” (2) and “Facilities”, “Study plan” and “Admission” with one complaint each. The Ombuds Officer concluded that three of the complaints against the Faculty of Science were “justified” and one “unfounded”.

On the whole – also taking account of the aspects and sub-aspects – it is striking that students in the Faculty of Science regularly complained about information not being supplied in due time and/or carefully.



6. Conclusions and recommendations

Conclusion 1: The requests for advice received in 2022 from various faculties and study programmes show that they still feel the need for a clearer definition of their own role in handling complaints and disputes, and for frameworks that might help them with this (codes of conduct).

Recommendation 1: The Ombuds Officer would like to emphasise again that complaints and disputes should ideally be handled in the closest possible proximity to where they originated, as far as permitted by their seriousness and desired confidentiality. At present, the role of the faculties in this area is characterised on the University website in the “regulations on other types of complaints”, but it certainly merits more detailed definition and explanation.

Conclusion 2: In 2022 the Ombuds Officer received “cries for help” from various – mostly international – students, concerning their great difficulty in finding affordable student housing.

Recommendation 2: Although the Ombuds Officer is not permitted to give an opinion on the University’s general policy, he wishes to emphatically draw attention to the urgent need for an ongoing focus on the housing problem and shortage among students. The fact that in the “post-coronavirus” situation many study programmes and faculties no longer offer online teaching and learning as an alternative has sometimes caused serious distress for students.

Conclusion 3: The Enrolment Protocol introduced as from 14 June 2022 (the MyStudymap system) has created uncertainty and some difficult situations in relation to enrolling for examinations.

Recommendation 3: While fully endorsing the interests and legal validity of the new Enrolment Protocol, the Ombuds Officer also emphasises the great importance of its uniform implementation by all faculties, without losing sight of the students’ perspective.

Conclusion 4: In 2022 the Ombuds Officer regularly found it difficult to classify – where necessary – a student’s issues or complaints under the correct policy theme.

Recommendation 4: It is desirable to have greater coherence and clarity for students with regard to themes such as social safety, well-being, caring universities, mental health, diversity and inclusion, belonging, student journey and legal protection (for students), in the interests of those who want or need to request assistance, advice or support for a variety of reasons. The students’ perspective must also be the guiding principle here: “What’s in it for them?”

Appendix 1: Current status of recommendations made in 2021

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).

This conclusion and recommendation received much attention during the past year, especially at the faculty level. In three faculties (Law, Humanities and Social & Behavioural Sciences) the Ombuds Officer played an advisory role in contributing to initiatives already begun by these faculties to achieve a better overview of the available and required rules to allow better moderation of the conduct between students and teaching staff/other staff.

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”)!

In 2022 the Ombuds Officer again had more opportunity – partly due to the coronavirus measures being lifted – to give attention on a structural basis to ensuring that the first-line points of contact for student complaints are familiar with his role and tasks. He also ensured that the information available via the Ombuds Officer’s webpage was clarified, where necessary. In consequence, the number of complaints that were not handled, were inadmissible and/or were referred to another University body decreased from 1 in 6 to 1 in 9.

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 well-being” within the University. It has a serious

impact on students' well-being 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.

In 2022 the Ombuds Officer was in contact several times with the department within Student and Educational Affairs (SOZ) that is responsible for promoting student well-being. The Ombuds Officer also urgently conveyed at the faculty level – partly through his contacts in the faculties – the importance of ensuring that communication and the supply of information to students clearly take account of the students' perspective; he also presented examples of situations demonstrating that there is room for improvement.



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.

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.

In the context of discussing his 2021 Annual Report with the Executive Board, the Ombuds Officer requested attention for the conclusions and recommendations arising from the confidential report that he commissioned from an external expert, which reviewed his handling of three cases in 2020 with alleged aspects of racism and discrimination. This point about the need for a mediation body for such cases relating to racism and discrimination is therefore now in the hands of the Executive Board.



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