

# **Implementing The Ombudsman Idea in Higher Education: The Next Step**

**BFUG Meeting Vienna  
26<sup>th</sup> - 28<sup>th</sup> September 2018**

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# 30 minutes



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# AT: Enshrined by Law (2011)

Higher Education Quality Assurance Act 2011 (amended in 2015 and 2018)

**§ 31. (1) An independent ombudsman shall be established at the Federal Ministry of Education, Science and Research to provide information and services for students at higher education institutions. ....**

*(2) The student ombudsman shall provide information and services in the area of higher education on the issues falling within its remit. In this context, it shall*

*1.collaborate with the student representative bodies and*

*2.engage in a regular exchange of information with institutions that deal with student issues.*

*(3) Students may turn to the student ombudsman for information and advice on matters concerning degree programs, teaching, examinations, services and administration. All such issues must be dealt with by the student ombudsman. The student ombudsman also has the right to act on its own initiative.*

...



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# Enshrined...2

(4) *The student ombudsman shall have the right to request personal data (Art. 4(1) General Data Protection Regulation) and other information from the respective bodies and members of the educational institutions that deal with student issues. **The bodies and members of the educational institutions shall be obliged to provide the student ombudsman with the information requested.***

(5) *The student ombudsman may act as an advisor to the bodies and members of the educational institutions that deal with student issues.*

...

(7) *Each year the student ombudsman shall prepare a report on its activities. ... **The report for the preceding academic year shall be submitted to the competent Federal Minister and the National Council by 15 December of each year at the latest. This report must be published by the student ombudsman.***





# Tätigkeitsbericht der Ombudsstelle für Studierende an den bzw. die gemäß Bundesministerengesetz 1986 idgF zuständigen Bundesminister bzw. zuständige Bundesministerin und an den Nationalrat 2016 /17

(vorgelegt am 15. Dezember 2017 gemäß § 31 (7) des Bundesgesetzes über die externe Qualitätssicherung im Hochschulwesen und die Agentur für Qualitätssicherung und Akkreditierung Austria / HS-QSG, BGBl. I Nummer 74 /2011 idgF)

# HE Ombudsmen in National Legislations

- Austria (since 2011)
- Croatia (since 2007)
- England and Wales (since 2004)
- Malta (since 1993)
- Norway (immediately before approval)
- Spain (since 2001)
  
- in other countries upon individual initiatives of the institutions

# Higher Education Ombudsmen in Europe

as of May 2018



ombudsman offices at institutional level



central ombudsman offices



# Ombudspersons

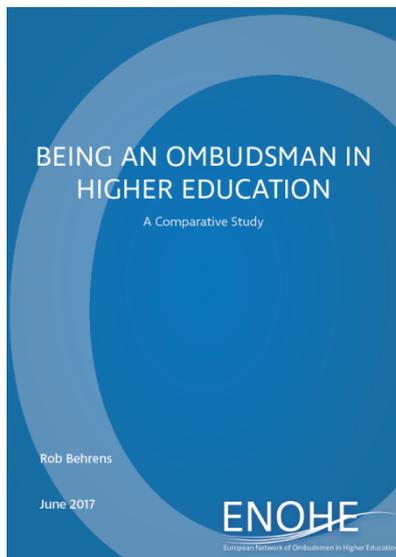
- are an essential element in the governance of higher education institutions.
- serve as independent and neutral player vis-à-vis “the powers that be”
- are acting to counterbalance hierarchical structures and asymmetrical relationships
- help individuals with their issues
- raise organizational topics



# ***“Ombudsmen are the Cinderellas of Higher Education” (© Robert Behrens)***

2017 in “Being an Ombudsman”:

***“In some ways, ombudsmen are the Cinderellas of higher education – they rarely go to the ball, are seldom loved or appreciated, but do perform an important, house-keeping, function. Their commitment to independence and impartiality requires a critical distance from contesting parties to a dispute or complaint... As a result, **almost inevitably you become respected, but not liked.**”***



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# Roy Steffensen



*While the environment for students is good, the hierarchical structures and asymmetrical relationship between students and university employees indicates **a need for independent advice.***



*Chair of the Storting's Education and Research Committee*

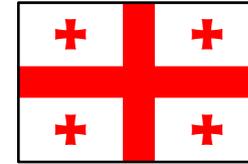


STORTINGET



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# AESOP Erasmus+ Project



## *Reason for project:*

- 1. Since the implementation of Bologna system, students have responsibility to take Initiative in managing their academic careers, but they lack the resources to deal with problems arising along the way***
- 2. Universities in Azerbaijan, Georgia and Ukraine struggle to provide democratic systems for dealing with conflict and student appeals*
- 3. Many student conflicts remain unresolved due to unclear or ambiguous administrative procedures*

## *Expected outputs:*

- 1. Written materials*** ... on best practices in student advocacy systems are created with EU partners
- 2. New student advocacy procedures*** and guidelines are produced and accepted by non-EU partner universities
- 3. Ombuds Office established*** in each non-EU partner university
- 4. Ombudsperson from each university trained***

...

## *Impact:*

- 1. Students and instructors have full access to the democratic spirit of the Bologna Process for resolution of their academic and administrative issues***
- 2. Students and faculty/staff become aware of their rights and responsibilities***
- 3. University administrations become more efficient and effective as conflicts lessen and resolution processes are streamlined***

# Dame Suzie Leather



*Resolution of disputes through independent adjudication or mediation is vital in maintaining **public trust in higher education**. Effective redress processes empower both students and education providers and **need independence, impartiality and sustainable resources**.*



***Chair of the ENOHE Executive Committee and Chair of the Board of the Office of the Independent Adjudicator for England and Wales***

# Robert Behrens



*ENOHE constitutes the vital network for European colleagues wishing to benchmark effective practice in dispute resolution in European higher education institutions . This promotion of dispute resolution lies at the heart of **accountability in higher education**.*



*Parliamentary and Health Service Ombudsman Rob Behrens*

# ENOHE: Activities



- European network of higher education ombudsmen (on institutional & national levels), founded in 2003
- 30 European countries participating (plus USA, Canada, Australasia)
- **annual conferences** since 2003 (first one in Amsterdam, The Netherlands, next year León, Spain)
- **occasional papers, conference reports, newsletter**
- **internships**
- **training activities** (webinars)
- web page [www.enohe.net](http://www.enohe.net)

# Strasbourg June 2017: Input for Paris 2018

## *(“Nous aurons toujours Paris“)*



Robert Behrens, UK Parliamentary and Health Ombudsman and ENOHE Chair; Emily O'Reilly, EU Ombudsman; Josef Leidenfrost, Austrian Student Ombudsman and ENOHE President at the European Parliament

# Proposal for the Paris Communiqué 2018

- *“We (i.e. the ministers) recommend the installation, by law or respective national and institutional regulations, of ombudsmen in higher education institutions within the European Higher Education Area, in order to safeguard the rights of the students and providing them to have independent resources at their disposal for resolving personal or structural conflicts in daily student life”*



## Next Step: 2020, Italy

*...Recommendation on a regulatory framework for ombuds offices in higher education, as a resource for the independent adjudication or mediation of disputes, to provide self-empowerment for resolving individual or systemic issues in daily life at higher education institutions...*

To be discussed and prepared under the appropriate thematic area strand of the BFUG



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