

Annual Report 2018

Ombuds officer for students

“Basis of Trust”



**Universiteit
Leiden**
The Netherlands

Table of contents

1. Foreword	2
2. Ombuds Officer: general outline	3
2.1 Legal foundation.....	3
2.2 Mission.....	3
2.3 Vision	3
2.4 Core values of the Ombuds Officer	3
2.5 Internal complaints procedure for students	4
2.6 Embedding of the function of the Ombuds Officer within Leiden University.....	4
2.7 Professional organisations	5
3. Complaints.....	6
3.1 Number of complaints	6
3.2 Method of submission.....	8
3.3 Who submitted complaints?	8
3.4 When were complaints submitted?	11
3.6 About whom or what were complaints submitted?.....	12
3.7 Nature of the complaints	15
3.8 How complaints were dealt with	17
3.9 Duration of the complaint procedure	21
4. Examples of complaints by faculty	22
4.1 Archaeology	22
4.2. Humanities	22
4.3 Medicine.....	23
4.4 Governance and Global Affairs.....	24
4.5 Law	24
4.6 Social and Behavioural Sciences	25
4.7 Science.....	25
5. More focus on confidentiality.....	26
5.1 Conference on “Consistency in confidentiality”	26
5.2. PKvV conference on (un)desirable behaviour.....	27
5.3 Advisory role within student associations.....	27
6. Conclusions and recommendations	28
Appendix: Status of recommendations from 2017	29

1. Foreword

This report provides an overview of the nature of complaints made to the Ombuds Officer at Leiden University in 2018 and how they were dealt with. Like last year, this report has also been given a relevant title, namely ‘Basis of Trust’. The reason behind this title is that the Ombuds Officer invested heavily in 2018 in establishing the solid foundation that is needed within an organisation to be able to handle confidential issues in a proper manner (see chapter 5). It also reflects the fact that in 2018 the Ombuds Officer had to expend considerable time and effort in restoring the confidence of some students in their programme department.

In 2018 the Ombuds Officer received a total of 123 complaints and 25 questions. Compared to 2017 (139), 16 fewer complaints were received. This equates to a reduction in the number of complaints of more than 11 per cent, against the backdrop of an increase in the student population of over 9 per cent. This decrease in the number of complaints is attributable in relative terms mainly to the group of international students. Whereas this group submitted 59 complaints in 2017, in 2018 there were ‘only’ 41 complaints, remarkably enough a decrease of over 30 per cent. I will address this – in itself positive – development in chapter 3 of this Annual Report.

The division of the complaints over the stages of the study programmes is similar in 2018 to that in 2017. This year, too, the share of the bachelor’s phase in the total complaints is almost unchanged, at 49 per cent. The master’s phase accounted for slightly more complaints in percentage terms (34 per cent in 2018 compared to 31 per cent in 2017). It is striking that the share of complaints by pre-master’s students fell from 9 per cent to just under 2 per cent.

This year, too, I will pay particular attention to the seven faculties by mentioning an example of one noteworthy complaint for each faculty (chapter 4). Finally, in chapter 6 I will present the conclusions and recommendations based on the complaints received in 2018. I will discuss what in my view as Ombuds Officer has been achieved following my recommendations in 2017 in the appendix

Leiden, March 2019

Eugène A.J. van der Heijden, LL.M.

2. Ombuds Officer: general outline

2.1 Legal foundation

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

2.2 Mission

The mission of the Ombuds Officer is to ensure that a low-threshold complaints procedure is in place for students in order to promote a close community of students and staff; the complaints facility aims to give students the opportunity to approach an independent body, in the early stages of a disagreement, that is able to mediate in a dispute internally and confidentially and make an assessment of the reasonableness of the dispute.

2.3 Vision

The Ombuds Officer makes every effort to see that greater attention is focused on students' complaints within Leiden University, and strives to contribute to a safe and trusted environment where complaints can be discussed informally in an atmosphere of mutual respect. The Ombuds Officer regards complaints made by students as important information for assessing and improving processes, information, communication and conduct.

2.4 Core values of the Ombuds Officer

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



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

Confidentiality

... means that all complaints are dealt with in strict confidence. Contact will be sought with other persons or bodies within the University only with the express permission of the complainant. This guarantee of confidentiality also extends to the person or body that is the subject of the complaint. Annual reporting takes place in such a way as to preserve the anonymity of both the person who submits the complaint and the person who is the subject of the complaint.

Neutrality

... means that the Ombuds Officer strives to find a fair and reasonable solution to a complaint without prejudice. The methodology of the Ombuds Officer is based on listening to both sides of an argument. Even though the Ombuds Officer deals primarily with students, he/she acts for the general good of the University, not solely for the benefit of students.

Independence

..... means that the Ombuds Officer works independently and is not part of a university body, service or faculty. According to the regulations relating to the Ombuds Officer, the Ombuds Officer may not hold any other position at Leiden University.

2.5 Internal complaints procedure for students

In the many discussions that the Ombuds Officer has held with the office of the National Ombudsman, it has been established that the latter qualifies the procedure of the Ombuds Officer as an "internal complaints procedure for students" within the context of the General Administrative Law Act (Algemene Wet Bestuursrecht, AWB). This means that students who address their complaint directly to the National Ombudsman will be referred back to this internal complaints procedure for students of Leiden University.

2.6 Embedding of the function of the Ombuds Officer within Leiden University

Without prejudice to the core values of independence and neutrality, it is important for the Ombuds Officer to stay in touch with developments within the university. In line with the structural embedding of the Ombuds Officer's position within the Student and Educational Affairs Expertise Centre (SEA), the Ombuds Officer has regular meetings with the director of SEA and the deputy director of academic affairs.

The Ombuds Officer also has close contact with the (other) central confidential advisers - on personnel matters, unacceptable behaviour and academic integrity. This facilitates the rapid, confidential and effective referral of complaints as and when required.

Following on from the conference "Consistency in Confidentiality" (chapter 5), an initiative was developed at the beginning of 2018 under the direction of HRM at the central Administration Department to also ensure better coordination with the faculty confidential advisers for PhD candidates.

The education portfolio holders within the Faculty Boards are further important stakeholders in the work of the Ombuds Officer. In 2018, the Ombuds Officer presented his 2017 annual report during the Education Consultation Meeting (Onderwijsberaad) at which the portfolio holders were represented, and to the PS&I (Personnel, Student Affairs and Internationalisation) Committee of the University Council.

2.7 Professional organisations

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

In 2018 the Ombuds Officer attended one peer review meeting of the Dutch Mediation Federation (Mediationfederatie Nederland - MfN) and two peer review meetings of the National Association of Confidential Advisors (Landelijke Vereniging van Vertrouwenspersonen - LVV). Further, the Ombuds Officer receives the two-monthly publication *Tijdschrift voor Conflictantering* published by the Dutch Association of Mediators (Nederlandse Mediatorsvereniging - NMv).



3. Complaints

How many complaints were received in 2018 and how were these dealt with? These are the questions that will be addressed in this chapter.

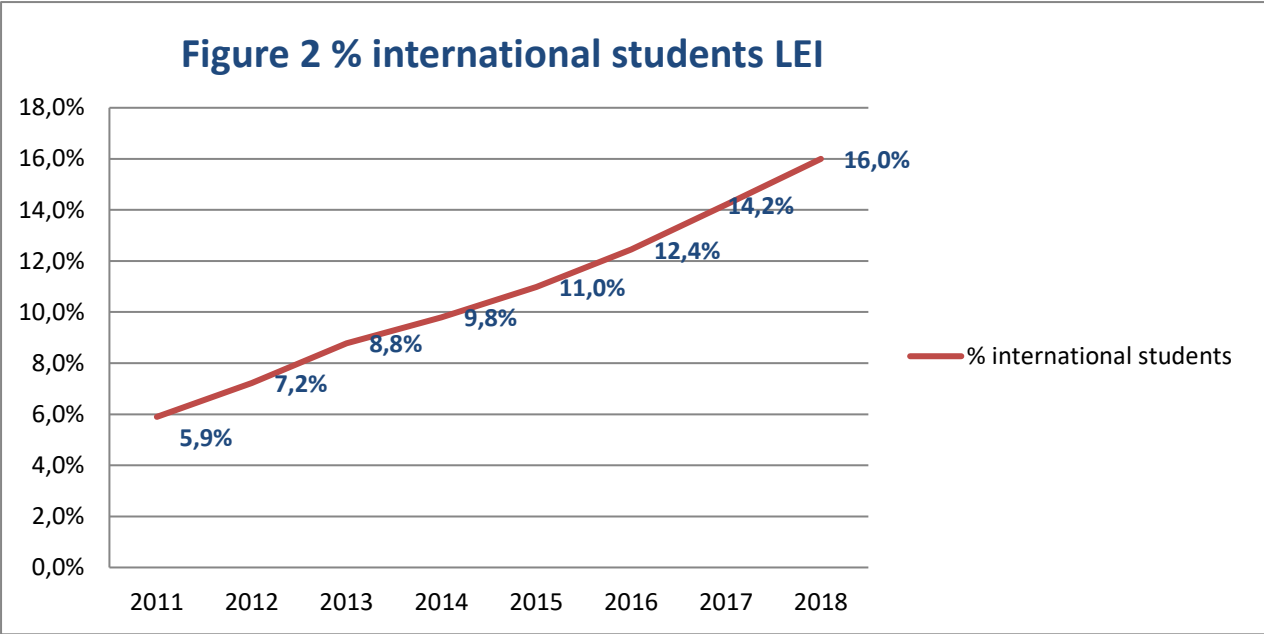
3.1 Number of complaints

In 2018, 123 complaints were submitted to the Ombuds Officer for students and 25 questions were recorded. This means a decrease of 11 per cent less complaints compared to 2017 and a slight decrease of the amount of questions (29 in 2017). Given the 9% growth in the number of students, an increase in the number of complaints could also have been expected. However, this was not the case.



How can this decrease in the number of complaints in 2018 compared to 2017 be explained? The main reason can be found in the pre-master's in Leiden. In 2017, 12 complaints were submitted by pre-master's students, whereas in 2018 there were just two complaints. In the wake of this development, the number of complaints by international students decreased from 59 to 41. These 41 international complaints in 2018 still represent a relatively above-average percentage. This number means that one-third of all complaints originate from a group representing one-sixth of the student population (international 2018 = 16 per cent).

Whereas in 2017 the share of complaints about the International Studies programme (18) and the Faculty of Archaeology (7) were still above average, this share reduced in 2018 to more understandable proportions (13, resp. 3 complaints) which is to be expected on the basis of student numbers.)

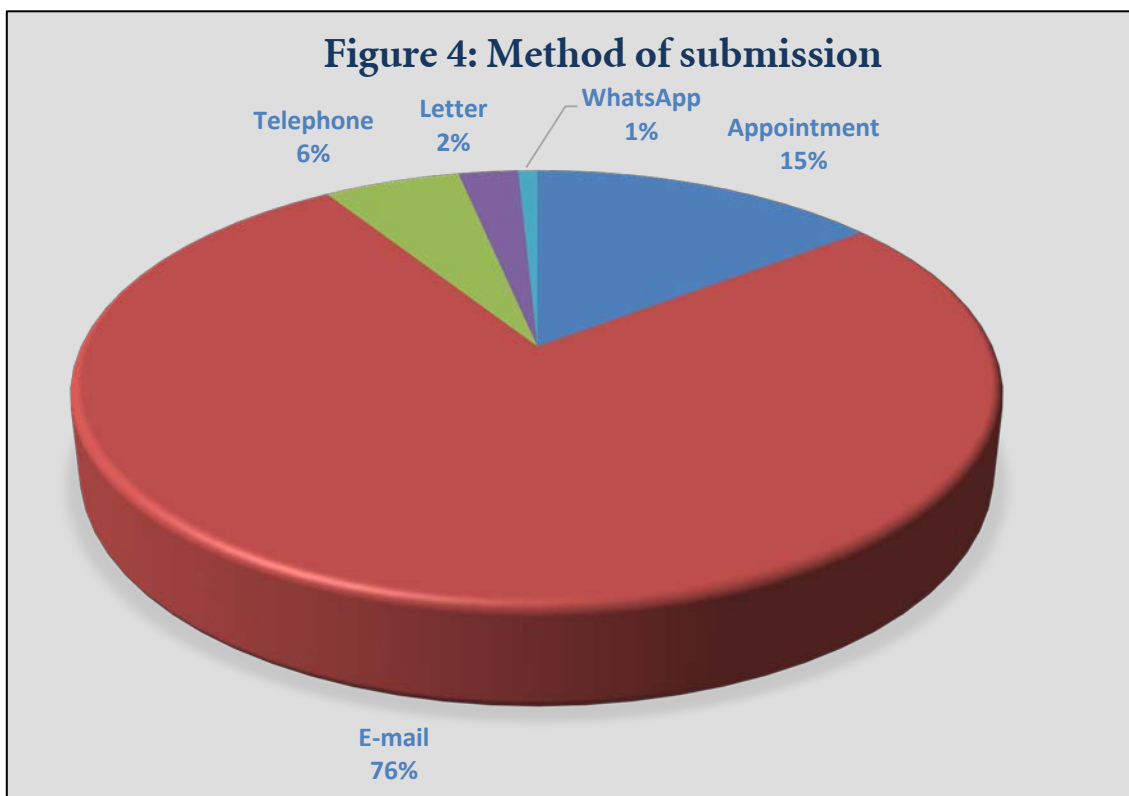


An interesting point to note is that the share of complaints from international students declined more in 2018 than in 2017. I would say that it is as yet too early to draw any strong conclusions from this, but it can certainly be said that in fields where mainly international students wished to complain (enrolment and deregistration, facilities/housing) this led to far fewer complaints to the Ombuds Officer in 2018. In 2017 19 complaints were lodged with SEA by international students , whereas in 2018 there were just 5!



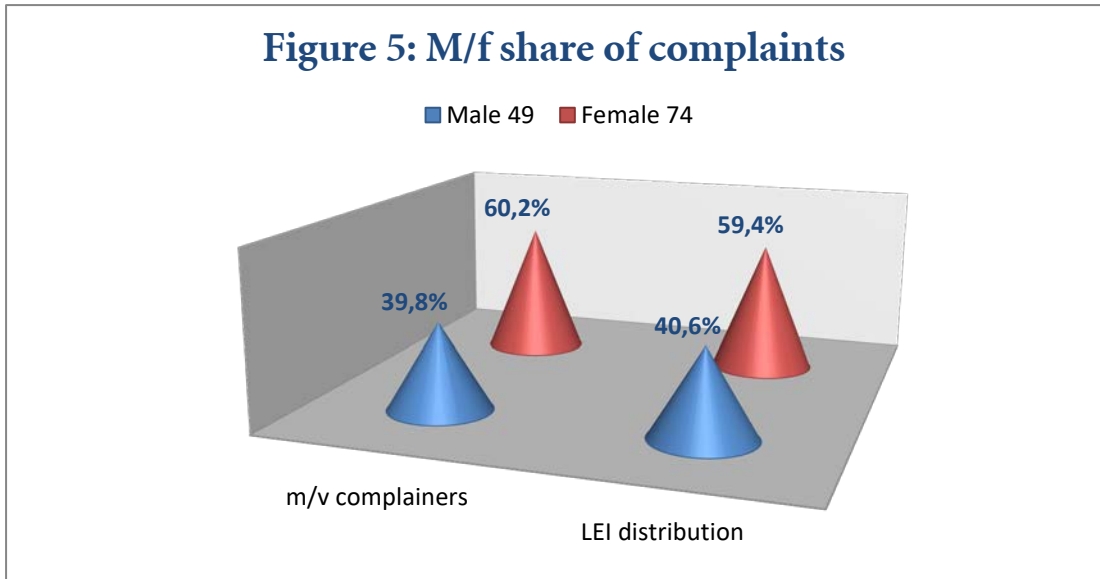
3.2 Method of submission

This reporting year there has been hardly any change in the way in which complaints are submitted. Whereas 2017 showed a clear start in terms of the initial contact about a complaint via WhatsApp (4), in 2018 there was just one complaint via WhatsApp. For many students, e-mail seems to be the most popular way to contact the Ombuds Officer. It regularly happens that students themselves explore whether a complaint can be submitted, either via the secretariat or via telephone contact with the Ombuds Officer. If this turns out to be the case, then in most cases a substantive description of the complaint will be sent by e-mail.

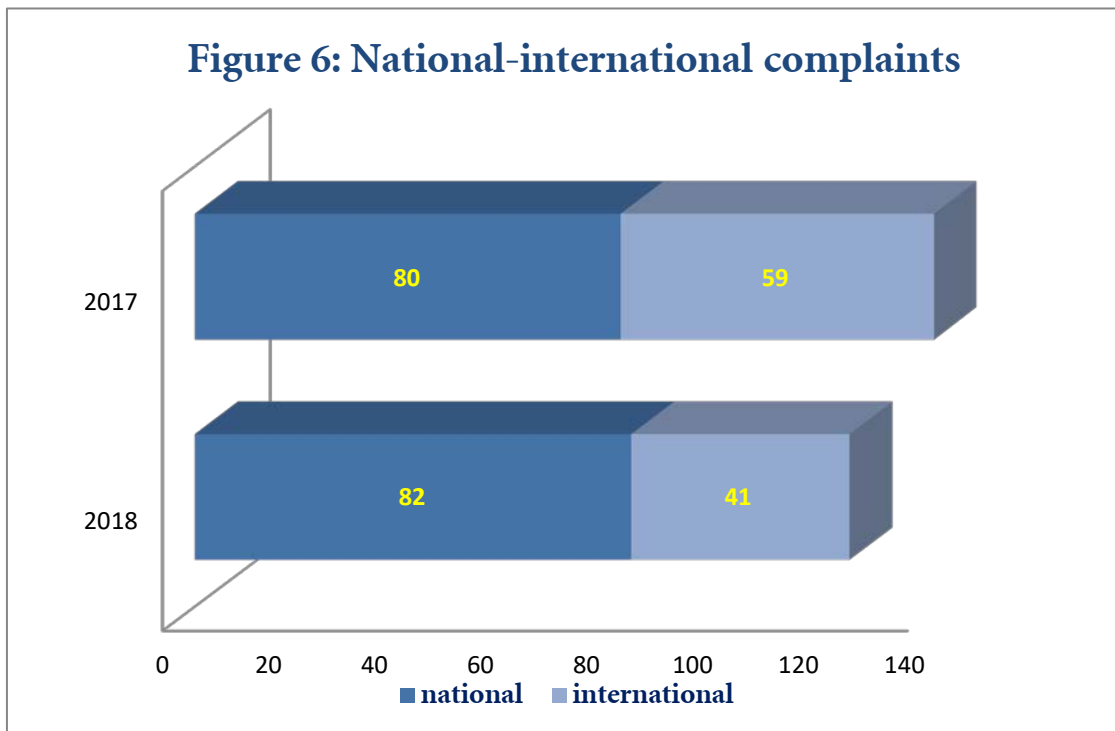


3.3 Who submitted complaints?

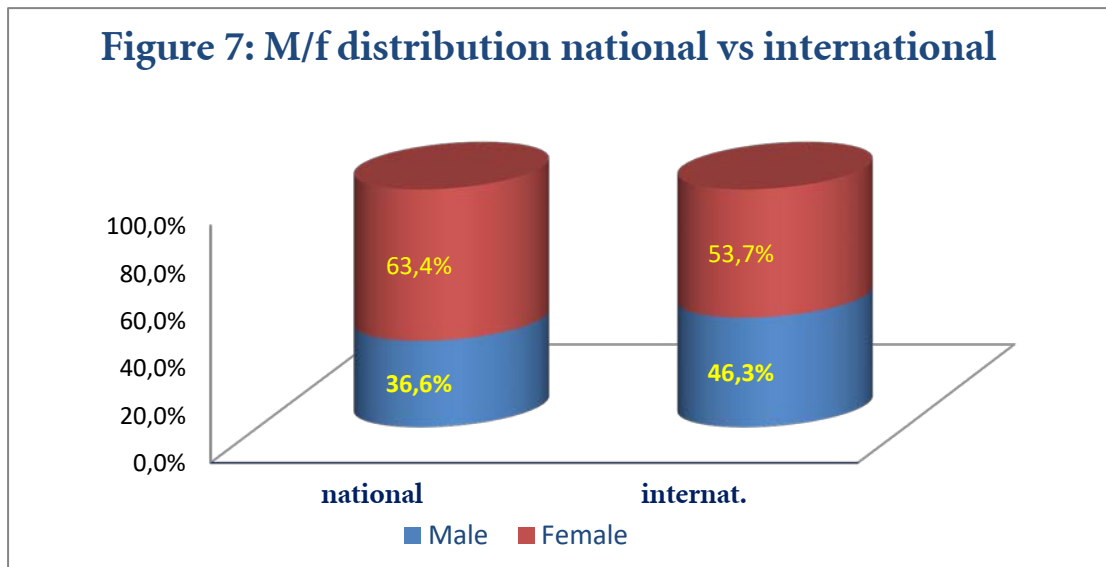
The male-female ratio of students who complained exhibits an almost identical picture to the 2017 reporting year. This ratio seems to correspond closely to the male-female distribution within the student population in Leiden. In 2018, 60.2 per cent (74) of the complaints were submitted by females, while the female student population was 59.4 per cent. This therefore means that the other 39.8 per cent of the complaints were submitted by male students, while 40.6 per cent of the students enrolled in Leiden were registered as male. The Ombuds Officer decided not to question students regarding transgender or transsexuality simply for statistical purposes. This annual report is based on the registration of students in Usis.



As mentioned earlier under 3.1, the slight relative reduction in the number of complaints from international students seen in 2017 continued in 2018, showing a more pronounced drop. It can even be said that the total reduction in the number of complaints in 2018 can be attributed solely to international students, who complained less often. International students are still well represented with the Ombuds Officer; this means that 16 per cent of the student population accounts for exactly one-third (3 per cent) of all complaints.

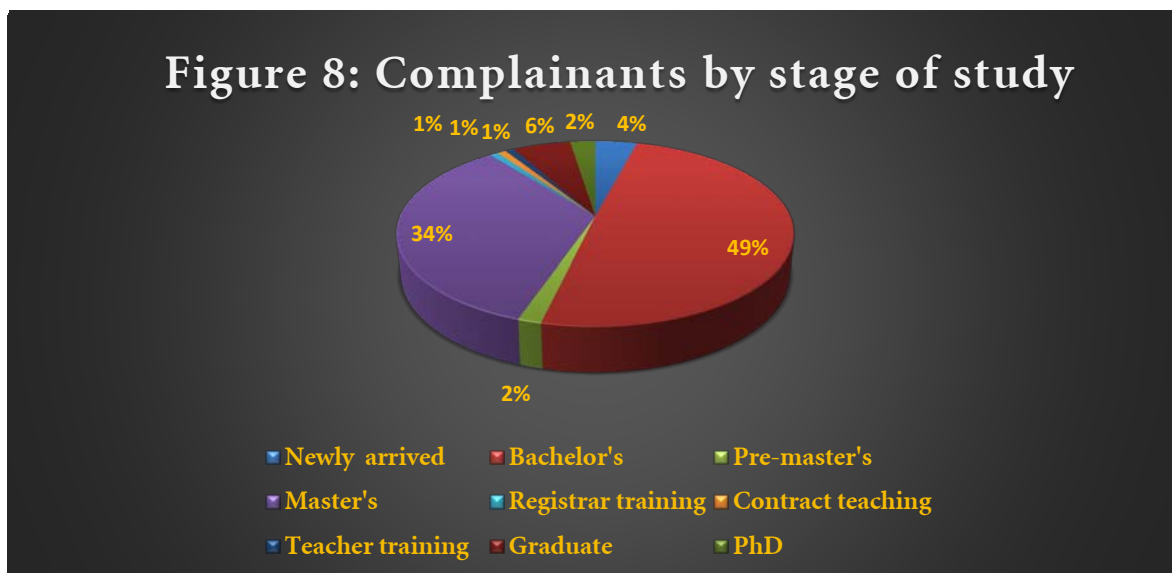


If we compare the two divisions - male-female and national-international - the following picture emerges.



It can be deduced from figure 7 that there was a considerably higher representation of male students who submitted a complaint than in the national group.

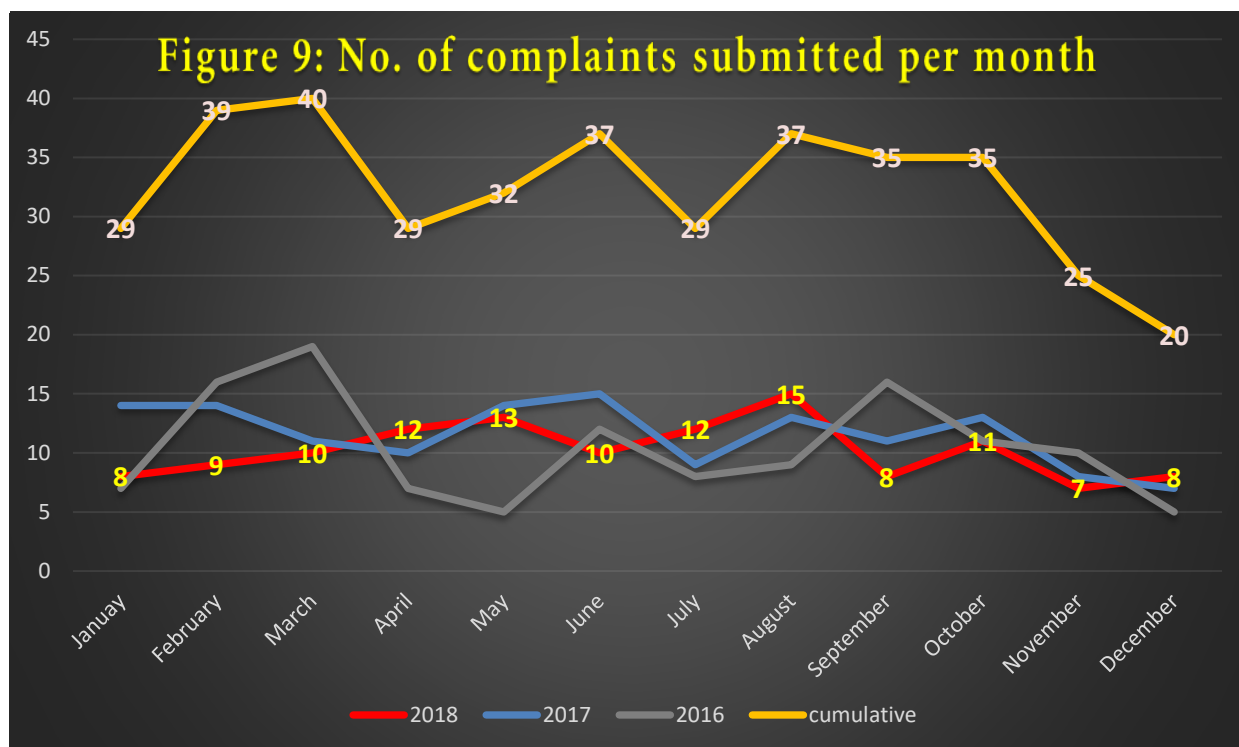
The distribution of the number of complaints submitted per stage of the study gives the following image.



Here, too, a picture a picture can be seen that reflects the actual distribution of students between bachelor's and master's programmes, although this year the percentage of bachelor's and pre-master's students (these students are also in the system as bachelor's programmes) is 51 per cent, whereas in 2017 this figure was 56 per cent.

3.4 When were complaints submitted?

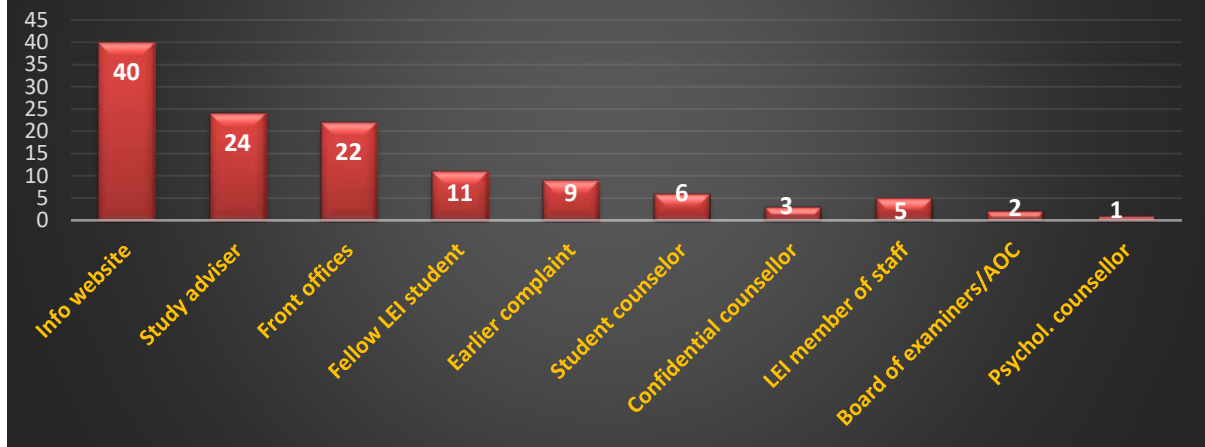
Starting in the 2017 reporting year, an indication is given of the number of complaints submitted in 2018 compared to the two previous years, 2017 and 2016. The three-year cumulative line does not differ strongly from the 2017-2016-2015 line, although the number of complaints in June 2018 was relatively high. January, April and December are relatively quiet months in terms of complaints.



3.5 How did the complaints reach the Ombuds Officer?

In 2017, in the discussion about the annual report, the University Council asked the Ombuds Officer to keep a record of the route taken by students in submitting a complaint to the Ombuds Officer. Are students, for example, referred by a member of staff or a fellow student, or does the student find the Ombuds Officer via the University website? Figure 10 on page 12 shows that in 2018 this last option, information on the website, was the primary source for taking this step. In 2017, referral by a study adviser and recommendation by a front office or administration office were the first and second sources, and information on the website was in third place. It is on the one hand a positive development that students are apparently easily able to find the Ombuds Officer via the website. On the other hand, the lower number of referrals by study advisers and front officers is reason for the Ombuds Officer to focus attention on the awareness of this complaints facility among this important group of – largely confidential – referrers (see chapter 6 Conclusions and recommendations 2018).

Figure 10: How do complaints reach the Ombuds Officer?



3.6 About whom or what were complaints submitted?

Table 1 below shows the faculty or unit to which the employee or body about whom or about which a complaint was submitted belonged. It is particularly interesting to note here the distribution and ratio of complaints from faculty to faculty. The right-hand column also shows the percentage of students who were registered with the faculty in question in 2018.

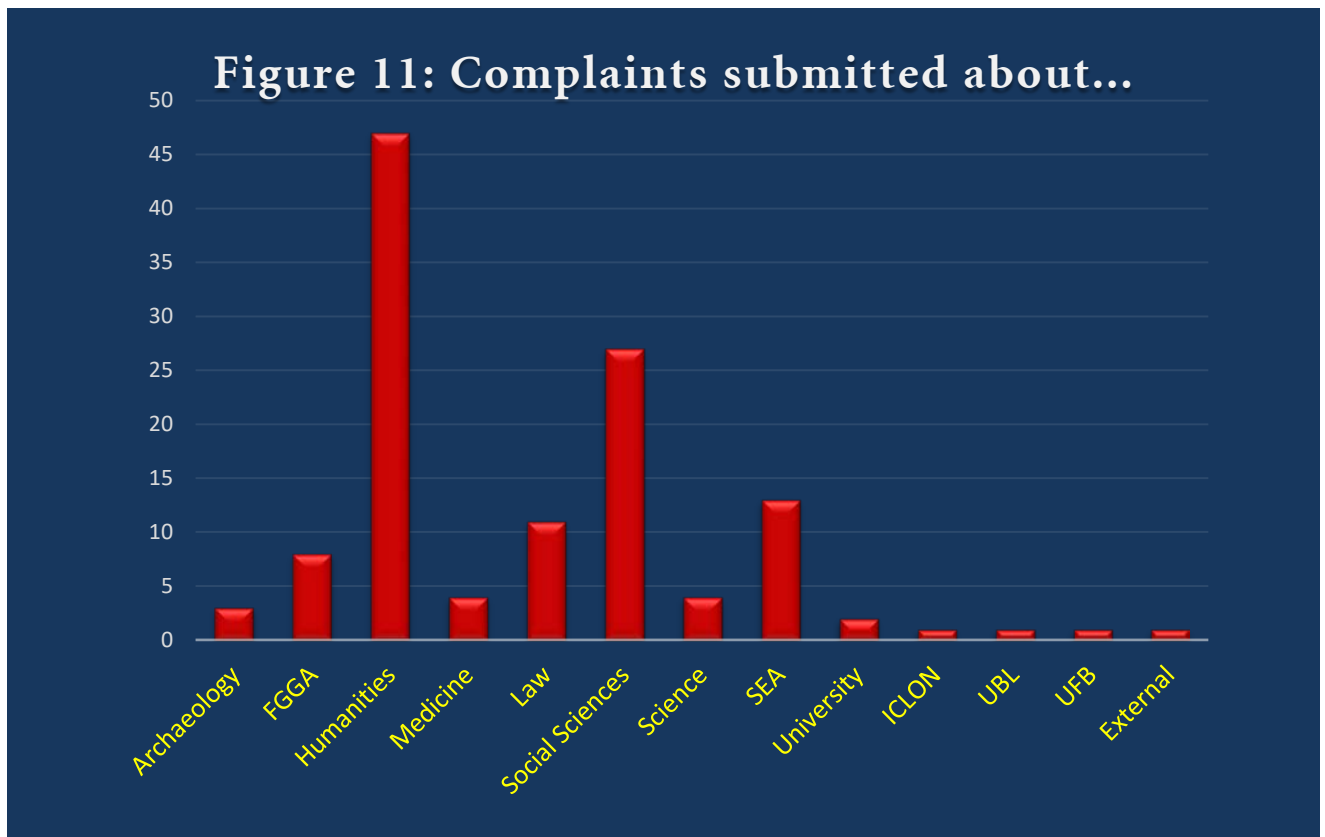
Table 1: *Affiliation of staff or departments that were the subject of a complaint in 2018*

	No. of complaints 2018	% fac. complaints 2018	% students 2018
Faculties			
Archaeology	3 (2017: 7)	2.9	1.8
Governance and Global Affairs	8 (2017: 16)	7.7	8.8
Humanities	47 (2017: 45)	45.2	25.6
Medicine/LUMC	4 (2017: 4)	3.8	9.1
Law	11 (2017: 9)	10.6	18.5
Social and Behavioural Sciences	27 (2017: 19)	26.0	20.7
Science	4 (2017: 8)	3.8	15.5
<i>Total faculty complaints</i>	104 (2017: 108)	100.0	100.0

Other bodies

Student and Educational Affairs (SEA)	13 (2017: 22)
University Services Department (UFB)	1 (2017: 1)
University - general	2 (2017: 2)
ICLON	1 (2017: 2)
Other	2 (2017: 4)
<i>Total non-faculty complaints</i>	<i>19 (2017: 31)</i>

Total 123 (2017: 139)



A particular point to note in 2018 is the continuing large share of complaints about the Faculty of Humanities, almost half the number of faculty complaints, and almost 40 per cent of the total number of complaints. There was also a notable increase of 40 per cent in the number of complaints about the Faculty of Social and Behavioural Sciences: 27 complaints in 2018, compared to 19 in 2017.

The number of complaints about the SEA department, on the other hand, has fallen further this year to 13 complaints (compared to 22 complaints in 2017 and 33 in 2016). Just as last year, it can be concluded that relevant processes have been structured to better reflect the student population, systems are working more effectively and that only minimal complaints were received about treatment by SEA staff.

Complaints about the Faculties of Medicine and Science also continued at a low level. At Archaeology the level of complaints returned to an average level in relation to the number of students at the faculty. The degree to which students from a particular faculty submit complaints to the Ombuds Officer can be indicated clearly by dividing the number of complaints about a particular faculty by the number of students enrolled at the faculty. This is shown in figure 12.

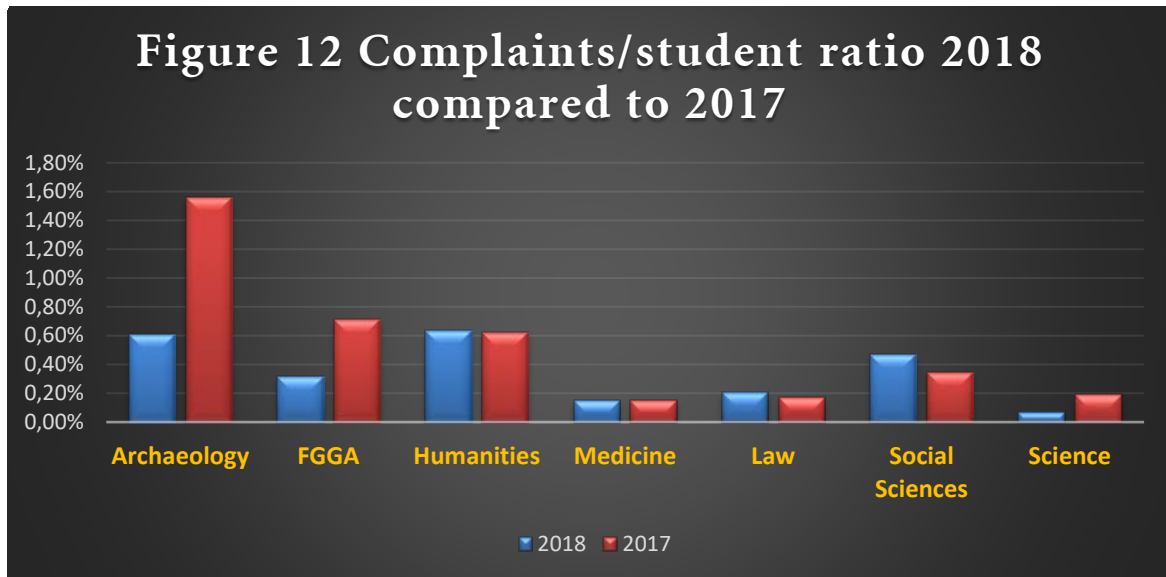


Figure 13 shows that the number of complaints about Humanities, Medicine and Law (to a lesser extent) remained relatively the same in 2018 compared to 2017. The percentage of complaints about Archaeology and Governance and Global Affairs has almost halved; only Social and Behavioural Sciences shows a substantial relative increase.

The reduction in complaints about Archaeology is not unexpected considering that, in part at the insistence of the Ombuds Officer, significant measures have been taken to ensure that greater care is taken with the thesis tracks and the assessment of theses (see chapter 6).

With regard to the increase for Social and Behavioural Sciences, it can be said that this is largely related to the Psychology programme (19 of the 27 complaints about the faculty). Many of the complaints were related to the large increase in the number of students in recent years. It may be that the introduction of Selection and Placement at Psychology in 2019 will reduce the number of organisational problems at this programme, which will result in fewer complaints about the programme.

In addition to the university divisions in question, we can also break down the data to look at the role of the person/department about which of whom a complaint was made. This can be seen in table 2.

Table 2: *Role of the person/department about which or whom a complaint was made in 2018.*

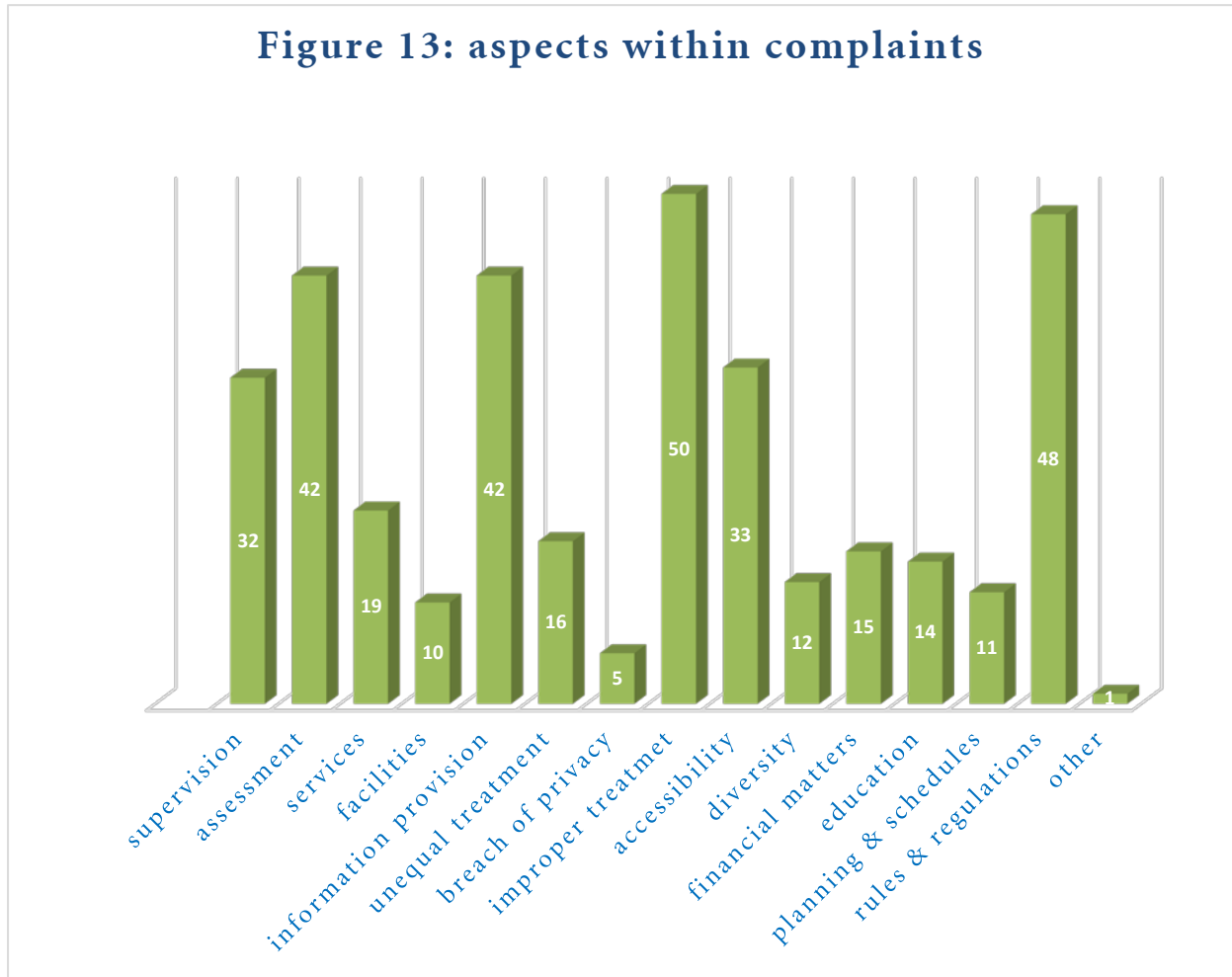
	Number of complaints
- Lecturer(s), thesis supervisor	50 (2017: 45)
- Board of Examiners/Board of Admissions	23(2017: 33)
- Study, internship or thesis coordinator, study adviser, or programme director or manager	15(2017: 15)
- Faculty, programme, institute or body (e.g. Executive Board) in general	15 (2017: 14)
- (Staff member of) education/information desk, administrative Department or services department	14 (2017: 28)
- Other (e.g. invigilator)	6 (2017: 4)
Total	123 (2017: 139)

The main observation based on table 2 is that the number of complaints against lecturers and thesis supervisors has risen further (from 45 in 2017 to 50 in 2018), despite the fact that the total number of complaints has decreased in 2018. The number of complaints against teaching support services has halved.

3.7 Nature of the complaints

During the initial exploration of a complaint, the Ombuds Officer first analyses the grounds for the complaint according to a number of aspects or partial aspects without reaching a judgement about the principal reasons that led the complainant to approach the Ombuds Officer. Just as in 2017, the Ombuds Officer has this year again been obliged to conclude that dissatisfaction with an assessment of a subject or a thesis is at times presented by a student as a matter of personal treatment. If further investigation shows that complaint is purely an issue of assessment, the Ombuds Officer refers the student to the Appeals and Objections Committee, or – if no official assessment has yet taken place – to the Board of Examiners of the relevant programme.

Figure 13 indicates those aspects recorded by the Ombuds Officer for the 123 complaints in 2018. There may be more than one aspect for each complaint.



Whereas in 2017 the aspects of the provision of information and rules and guidelines still dominated, in 2018 a broader spread was identified, with Treatment just emerging as the most frequently recorded aspect. This is more in keeping with the nature of the complaints procedure, which is essentially aimed at dealing with complaints.

The number of times a student mentions the aspect "accessibility" in presenting a complaint has remained approximately the same compared to 2017 (then mentioned 35 times). This means that on the basis of the 2018 reporting year, the Ombuds Officer wishes to continue to draw attention to good contact information for institutions and staff and the importance of students actually being able to get into contact with these institutions and staff. The Ombuds Officer often hears that students regularly receive no response or a very late response to e-mails.

Table 3 presents the content of complaints by principal cause/category.

Table 3: *Principle causes of complaints received in 2018, ranked according to number of occurrences and further qualified in relation to international students.*

Principal cause of complaint	# complaints	# international	% internal
1. Behaviour	25 (2017: 16)	11	44%
2. (Thesis)supervision	19 (2017: 15)	4	21%
3. Assessment	19 (2017: 20)	8	42%
4. Education- general	14 (2017: 14)	3	21%
5. Facilities	14 (2017: 18)	4	31%
6. Admission	8 (2017: 10)	4	50%
7. Information	6 (2017: 17)	1	17%
8. Student (de)regulation	6 (2017: 10)	3	50%
9. Study planning	6 (2017: 1)	1	17%
10. Rules and regulations	6 (2017: 18)	2	33%
	123 (2017: 139)		33%

Just as with the overview of the aspects within the complaints, the principle cause of complaints was Behaviour, closely followed by Guidance and Assessment (numbers 6 and 1 in 2017, respectively). The subjects Information and Rules, and Guidelines are far less prevalent compared to the previous reporting year.

Attention should also be drawn to the further decline of Facilities as a principal cause for complaint. Of the 13 times that Facilities was designated as the principal cause, there were only 4 instances when this related to the housing of international students. Despite this, the Ombuds Officer still regularly received worrying complaints by international students who find the shortage in the Leiden housing market in particular disappointing and inappropriate for a university with Leiden's reputation. For a few international students it has even been a reason to reconsider the choice for a master's degree in Leiden.

3.8 How complaints were dealt with

The Ombuds Officer categorises the ways in which complaints are dealt with into six methods.

1. *Not dealt with*

If, immediately after being submitted, the complaint clearly does not fall within the authority of the Ombuds Officer, and he is unable to refer the complainant to an alternative body (see 4), or if the complaint is not a matter of reasonable interest, the Ombuds Officer will not deal with the complaint, but will inform the complainant accordingly. The same applies if the complaint is resolved shortly after being submitted.

2. Exploratory investigation

If there is a clear reason for further investigating a complaint, an exploratory investigation will be carried out. If the Ombuds Officer believes it is necessary to consult the individual(s) involved in the complaint, or if he sees reason to question the accused person, he will always first ask for the permission of the student who lodged the complaint.

In the context of his exploratory investigation, the Ombuds Officer has since 2017 had the option of in exceptional cases contacting the 'Advice Point for alarming behaviour', if a complaint situation indicates that there is serious concern about the wellbeing of a student or a fellow student of the complainant.

3. Mediation

If the Ombuds Officer reaches the conclusion that he can play a mediatory role in resolving the complaint, then mediation takes place, in which he will try, based on his neutral and independent role, to reach a reasonable outcome that is acceptable to both the student and the staff member or body involved. The Ombuds Officer usually shuttles between parties when mediating, and regularly invites the parties involved to a "three-way meeting" in his presence.

4. Referral

The Ombuds Officer may reach the conclusion that he does not have the authority to deal with the complaint, or that another body within the university is better suited to handle the complaint. In these cases, the Ombuds Officer refers the complaint to the most appropriate body. The most common example of referral takes the form of an appeal to the Examination Appeals Board.

5. Advice

If the investigation of a complaint shows that there is no direct role for the Ombuds Officer to deal with it, but that the student will benefit from hearing from the Ombuds Officer how best to deal with a particular situation, then advice will be given. This type of complaint processing is regularly utilised for complaints relating to the principal issues of Behaviour or Supervision. In these cases there is often a lack of facts, and many issues depend on the word of the student against the word of the member of staff or lecturer.

6. Formal investigation

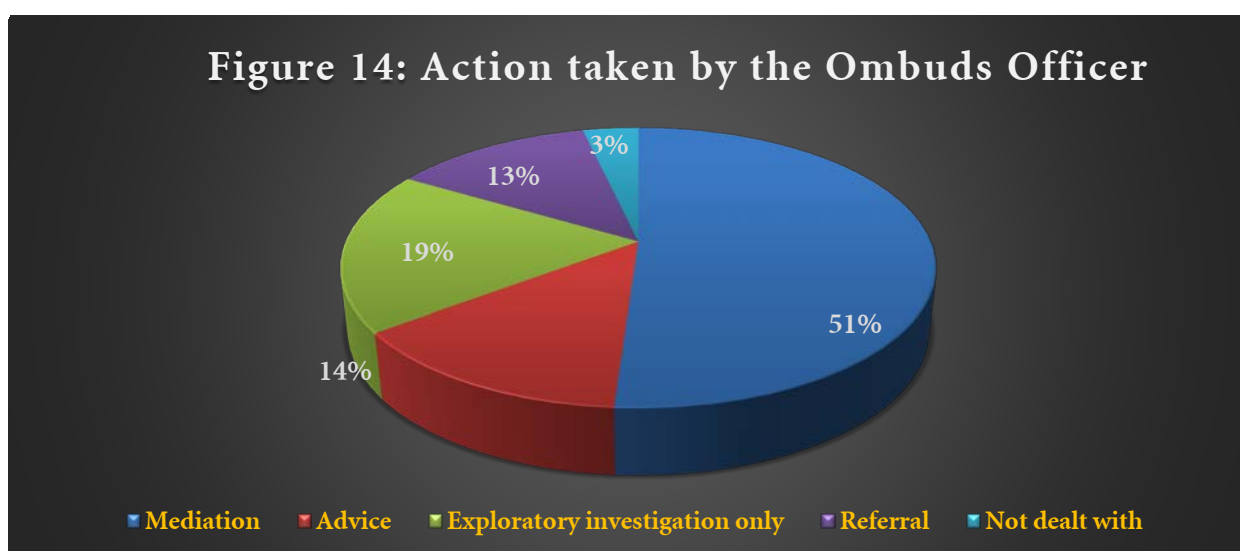
The Regulation on the Ombudsman has given the Ombudsman the power to open a formal investigation in the event of repeated similar complaints or very serious complaints (often exceeding the level of education). Since his appointment in May 2015, the ombudsperson has conducted a formal investigation only once. However, he was also able to insist on finding a solution three times as a matter of urgency by emphasising that otherwise a formal investigation would follow.

Table 4: *Method of dealing with complaints submitted in 2018*

Method of dealing with complaints	Frequency
Not dealt with	3 (2017: 5)
Exploratory investigation only	37 (2017: 26)
Mediation	47 (2017: 71)
Referral	22 (2017: 18)
Advice	14 (2017: 19)
Formal investigation pursuant to art. 6	0 (2017: 0)
Total	123 (2017: 139)

As in previous years, the Ombuds Officer's preferred method of handling complaints is - albeit to a lesser extent than in 2017 - mediation. In 2018, however, this was more often limited to carrying out an exploratory enquiry alone (37 in 2018 and 26 in 2017).

Despite the Ombuds Officer's efforts to ensure that the complaints received were a better match for his role, in 2018 he did not deal with more than one in five complaints himself, but referred them (22 complaints) or did not deal with them at all (3 complaints). This will be discussed in more detail in the state of affairs following the recommendations in 2017 (see appendix). This can be seen in the following image (figure 14) regarding the distribution of the actions taken by the Ombuds Officer.



The conclusions reached by the Ombuds Officer regarding the complaints received lead to the following distribution.

1. Not dealt with

The ombudsperson is of the opinion that the complaint submitted does not meet the formal requirements for handling it or does not fit within his competence to handle it as a complaint. This will often be the case if he is obliged to refer the complaint to another body such as the Examination Appeals Board (CBE) or the Confidential Adviser for Undesirable Behaviour.

2. Unfounded

The Ombuds Officer considers the arguments of a student lodging a complaint about improper treatment unfounded, and informs the student and the defendant accordingly.

3. Partially justified

The Ombuds Officer accepts one or more aspects presented in the student's complaint, but considers one or more aspects unfounded.

4. Justified

The Ombuds Officer considers that that the student is right in all aspects as argued in his complaint that he feels he has been treated improperly.

5. No opinion

If the Ombuds Officer comes to the conclusion that he can play a mediating role in resolving the complaint, then mediation follows, in which he will try, based on his neutral and independent role, to arrive at a reasonable outcome that is acceptable to both the student and the staff member or body involved. In most cases, when mediating, the Ombuds Office shuttles between the two parties; he regularly invites the parties involved to a "three-way meeting" in his presence.

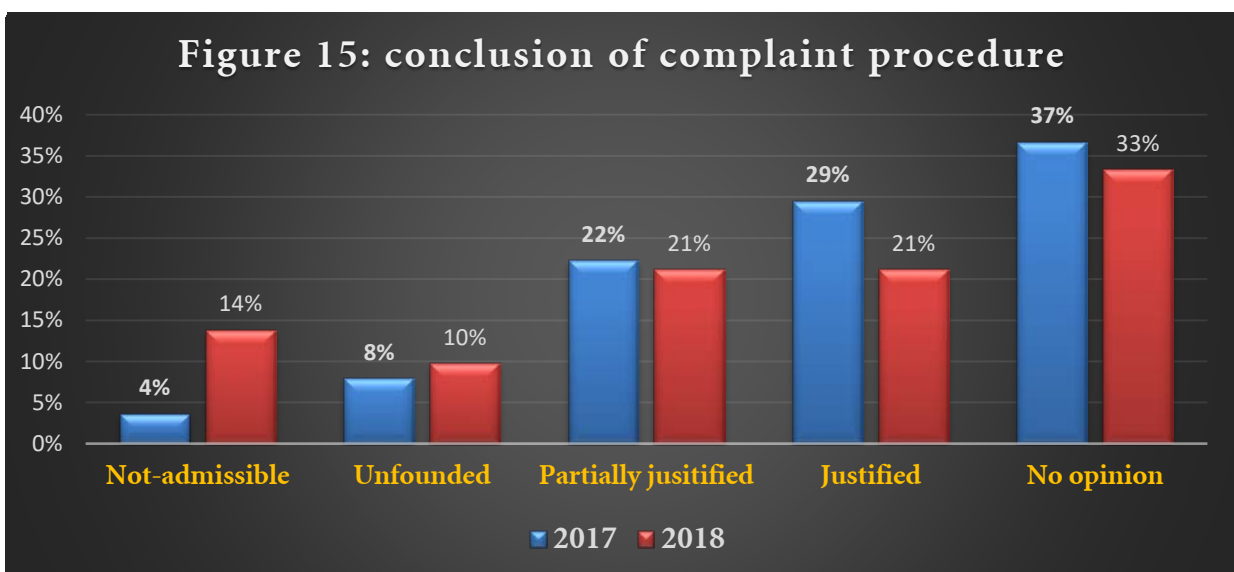
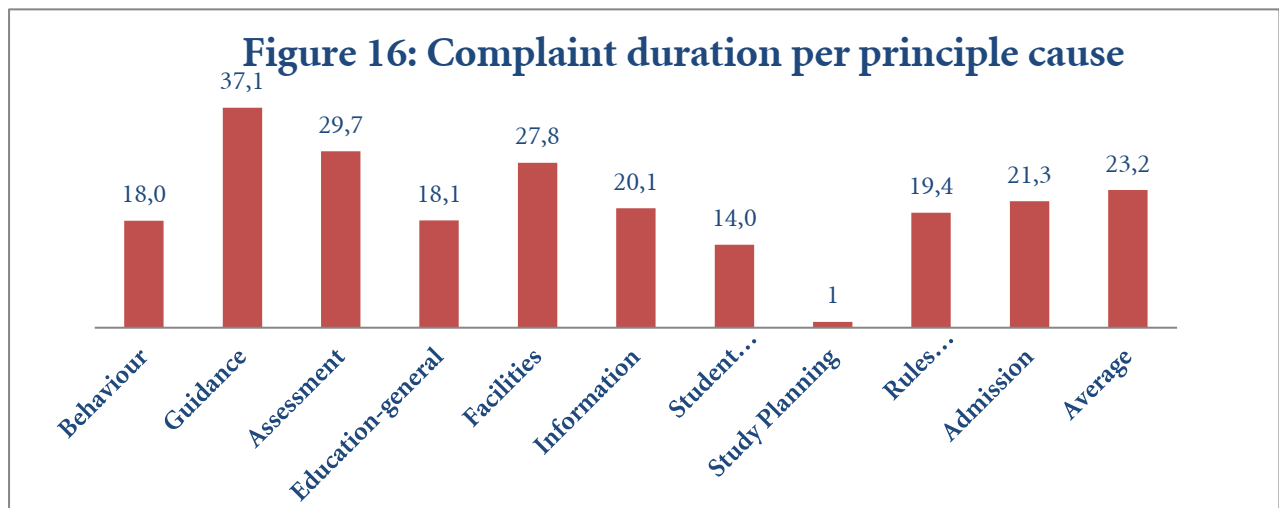


Figure 15 on page 20 shows that in 1 out of 3 complaints, the Ombuds Officer ultimately does not express an opinion on the complaint submitted. It may be that following mediation it is not appropriate to make a decision on the complaint, but it may also be the case if the Ombuds Officer only issues a recommendation. For more than 40 per cent of the complaints from students, one or more aspects raised by the student do appear to be well-founded. Only in one out of ten complaints does the Ombuds Officer consider a complaint on any aspect to be unfounded. With respect to the previous reporting year, the increase in the number of complaints that were submitted to the Ombuds Officer but that were found inadmissible was particularly striking. There has also been a slight decrease in the number of cases in which the ombudsperson expresses an opinion in terms of "well-founded".

3.9 Duration of the complaint procedure

How much time does the Ombuds Officer spend dealing with a complaint after it has been submitted? The average time taken to handle a complaint has in recent years invariably been around three weeks. Whereas in 2017 it averaged 23.2 days, in 2018 the average duration of the complaint procedure was half a day longer, i.e. 23.9 days. It has already been established in previous reporting years that there are differences in the average duration of complaints, depending on the principal cause of the complaint. These differences are shown in the figure 16 below.



Not surprisingly, the complaints about Guidance and Study Planning usually take longer to resolve than those about, for example, Admission or Enrolment and deregistration. What is striking is the high average complaint duration when the principal cause of the complaint is information. This can be attributed to three of the six complaints within this principal subject that took between two and three months to resolve because it proved quite difficult for the Ombuds Officer to gather all the relevant information in order to form an opinion on these issues. Complaints about behavior take an average length of time to resolve. It is particularly important for complaints of this kind to be dealt with promptly, as they can easily disrupt relationships within the teaching environment that then need to be re-established as quickly and as effectively as possible. In these cases, the Ombuds Officer will then often urge the parties involved to again enter into a reasonable discussion with each other, possible with the Ombuds Officer present (the "three-way discussion" referred to above).

4. Examples of complaints by faculty



4.1 Archaeology

Disagreement on thesis assessment

The coordinator of studies referred a master's student to the Ombuds Officer after she herself had made an unsuccessful attempt to mediate in the dispute between the student and the first reader and thesis supervisor. Just as in the cases in 2017 that were the reason for drawing attention specifically to the thesis problem, there seemed to be a considerable difference between the assessments made by the first reader and the second reader. According to the student, the latter rated the thesis 4(!) points higher than the first reader. With the consent of the student, the Ombuds Officer attached this case to the confidential document addressed to the faculty in order to focus urgent attention on this issue.



4.2. Humanities

A chronically ill student made high demands of the programme and faculty regarding the extent to which her circumstances should be taken into consideration

In mid-May, the Ombuds Officer was asked to mediate in a long-running case of a bachelor's student who regularly approached different people and institutions within and outside the study programme in order to apply for extra facilities on the basis of her chronic illness. At that point in time, the situation appeared to have led to a climate of conflict in which the student accused the employees involved in her study programme of conducting underhand negotiations (thereby violating her privacy) and of deliberately opposing her in her requests. The Ombuds Officer spoke once or more with all those involved in this issue, ensured that all contacts between student and the department would in future take place with one person within the faculty, mediated in appointments for the subjects still to be obtained within the bachelor's programme, arranged, where necessary, "three-way talks" with a view to improving the relationship and finally recorded all this in a confidential document in August 2018.

(To his regret, almost half a year later, in February 2019, the Ombuds Officer learned that the atmosphere of conflict had returned and was even more intense because the programme, due circumstances beyond its control, had been unable to maintain its agreement that the student should have to deal with only one contact person. The student reacted in panic to this situation and desperately started to draw

attention to her special circumstances again by all kinds of means without the patience and the confidence that the study programme or faculty - despite the circumstances of force majeure - would commit to this. The Ombuds Officer suspects that an autism spectrum disorder (ASD) may play a role in such prolonged conflict situations. (See chapter 6 Conclusion 3).



4.3 Medicine

The Ombuds Officer mediated, but the student repeatedly failed to keep the agreements made

In January 2018 the Ombuds Officer became involved in a complaint that a student had lodged with four different bodies. First the Ombuds Officer discussed with the student counsellors, the confidential adviser on Undesirable Behaviour and the official secretary of the Examination Appeals Board who would handle this issue. It was agreed that the Ombuds Officer was the most appropriate person. Following this decision, over a period of almost three months he mediated between the student and the Board of Examiners of Medicine to ensure that an agreement was reached relating to a practical part of the subject that the student still had to complete in order to finish her studies. It regularly seems that this case is closed, but repeatedly the student, after receiving the approval of the Board of Examiners, takes a path that completely deviates from it the agreement reached on grounds that always come as a surprise to the Ombuds Officer despite his frequent telephone conversations with the student. In mid-April, the Ombuds Officer believed that his mediation could be regarded as having been concluded. He finalised the case in consultation with the chairperson of the Board of Examiners and the student.

At the end of May 2018 the chairman of the Board of Examiners sent a mail confirming that all issues were now definitely resolved. In this letter he thanked the Ombuds Officer in the following words: 'Without your intervention I do not think we would have made so much progress Thank you.'

The Ombuds Officer knows from experience that he should never 'rejoice too soon'. At the end of July, he received an e-mail from the chairman of the Board of Examiners saying that the whole agreement with the student appeared to be in jeopardy again due to the actions of the student. As a follow-up, the Ombuds Officer conducted a further thorough interview in which he tried to convince the student to still follow her approved subject component as agreed. If she failed to comply, he would send a final concluding e-mail in mid-August, to make it clear to the student that in the opinion of the Ombuds Officer the study delay she had experienced since his mediation had been caused entirely by herself.



4.4 Governance and Global Affairs

Only 120 places in the lecture hall for 230 first-year students

At the end of October 2018, the Ombuds Officer received a complaint from a first-year public administration student who complained that there were only 120 places available at a lecture for a first-year course, while there were 230 first-year students. The Ombuds Officer indicated that he definitely intended to take this up with the study programme and asked permission to do so. This proposed action is, however, still pending because the student has not responded.



4.5 Law

Invigilator took photographs during an examination

Also at the end of October a student complained to the Ombuds Officer that one of the invigilators of her examination took photographs of the students who were sitting the exam. In the first instance, the Ombuds Officer indicated to the student making the complaint that this was an undesirable situation in view of privacy considerations combined with the more or less forced presence of the students at the examination. He did express reservations about whether he could handle the complaint since supervisors are often not employed, or not directly employed, by the university. Nevertheless, in consultation with the student, he decided to ask the coordinator of the subject that was being examined. The latter did indeed confirm that this was most probably an externally hired invigilator, but that he nevertheless saw reason to issue an instruction to his colleagues, but also more broadly that invigilators are no longer permitted under any circumstances take photographs during examinations.

In December, the Ombuds Officer also submitted this case to the Personal Data Officer (FP) of Leiden University, who indicated that there are possible nuances with regard to not photographing students. However, under the circumstances outlined in this case it is very likely that on the basis of privacy considerations an undesirable situation must be assumed to have taken place.



4.6 Social and Behavioural Sciences

Unnecessary use of paper by a subject department

In mid-September 2018 an Indonesian student approached the Ombuds Officer with a complaint about the degree to which for one subject he was required to print course material himself; he also mentioned the lack of concern on the part of the lecturers who required this of students. From the viewpoint of sustainability, the Ombuds Officer believed this complaint was worth pursuing with the faculty coordinator for complaints at the faculty. The faculty coordinator suggested that the most effective action would be for the Ombuds Officer to discuss the issue with the director of the relevant programme. That same day the Ombuds Officer had a telephone conversation with the programme director, who indicated that this particular case also brought to light the issue of such large quantities of course material having to be printed out by students. She is absolutely not in favour of this and undertook to discuss this with the lecturers within her department.



4.7 Science

A student experiences the poor accessibility of a lecturer as discriminating

An Indian student was having difficulty agreeing with a lecturer a practical component of the teaching programme. The lecturer often failed to respond to her emails and if she wanted to make an appointment with the lecturer, she was given just one option of meeting the lecturer on a specified day. According to the student, the teacher again failed to appear. The student's interpretation of all this was that she was being discriminated against on the basis of her skin colour. The Ombuds Officer moderated this perception on the part of the student, pointing to the obvious focus of Leiden University on diversity. He also emphasised that it would be advisable for her to concentrate on her studies and on finding a solution for the lack of financial cover for the delay that has she has accumulated. The Ombuds Officer did not ultimately comment on the assumed discrimination, but rather advised the student on the last points, after which the student was offered the possibility of several more months to complete her study programme at the university at a lower rate, the institutional rate, of tuition fees.

5. More focus on confidentiality

5.1 Conference on “Consistency in confidentiality”

At the initiative of the Ombuds Officer, a conference was held on 15 February 2018 aimed at broad-based reflection, discussion and learning about what can and cannot be expected of a confidential adviser. Whereas the Ombuds Officer - contrary to his more neutral "ombuds" role – concentrated on his role as a confidential counsellor for students, the confidential counsellors focused their contribution to this conference on the other "domains" of personnel, undesirable behaviour, PhDs and academic integrity. The



prime reason for the Ombuds Officer to initiate this conference was to arrive at a better overview of "the landscape of confidential counsellors" at Leiden University with a view to improving the quality of referrals among themselves and of the internal routing of complaints. Following the conference, this ambition was adopted by the Executive Board under the working title "Framework for of Confidential Advisers".

The most significant outcome of the conference was a proposal by Professor Kees Schuyt. In his keynote address he outlined a clear framework for separating the roles of these different advisers, which is crucial to be able to deal properly with confidential issues and complaints. Schuyt distinguished the advisory role (of the confidential adviser, for example), the investigative role (of the complaints or integrity committee, for instance) and the decision-making role (of the Executive Board and the faculty deans, for example). Schuyt stressed that this division of roles entails that, for example, a faculty dean should not be involved at an early stage in sensitive issues that are at that stage have not yet been dealt with by a confidential adviser or an investigative committee.



5.2. PKvV conference on (un)desirable behaviour

On 21 June 2018 the Ombuds Officer made a contribution to a conference organised by the Local Chamber of Associations. The aim of the conference was to improve the organisation of the confidential adviser role within student associations. During the conference the Ombuds Officer gave a brief presentation on his view of confidentiality within associations and offered to provide the officers of these associations with guidelines for them to pass on to the internal confidential advisers within their associations, many of whom have yet to be appointed.

The PKvV conference on 21 June produced a tangible outcome in the form of a brochure for associations on confidentiality (September 2018) – on which both the confidential adviser on Undesirable behaviour and the Ombuds Officer have worked – and a skills training course for confidential advisers (November 2018). One important point that was learned from this conference is that student associations in this field can also learn a lot from each other!

Although the Ombuds Officer realises that the university – even if this were desirable - cannot bear responsibility for what takes place within the Leiden student associations, he nevertheless considers it very relevant that associations can seek advice from the university on subjects such as confidentiality, a safe environment and student welfare (see chapter 6, Conclusion/Recommendation 4).

5.3 Advisory role within student associations

In 2018, at the instigation of the PKvV, the Ombuds Officer assisted two boards of student associations in an advisory role after they had received a serious complaint. In both cases, the Ombuds Officer chose to keep his involvement as an adviser very much in the background. In the case of one of the complaints, only advice was given on the hearing of the defendant by the board; in the case of the second complaint, the Ombuds Officer also assisted the board in setting up an independent and external committee of inquiry of which he himself - understandably in view of his university role - was not able to be a member.



6. Conclusions and recommendations

Conclusion 1: In 2018, considerably fewer students were referred to the Ombuds Officer by student advisers/coordinators or front offices both centrally and decentrally, but by contrast, more students were referred to the Ombuds Officer after they had collected their own information via the university's website.

Recommendation: The Executive Board should support the Ombuds Officer's ambition to renew his efforts to ensure that staff working in the various front offices and administrations and student advisers/coordinators are aware that they can refer students to the Ombuds Officer in the event of a complaint. This aspect could, for example, be addressed when introducing and instructing new employees in these job categories.

On the other hand, it is reassuring that the decrease in the number of referrals in 2018 was compensated for by the possibility that students were able to gather all the necessary information for submitting a complaint via the website.

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

Recommendation: The Executive Board should remain alert to the problems that have emerged in recent years concerning the international student population, in particular in the area of adequate management of prior expectations (good and honest information). The ombudsperson still receives - albeit to a lesser extent - worrying reports from students who indicate that they are very dissatisfied with, for example, the general housing situation in Leiden or the lack of a personal approach.

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

Recommendation : It is important as a preventive measure to provide proper guidance to students whom we suspect of having an autism disorder. For this group of students in particular, trust 'comes on foot and leaves on horseback', and clarity in procedures, information and communication is of the utmost importance. In the opinion of the Ombuds Officer, this also implies that a well-founded 'no' needs to be said when the limits of the provision of additional facilities and appropriate education have reasonably been reached. This calls for greater awareness among faculties of the issue of autism.

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

Recommendation: Following on from the Conference on Undesirable Behaviour organised by the PKvV, it is advisable to consider the possibility of organising other annual thematic meetings, supported by the university, to involve student associations in social developments that play a role within the university community, such as diversity, integrity or the pursuit of other core values.

Appendix: Status of recommendations from 2017

Conclusion 1: *One in six cases are not dealt with by the Ombuds Officer himself.*

Recommendation 1: *Aim for an understandable and comprehensive set of complaints facilities within Leiden University.*

The percentage of complaints that the Ombuds Officer has to refer further (18%) or is unable to handle (3%) did not decrease in 2018 and even rose slightly to one in five complaints (21%). This fact combined with the increasing extent to which the website determines how a student with a complaint finds his way to the Ombuds Officer (one in three) raises the suspicion that it should be made even clearer on the website what a particular complaint, objection or appeal body deals with and what it does not. Indeed, a closer look reveals that out of the 40 complaints that reached the Ombuds Officer via the information on the website, 9 complaints were referred further (8) or not dealt with (1).

Despite the considerable efforts already made in 2018 to provide an understandable and comprehensive set of complaints facilities, there is still a need to focus on the provision of information about these facilities.

Conclusion 2: *Pre-master's programmes at Humanities and Governance and Global Affairs represented a relatively large share of the total number of complaints reaching the Ombuds Officer in 2017.*

Recommendation 2: *Provide international students with better information and communication about the pre-master's programmes and ensure more explicitly that these programmes are geared to the available teaching capacity within the faculty.*

The number of complaints about pre-master's programmes was limited to two in 2018. Both complaints related to the Public Administration programme (Governance and Global Affairs). The Ombuds Officer referred one of these complaints to the Executive Board, and the other one did lead to mediation. Neither of these complaints related to the quality of the organisation of education or the communication and information about and within the programme. A cautious conclusion may thus be drawn that the pre-master's programmes received (even) more attention on these points and that the situation with regard to the pre-master's programmes improved considerably in 2018 for – in particular international – students..

Conclusion 3: The Ombuds Officer received a disproportionate number of complaints in 2017 relating to thesis supervision and assessment at the Faculty of Archaeology.

Recommendation 3: More care should be taken with students of Archaeology and above all a change of attitude is needed.

In 2018, there were just two complaints about thesis supervision and assessment at Archaeology. Both complaints related to the "aftermath" of what had formed the basis of the urgent recommendation in 2017 with regard to Archaeology. To the satisfaction of the ombudsperson, at the start of the 2018-2019 academic year he was personally informed by the (new) dean of the faculty about the measures that had been taken to better monitor the supervision of theses and to ensure that the assessments of these were carried out in a more coherent manner.

Conclusion 4: The ombudsperson has experienced the appointed complaints coordinator at the Faculties of Humanities and Social and Behavioural Sciences as an added value in the internal coordination of complaints.

Recommendation 4: A complaints coordinator should be appointed at each faculty.

For the time being, this recommendation by the Ombuds Officer has not yet been adopted in the policy plans that have been developed to better shape the "structure" of confidential advisers at Leiden University. The ombudsperson realises that because something appears to work well within the student column, this does not necessarily guarantee that the same will apply in other areas, such as personnel or academic integrity.





Published by:

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

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

E-mail: ombudsfunctionaris@leidenuniv.nl

Web: www.ombudsfunctionaris.leidenuniv.nl

www.universiteitleiden.nl



**Universiteit
Leiden**
The Netherlands