

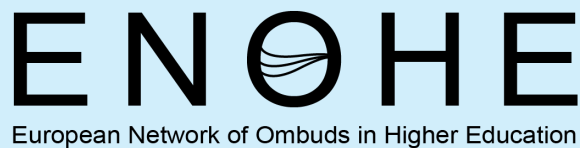


20 YEARS ENOHE

LOOKING BACK - LOOKING FORWARD

CELEBRATING THE FIRST 20 YEARS OF OUR ASSOCIATION

Edited by Josef Leidenfrost and Jean Grier



Content

1.	Introitus: Looking back, looking forward	3
2.	Keynote speeches from conferences (as available)	5
3.	Selected articles from previous publications	34
4.	Photo collection	54
5.	Events	62
5.1.	ENOHE Annual Conferences 2003 - 2023	62
5.2.	ENOHE webinars (since 2016)	64
5.3.	Internships	64
6.	Declarations	67
7.	Publications	74
7.1.	ENOHE Conference Reports	74
7.2.	Covers of ENOHE newsletters (first and last)	74
7.3.	ENOHE Occasional Papers	75
8.	List of all contributors to ENOHE Occasional Papers	76
9.	Documents	82
10.	Five Questions for the Future	94

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The term ombudsperson is used to communicate to the widest possible community and is not intended to discourage others from using alternatives. ENOHE, as an association which values equality, diversity and inclusion, respects the different titles members and others use for their roles, whether using a gender-neutral term or not. ENOHE respectfully acknowledges that many practitioners use alternative forms including ombudsman, ombudswoman, ombuds, and others.

1. Introitus: Looking back, looking forward

Josef Leidenfrost / Jean Grier

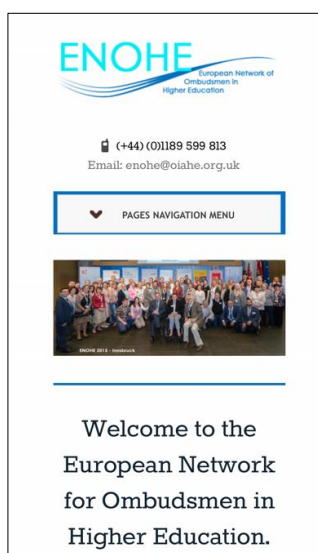
"The photo archive is the revenge of the journalist on the politician" and "The destruction of the hard disk is the revenge of the ICT people on the retiree": these two sayings from former working days come to mind for the introduction to this publication - to be explained in more detail later.

ENOHE, the European Network of Ombuds (earlier Ombudsmen) in Higher Education, celebrates its 20 years anniversary in 2023. An occasion to look back on these last twenty years. There was and is no organized archive of our association, neither of documents nor of photos, and certainly not of videos, especially not from the early phase of the informal network and before digitalization. In addition, there are very few contemporary witnesses to the very beginnings in the 2000s left. So the esteemed readers of this review have to make do with a vicennial of ENOHE from various bits and pieces from here and from there, chance finds in boxes and folders and binders, but partly also on the net.

This publication contains document finds of the most diverse kind, partly evident from the perforations from the folders, partly supplemented by sometimes bad screenshots. This is "due" to an over-zealous IT department dismantling of the co-editor's hard drive disks upon his retirement - a curse of modern technologies and a nightmare for any historian. The random photos in this issue come from shoe boxes - no one ever had time to pick photos chronologically in photo albums. Or they come from electronic files with sometimes misleading file names, so in sum a hodgepodge of papers and images.

The ENOHE network started with a meeting of like-minded people in Amsterdam in 2003, at which occasion an informal network was launched. Since then, annual conferences in several European cities followed as main events, organized by enthusiasts who wanted to continue working on the promotion of the ombuds idea. The annual meetings that followed had different cooperation partners and different types of venues, in lecture halls of universities, in conference halls of government agencies, including even the European Parliament in Strasbourg. But out of necessity - keyword COVID - there were also no annual meetings at all or only virtually. Keyword electronic: An electronic discussion list at an early stage enabled permanent contact during the time between the in-person meetings, and still does.

Conference documentation, the so-called Occasional Papers or Conference Reports, followed after the respective conferences. From 2008 on there was also a periodical "ENOHE News" Newsletter. ENOHE went online after the Oxford Annual Conference in 2013, where, through the generous support of the Office of the Independent Adjudicator in Higher Education, the first web presence was launched: a milestone.



The OIAHE was also instrumental in organizing and staging the first ENOHE webinar in 2016. Several more webinars have followed since then.

Articles, keynote speeches, declarations and/or resolutions herein are using the respective terminology at their times - ombudsman, ombudswoman, ombudsperson, ombud(s) - hence at the same time reflecting the ongoing changes in terminologies.

The most important milestone in the history of the network was the foundation of an own association according to Austrian association law in 2019. The question of such an officialization had been relevant at least since the Hamburg annual conference in 2009. Henceforth, there are association organs, an association secretariat and an association treasurer.

Incidentally, more and more national ombudsman institutions have also been officialized in the last two decades in European countries, either at the central or institutional level.

The concept of ombudsman institutions in higher education also spread to several new countries during this period, for example through the ERASMUS+ project AESOP (Advocacy Establishment for Students through Ombudsman Position). Partnerships were established with networks overseas.

Joint events were held, with partners in Spain, Mexico, and Canada; most recently, in Spring 2023, for the first time with an African network. One concrete example of ENOHE intensifying its cooperation as a motor for getting closer with partners is the Declaration of León of 2019, enhancing joint activities like conferences and publications, among others. Another one is the Prague Manifesto of 2023.

The importance of the European network and its members was reflected in the final Rome Communiqué at the European Ministerial Conference in Rome already in autumn 2020. There it states the necessity of establishing ombuds offices to help and safeguard student rights and the necessity to cooperate with ENOHE.

ENOHE is stepping up its training initiatives hic et nunc, for the first time with an ENOHE Training Activity Program during the Prague conference in June 2023. ENOHE also is working on advocacy of and for the ombudsman profession, its "Values and Principles" document was recently prepared for members for the first time. There will be further policy work and practical work alike to be done, steered by the ENOHE Strategic Plan 2021-2025.

What will happen in and with the network during the next twenty years? The great pandemic of the last three years has shown that new challenges have come to universities and will probably continue to come. The student population has also changed and will continue to change, whether it is referred to as Generation Y or Z or spoken of as "snowflakes".

At the end of this publication, befriended ombuds organizations and individuals give us a glimpse into the future by answering five key questions about higher education ombudsmanship. It is up to all of us to make the most of it: SEMPER PARATUS! There is always and will always be room for improvement.



2. Keynote speeches from conferences (as available)

Jacob Söderman, European Ombudsman
How to be a good ombudsman
(held during the ENOHE Conference Madrid 2004)

1. The Ombudsman Institution

The institution of the Ombudsman originated in Sweden, where the first Parliamentary Ombudsman was elected in 1809. The idea was to supervise public authorities to ensure that they act in accordance with the law. This was not a new function. What was new was to entrust the supervisory role to a person independent of the Executive.

To ensure his independence, the Ombudsman is elected by the Parliament by a secret ballot. When Finland gained its independence from Russia in 1917 it established a Ombudsman office after the Swedish model in its constitution of 1919.

Since the 1960s, the Ombudsman institution, especially the later Danish model, has spread outwards from the Nordic countries. Despite differences in organisation, functions and name -*médiateur, defensor del pueblo, provedor de justiça* - the basic idea is the same: the Ombudsman is an independent official who receives complaints against public authorities and who has power to investigate and to make reports and recommendations.¹

Especially after the Ombudsman institutions were set up in the Commonwealth countries the ombudsman's mission has turned more towards settling individual disputes caused by unfair, abusive or erroneous decisions than the original focus on supervising the legality of administrative activities.

The rapid spread of the Ombudsman institution is associated with two main developments. The first is the growth of public administration which occurred in western democratic states, especially in the post-war period. This growth led to demands not only that the administration should be subject to the rule of law, but also for recognition that the administration exists to serve citizens, not *vice versa*. In national systems of administration, the latter principle is expressed in different ways such as service-mindedness, citizen-friendliness, the citizen as customer and the concept of public service. Naturally, in states governed by the rule of law, individuals have the possibility to bring grievances against the administration before the courts. However, the ombudsman offers an additional and less formal way to solve disputes between the citizen and the administration without extra costs. Its advantages are that it is free to the citizen, uses more flexible procedures and, in some cases, can deal with a broader range of grievances.

The second development is the spread of aspirations to democracy and human rights. As part of their transition to democracy, many countries have established an ombudsman with particular responsibility for protecting human rights, including opportunities for citizens' participation in the procedures through which public authorities make decisions.

2. Ombudsmen in the European Union

Twelve of the fifteen Member States of the European Union have a national Ombudsman, as do all 10 accession States that will join the Union in 2004. Germany has a Parliamentary Committee on Petitions which performs an analogous role. Italy has not yet succeeded in establishing a national Ombudsman,

¹ See the Council of Europe publication, *The Administration and You: a handbook*, 1996.

although numerous proposals for legislation have been put forward. In Luxembourg too, legislation to establish an Ombudsman is being considered.

Ombudsmen also exist at regional and municipal level in many Member States. For example, there are Ombudsmen in the Spanish *autonomías*, the Italian regions, in Belgium, Austria and in some of the German *Länder*.



The office of European Ombudsman was established by the Maastricht Treaty, as part of the creation of the citizenship of the Union. Citizenship implies that the Union institutions and bodies should be accountable to citizens, both through elected representatives and through mechanisms of legal and administrative supervision similar to those which exist at national level to control public authorities.² The role of the European Ombudsman in ensuring good administration by Community institutions and bodies is particularly important, because citizens have only limited possibilities to bring proceedings directly in the Community courts.³

All the national offices in the Member States and accession States are linked to the European Ombudsman through a liaison network, which ensures that complaints can, if necessary, be transferred to the body competent to deal with them.

You can find information about them on the European ombudsman website (www.euro-ombudsman.eu.int) Liaison network seminars, to inform about Community and Union law, have been held since 1996. The European Ombudsman publishes a regular Newsletter providing information about significant new legal developments and his website has links to the websites of national ombudsmen and similar bodies (<http://www.europarl.ep.ec/ombudsman/Links/En/natomeu1.htm>). The liaison network also allows the national offices to address queries about Community law to the European Ombudsman.

3. Good and bad administration

The mandate of many ombudsmen, including the European Ombudsman, is to deal with "maladministration." Since this term is not defined by any Community or Union text, the European Ombudsman proposed the following definition after consultation with the national ombudsmen of the Member States:

Maladministration occurs when a public body fails to act in accordance with a rule or principle which is binding upon it.

This definition is broad enough to include within the Ombudsman's review respect for fundamental rights, and for principles of administrative law and of good administration. In 1997, the European Parliament adopted a Resolution welcoming the definition.

To protect the rights of citizens effectively, it is important to explain clearly the requirements of good administration. This can help both to prevent maladministration and to identify and correct it promptly when it does occur. In July 1999, following an own initiative inquiry, the European Ombudsman proposed a Code of Good Administrative Behaviour for Community institutions and bodies (available on the website in all the official Community languages <http://www.euro-ombudsman.eu.int/Recommen/En/oi980001.htm#Target4>).

² For further discussion of the concept of citizenship of the Union see the Ombudsman's general report to the 1998 FIDE Congress on The citizen, the administration and Community law. The report is available on the Ombudsman's website in English and French : <http://www.euro-ombudsman.eu.int/FIDE/EN/Default.htm>

³ This point is also developed in detail in the Ombudsman's 1998 FIDE report. See note 3 above.

This Code was adopted by the European parliament on 6 September 2001 and the Ombudsman was instructed to use it as a guideline in his work of promoting good administration. I have brought some copies of it in English and Spanish, which are distributed to you. It exists in all EU languages and copies can be requested from Ombudsman office in Strasbourg.

The Code includes fundamental principles of European administrative law, such as legality, the right to a hearing, proportionality and protection of legitimate expectations. The Ombudsman submitted a Special Report to the European Parliament on the response by the Community institutions and bodies to the proposed Code. The European Parliament has asked the European Commission to use its powers to propose a draft for a European law on good administrative behaviour. The European Commission has been in doubt seemingly for formal reasons.

4. Towards a fundamental right to good administration

In June 1999, the Cologne European Council decided to move towards the adoption of a Charter of Fundamental Rights for the European Union, including fundamental rights and freedoms as guaranteed by the European Convention on Human Rights, the special rights of citizens of the Union, as well as economic and social rights as contained in the European Social Charter and the Community Charter of the Fundamental Social Rights of Workers.

The Convention which drafted the Charter met and debated publicly during the year 2000. The European Ombudsman was one of the institutions which was consulted during the drafting process.

Amongst the Ombudsman's proposals was the inclusion in the Charter of the citizen's right to good administrative treatment. The Ombudsman stated that this proposal could have a broad impact on all existing and future Member States, helping make the 21st century the "century of good administration".

The Charter of fundamental rights for the European Union proclaimed in Nice in December 2000 includes the right to good administration in its Article 41. It starts by stating that *"Every citizen has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions and bodies of the European Union"*

As the draft for a Constitutional Treaty for the European Union includes a proposal that the Nice Charter should be binding within European law, I am sure that there will be a EU law on good administration to reinforce and promote the protection already given by national laws. It is important that all European citizens should enjoy well-defined rights in relation to the administration or other bodies that are given public tasks.

5. What can Ombudsman offices do to promote good administration?

If there is a right, there should be a remedy. In the western legal culture the main remedy to uphold the rule of law is the judiciary. This remedy is essential in cases of criminal law, or when the case requires complex presentation of evidence or includes claims of significant compensation for damages.

In many disputes between citizens and administration this remedy is too laborious. It can also prove to be too slow and costly, so this is where the Ombudsman steps in as a alternative, extra-judicial means to put things right. It is also possible for the ombudsman to promote good administration in a more general way, with recommendations and reports based on the findings of an investigation into a complaint, or an own-initiative inquiry.

The classical Ombudsman has a general mandate over all public administration, but over the years there has appeared to be a need for regional and municipal ombudsmen and also for special ombudsmen entrusted to supervise only one institution or one administrative field or aspect. Thus we have ombudsmen for consumers affairs, equality, children or hospitals or, as in your case, for universities.

Whatever the precise mandate, however, all Ombudsmen have certain common functions and must respect certain principles in order to achieve a good result. This is what makes being an Ombudsman a profession and it also means that all the different institutions can benefit from sharing views and experiences.

In the rest of this talk I will try provide you with some ideas that could serve as a basis for your deliberations in this seminar. My experiences are based on my work as the Parliamentary Ombudsman in Finland 1989 – 1995 and as the first EU Ombudsman 1995 – 2003 and all the exchanges of views I have had during my Ombudsman years on different international meetings.

Even if the experience appears impressive, I must underline that this talk is not meant to be the final truth on the matter, but a attempt to help you to find the right way to carry out your task successfully.

6. So what is needed for a successful Office?

To answer the question: *how to be a good ombudsman?* You must firstly look into the task you have been given and then into the ways to work and the procedures and goals one can set up for oneself. Finally, you need to examine your own commitment to the task and how well this can be communicated to the staff to create a team spirit. The work of the Ombudsman is indeed a lonely job as the basic idea is that the citizen should find one human face to complain to in a dispute with the faceless bureaucracy, but still inside the Office it's a team-job, which benefits greatly from a committed and well-informed staff.

In setting up an Ombudsman office, it is essential that there are rules to guarantee the independence of the Ombudsman. The election or nomination procedure should secure a good choice and be carried out by a body that is not under the supervision of the Ombudsman and which is not allowed to interfere in the Ombudsman's professional work.

Two things have usually created obstacles for an Ombudsman: lack of resources and a weak or unclear mandate. It is important that the budget of the office and the Ombudsman's personal remuneration be adopted in fair procedure and spirit, so that it does not allow undue pressure on the Ombudsman. I do not mean that the Ombudsman should have a huge and impressive office with a lot of staff. The Ombudsman office should not be a new bureaucracy, but an effective and slim operation with enough resources to be proactive.

The Ombudsman's mandate should be set out in rules that are also binding for the administration in question. It is important that the Ombudsman has access to all relevant information in the investigations and that the officials are obliged to co-operate correctly to obtain a good result. As regards the Ombudsman powers to solve cases, it is good to remember that the offices do not have executive powers. They cannot order anyone to correct their behaviour.

But the Ombudsman should have a clear right and obligation to try to solve cases by proposing a friendly solution as a way to undo an instance of bad administration. It should be possible to make recommendations to the institution in question in order to solve a dispute in a reasonable way. They should also have the right to make a more comprehensive report to the competent authority, proposing systemic reforms, when needed to promote good administration.

The ombudsman is a complaint-driven operation and the citizens' complaints should always be given highest priority. Still it is of great help if the Ombudsman can also investigate on his or her own initiative when there seems to be bad administration that calls for action. Many times the Ombudsman's attention is drawn to these cases by articles in newspapers.

7. How should an Ombudsman Office operate?

The statutes of the Office normally set down certain rules about how the Office should operate. Still there is usually a lot of space left for the Ombudsman's own discretion in setting up methods and procedures for the work.

For me, it is important for the Ombudsman office to work as openly and publicly as possible. First of all, this is important for the citizens that might have a reason to complain. Openness helps inform them of the right to complain and how it should be done. Secondly it is important for the Office to have the confidence of all parties. This can only be achieved if people can get to know what are the standards and procedures that the Office has itself to follow and how is this done in practice.

Accordingly it is important that the Office makes itself accessible by distributing leaflets to present itself. It is most helpful to include a form for making complaints in the booklet itself. There should also be a website including the presentation and an account of the activities. Important decisions and initiatives should also be presented. If necessary because of rules of confidential treatment they should be made anonymous.

The annual report that most Ombudsmen are obliged to present should also be drafted in an accessible manner, with a presentation of the activities and most important decisions in a reader-friendly style. A good Ombudsman office should also have good relations to the media and draw their attention to decisions or initiatives raising important issues of principle.

To make the Ombudsman's services more accessible, it is good to accept complaints by e-mail. As the quality of such complaints is sometimes low it would be good to have an electronic complaint form to offer to the complainants to obtain more effective complaint dealing. The full name and mail address should be compulsory also for e-mail complainants. It would be good if the Office could set standards for its work and its objectives in writing, which also could be published. These standards might include limits on the time taken to deal with complaints or more advanced objectives, such as criteria for taking initiatives, or codes of good administration.

In conducting investigations, normal procedural rules should be applied. It is crucial that all parties should have the right be heard and the possibility to comment on any allegations or evidence which is relevant for closing the case. The Ombudsman should never try to make up his or her mind about a case before all involved parties are heard properly.

The closing decision should be written in clear and understandable language. However, it is necessary to include the relevant allegations and claims and to give an account of the findings of the investigations and the reasons on which the outcome of the case is based.

Writing good reasons is the key to good solutions. When you find that reasons are difficult to write for a certain outcome you need to reconsider your position carefully. A good and fair solution normally finds its clear and convincing reasons easily.

Mostly the institutions follows the Ombudsman advice if its is based on a thorough investigations and is well presented and reasoned in a convincing way.. But in some cases institutions decline the Ombudsman recommendation for different reasons. I those situations it is important that an Ombudsman does not give in too easily. The Ombudsman could study the reasons given by the institution and if they are not convincing repeat the recommendation. The best weapon in these situations are good and convincing arguments and good skills for negotiation.

If this does not help the ombudsman could within his or her remit consider to make a special report on the case with proposals to solve it to the competent authority. In this report also the reasons to decline the Ombudsman advice should be duly reported. Some ombudsman uses the Annual report to draw the attention of the competent authority to the institutions or bodies in the administration that does not follow the Ombudsman advice be it a proposal for a friendly solution or a recommendation.

This can be done by putting those cases in an own chapter in the report .One ombudsman once told me that he used to publish a “black list” in the report of institutions that does not co-operate fully with the Ombudsman in his or hers efforts to undo bad administration. To me that seem a little harsh.

As the Annual report is a public document handed over to the authority that may have executive power in the matter. If the reasons given by the Ombudsman are convincing and his or her advice reasonable it will lead to a positive result in many occasions. Usually public bodies and officials like to look good in the media, which promotes swift solutions. There may be other ways to act, but the most important thing is not to give in to easily. In a case were relevant new arguments or evidence are put forward only at this stage the Ombudsman should consider their impact on his findings.

8. How do you know that the Office works well

The normal practice in the Ombudsman world is that the activities of the Ombudsman are subject to external review when the competent authority, usually a Parliamentary committee, is dealing with the Annual report. If the members in that body are active and observant, this procedure might be a quality control on the Ombudsman activities. But the Ombudsman office should itself establish internal procedures for quality control by, for example, checking how the time limits for dealing with cases are followed, or how well the administration has followed the Ombudsman recommendations, or in how many cases has the Ombudsman solved the complainant’s case to full satisfaction?

There are also checklists to consider how well any administrative office works which might help the Ombudsman to monitor his or her own operations. How long does it take to answer e-mails or letters or to send information material How long does it take to inform a complainant that the complaint is outside the remit and inform about the competent body to deal with the complaint?

Does the switchboard work satisfactorily? Do the officials inform the switchboard of their absence? As I have said, these kinds of checklist can help any office to improve its activities. A survey among the clients could also be considered. As the Ombudsman is working for good administration, her or his Office should be a model for others.

Of course, there could also be quality checks on the substance of the work, for example by using outside experts to evaluate the achievements or inviting the different units in the supervised administration to give their observations. One idea that is tempting is to invite representatives of those who proposed the setting up of the Office and those who decided on it – the founding fathers and mothers - to give their opinion on how it has turned out and perhaps to give good advice for the future. Even if many comments might be critical, some of these procedures could give the Office inspiration and stimulation to improve its activities and go for better results in the future.

Lastly, many Ombudsmen come under pressure from time to time, or have to deal with improper attempts to influence their activities. If the Ombudsman functions in an open way these attempts are usually easy to deal with. If a friendly but firm attitude does not help, the attempts could be taken note of and added to the file. Often a hint that this might be done is effective enough. A serious and unfair attempt to influence the work most of course be reported to the competent authority. In the Ombudsman’s daily activities these kinds of events are rare.

But a few times it occurs that the Ombudsman has a serious case to solve and a very influential party intervenes behind closed doors to advocate a certain solution. Even indications that a possible renewed mandate will be linked to the outcome of the case are hinted at. The case is difficult and the situation really unpleasant for the poor Ombudsman. What to do?

The only advice I can give is that this is the moment to do the right thing. It is much better to have to leave the office for doing the right thing than for doing something wrong. It surely will also look better in public.

I do hope that my thoughts might be of some help to you in carrying out your important task. It is good for Europe that the universities are properly run and it is good to know that there are people committed to find even better ways of doing things in the academic world.

**Heinrich Neisser, Professor of Political Science, former 2nd President of the Austrian Parliament
Mediation and Ombudsing in the Civil Society
(held during the ENOHE Vienna Conference 2005)**

The phenomenon of the civil society is a very complex but interesting topic. The debate about the role and the possibilities of the civil society in political systems has gained momentum. People representing the civil society became more important in different kinds of the political dialogue. Especially the discussions at the level of the European Union show an increasing significance of the actors and representatives of the civil society.

For a better understanding of the dimension I would like to structure my presentation into the following three different parts:

- firstly I try to make a description - not a definition - of the phenomenon of the civil society,
- secondly I will explain why the structures of the civil society are appropriate to promote the activities of mediation and ombudsing within the society
- thirdly I take a look into the European Union and the implications of the civil society for its institutional framework. This aspect shows that the relations between the European institutions and the organizations of the European Civil Society have been developed as an exemplary communication between different actors, operating in a multilevel governance system. The European dialogue between the Union's institutions and the civil society could be and must be a model for mediation efforts.

The Treaty of the European Constitution started a new period of the relations between civil society and state organized and influenced institutions. The civil society has to find out new opportunities for a social dialogue. For a better understanding of this challenge we should make some considerations of the essence of the civil society.

- **What is a Civil Society?**

Civil society refers to the arena of un-coerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated.

Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power. Civil societies are often populated by organisations such as registered charities, development non-governmental organisations, community groups, women's organisations, faith-based organisation, professional associations, trade unions, self-help-groups, social movements, business associations, coalitions and advocacy groups.

Gianpiero Althadef describes the role of the civil society in a similar manner: "The media conception of an amorphous unorganised mass of individuals and organisations, connected by the internet and by the willingness to protest, is only a small, though very visible, part of the picture.

The other reality is the millions of organisations working at local and national level, organisations, composed of individuals often giving freely of their time and working to make life better for their fellow human beings.

- **Civil Society and the European Union**

My third aspect concerns the increasing importance of civil society organisations in the European Union dialogue. The Treaty of the European Constitution recognised the role of the civil society by establishing a commitment to a permanent dialogue between the institutions of the Union and the civil society.

Civil society became an essential actor in the field of the participatory democracy. The main partners within the Union's institutional framework are the Commission and the Economic and Social Committee; this Committee is by self-definition "the representation of the civil society."

In February 2002 a special agreement to create a Civil Society Contact Group has been established. This Contact Group developed a structured relationship between the organisation of the Civil Society and the Presidium of the Convention discussing a draft treaty of the European Constitution. This collaboration brings together representative elements of civil society in order to promote the concerns of civil society within the work of the Convention. This group seeks a role as an interlocutor with the Presidium to encourage and promote a meaningful consultation and coordination.

The Civil Society Contact Group will be composed of two representatives from each of the following groups:

- Environmental NGOs
- Social NGOs
- Development NGOs
- Human Rights NGOs

In a spirit of solidarity the Group will pursue a common strategy and attempt to establish facilitation links with a broad range of European institutions. In my view this group would be an appropriate partner for discussing mediation and ombudsing problems.

- **Final remarks**

Summing up we can say that the civil society has to play an substantial and integrating role in systems which are promoting mediation and ombudsing methods in conflict solution.

I would like to stress three assets making the civil society an interesting communicator.

- The main features of the civil society like autonomy and responsibility are prerequisites of a fair trial. Therefore civil society organisation can make effective contributions to establish mediation and ombudsing systems.
- Civil society offers a broad variety of human resources. A network of organisations comprises experts, knowledge and experience.
- Effective mediation and ombudsing need a high degree of sensitivity. Formal procedures are necessary but not enough. A system handling conflict situations must provide a special sensitivity. Actors of the civil society have normally much experience in that.

Bastian Baumann, Magna Charta Observatory, Bologna
Students' Views on Ombudsmen and the Importance of their Activities for the Basic Values and Principles of the University
(held during the ENOHE Hamburg Conference 2009)

This presentation mainly focuses on three items and will - as so often - present more questions than answers or solutions. Firstly, it will provide a students' view, then it will focus on the activities of the Magna Charta Observatory in relation to the fundamental principles and values of The University and lastly, it will address aspects of the Bologna Process, again more from a students' perspective.

- **I. Students' view**

Personally I did not have any experiences with the work of Ombudsman throughout my studies despite the fact that I was facing a series of major problems, often in relation to the Bologna Process and student representation work. I have first become aware of their existence as a student representative at European level. That, I believe, is an indication of the first problem. There seems to be a lack of knowledge caused by a lack of visibility. It would therefore be beneficial to try increasing the visibility, also in order to promote the setting up of Ombudsman structures or schemes in countries where they do not yet exist. In that sense it is good to hear about the ambitions of ENOHE to establish more of an associations' character, which I deem crucial for furthering the idea and including it in the European discourse.

Students are in the vast majority in higher education but are usually in the least powerful position. Therefore, it is important to have a support mechanism like an Ombudsman. But it is important to avoid the following dilemma. Ombudsman and official student representation should work in a way that they do not undermine the legitimacy of one another. Particularly, having an Ombudsman should not lead to less dialogue with student representatives. On the other hand, student representatives should not lean back and say that they are not responsible for dealing with problems just because an Ombudsman exists. But unfortunately another problem is, however, that student representation is not always as well developed as for example in Austria, the United Kingdom or Finland.

Basic student rights also include:

- having transparent, formalised governance structures with student participation having the right to speak out and to raise criticism against teachers, rectors, ministers and others without fear of retribution
- having the right to form a free association

What should an Ombudsman deal with? Questions of students' problems and rights seem to be the obvious answer. But should it only refer to rights, which have a sound legal basis? I will refer to that later on. There is another possible dilemma. Is an Ombudsman a spokesperson of student rights? This might undermine the important perception of being independent. As students are partners in higher education, student rights have a very specific nature. Students are not clients or consumers. Hence, students' rights are entirely different from consumer rights. Problems of which level are being addressed? There are problems at all levels. Therefore, it should not be a question of either or.

In the framework of the preparations of the UNESCO World Conference on Higher Education, student representation organisation from all parts of the world have convened and issued a message to UNESCO. One part of the statement is the call for the establishment of a worldwide Ombudsman office under the umbrella of UNESCO.

Current activities of Ombudsman structures have a more or less entirely institutional or national focus. We are far from having a system in place in every country. But we are facing times of increasing international activities.

There is a steady growth of mobile students in absolute numbers.

There are more and more joint degrees and programmes. There are offerings of transnational education (TNE) in all its facets and with all its problems. Often the TNE offerings are not sticking to national standards. What about the students rights in these cases?

- **II. Magna Charta Observatory**

One of the functions of the Magna Chart observatory is that of a mediator. We are often receiving complaints from individuals. Sometimes those individuals are students, most of the time they are staff members, from early-stage researchers up to the top leadership. Current systems of Ombudsman are not that well equipped for dealing with these matters, mainly as they are - apart from few countries - not meant to be. Students are often the weakest or most vulnerable people in higher education. Therefore,

dealing with their problems needs to be a priority. But at the same time, this must not lead to an exclusion of the addressing the problems other members of the academic community are facing.

There are ranges of organisations that are dealing with individual cases, like Scholars at Risk or the Council for Assisting Refugee Academics. But they by and large have a focus on areas / countries / systems with the most brutal regimes of suppression. We are talking about cases of murder, torture and crimes of that severity.

The focus of the Magna Charta Observatory is limited. We derive our mandate from the magna Charta Universitatum, a basic document outlining the fundamental principles and values of The University. Hence, we are mainly addressing issues of breaches of academic freedom or questions of integrity or malpractice.

With regard to academic freedom there is a very diverse legal situation. Sometimes it is guaranteed by the constitution, sometimes in laws and sometimes not at all. It addresses universities specifically and has been part of the basis of understanding of a defining element of higher education for centuries. Usually, it does not embrace students conceptually. Is the lack of the consideration of academic freedom something that an Ombudsman should address?

On the issue of academic malpractice we have recently published an essay jointly with the European Students' Union. Contrary to popular belief, academic malpractice happens in all higher education systems worldwide and not just in the developing world. It appears in various forms, more obvious and more subtle ones. It ranges from open corruption, sexual exploitation or harassment to nepotism and quid pro quo too favourable assessments of research proposals.

Academic malpractice resembles a serious threat to credibility and thereby to institutional autonomy and academic freedom and consequently to the sheer existence of the university as we know it.

Malpractice can be found with each actor in a higher education system, including students. The Magna Charta Observatory has a role as a moral guardian of the university idea. It is independent from higher education institutions, its members and political, economic and religious powers. Its work aims at reopening channels of communication whilst ensuring confidentiality.

With all the complaints reaching us, we are discussing whether to institutionalise this function of the Observatory even more by installing a specific Ombudsman instead of dealing with the issues related to the principles and values of the Magna Charta Universitatum institutionally. This is something, we would like to discuss also with ENOHE. We aim at addressing more systemic or systematic problems rather than dealing with individual cases. We certainly do not want our work to undermine national or institutional structures that do have the competence and legitimacy in dealing with these affairs. Rather, we see ourselves, as an instance that comes into play once all the efforts at institutional or national level did not work out.

- **III. The Bologna Process**

Before addressing some of the specific problems, I would like to give you a suggestion that you may reflect upon. Quality assurance is one of the main pillars of the Bologna reforms. Hence, it might be a good idea to try pushing the idea of properly addressing and guaranteeing students' rights as part of quality assurance exercises.

There has been a lot of criticism on the Bologna Process from the side of the students. And I believe quite rightly so. I was often asked about this, as I was also the student representative in the official structures of the Bologna Process, the Bologna Follow-Up Group. And my answer has most often been that the problems students are addressing are not problems of the principles ideas of Bologna. The problems are found in the implementation. I will just mention a few items.

Bologna is a shift of paradigms towards a student centred system. What if that is not incorporated in the reforms? Student centredness does not work without student participation.

What if there is none or if it is reduced due to more and more managerial structures despite the Bologna call for more student participation?

Take the example of ECTS. It is supposed to be based on the actual workload of students. 98% of all higher education institutions do it wrongly. They do not measure the workload, but make a pure guess - without the involvement of students.

The Lisbon recognition Convention is being applied. For example Germany finally (10 after signing it) ratified the Convention, but is not changing its laws and procedures to be align the practices to adhere to it. Do students actually have to go to court to get their rights or could this be arranged in a different manner?

Learning Outcomes are not or poorly implemented and used. What to do in these cases? Bologna is supposed to make the system more flexible. What if the implementation actually leads to more rigidity? What if in the name of Bologna reforms are undertaken that have nothing to do with it; when the Bologna label is abused just to bypass a serious discussion or to put the blame on "those in Brussels"?

In short: Is there a students right for proper implementation and could an Ombudsman be helpful in these cases? Or to take the question outside the Bologna framework: Is there a right to good reforms or reforms that do not contradict or jeopardise students' interests?

Those are questions that might fall beyond the traditional scope of Ombudsman activities. But are they less relevant?

**Peter Kostelka, Secretary General of the International Ombudsman Institute, Vienna
Reaching Out to Citizens
(held during the ENOHE Vienna Conference 2010)**

An ombudsman can only be of service to citizens if the citizens know and trust him, and they will only do so if they view the Ombudsman as someone whom the government must take seriously. Meanwhile, the government will only take the Ombudsman seriously if he is viewed by the general public as a serious counterpart to the administration. As long as citizens continue to trust the media, ombudsmen cannot ignore its power. In Austria, where the Ombudsman Board produces a weekly broadcast with the national television station, public support for the Ombudsman Board is extraordinarily strong. All means for citizens to communicate with the Ombudsman should be open, and the news media and Internet are particularly important in this regard.

Over the past 15 years, the world of ombudsmen has become highly diverse. We differ in the functions we perform, the tools we have available to us to do our jobs, the ways in which our positions are established in the laws of our respective countries and in our understanding of the office, which is generally a function of the statutory basis for our position, the history of its development and the practices of our predecessors in office.

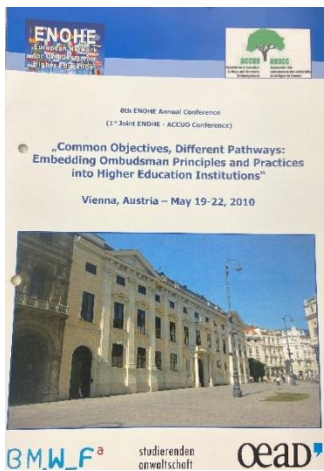
The purpose of the ombudsman's office is to reconcile administrative efficiency and rule of law, the expectations of the citizens and the reality of their government. More than almost any other government agency, ombudsmen have the means of extending their authority, something that allows us to develop our own understanding of the office and emphasize new aspects of our work. Of course, there are limits: we cannot lose the confidence of the citizens, our national parliaments, public and published opinion and the government. Nevertheless, such extensions of our authority are almost expected, and not only in Austria.

A recent survey found that 42% of respondents believe that the Austrian Ombudsman Board has too little authority, while just 3% said that their ombudsman is too powerful. As Bruno Kreisky, one of our founding fathers, said about 30 years ago, hardly any other government agency can exceed its authority with the support of the general public more often than the Ombudsman, and we have tried to live up to his expectations. Despite the absence of an express statutory mandate, the Austrian Ombudsman Board has formed a close partnership with Austrian state television and has recently prepared its 6th Annual Report on Human Rights.

We also continue to exercise review authority over formerly state-owned enterprises like the railways, postal service and telecom, even though our formal authority to do so was lost in the course of privatization, as well as routinely proposing legislative initiatives to Parliament within the context of our reports. Our ability to formulate such innovative initiatives depends on our capacity to learn from each other and study practices in other countries.

The IOI performs and will continue to perform a unique function in this regard as an information platform. The task of the new IOI will be to compile the laws and official practices in effect in other countries and make them easily accessible to all of us, as well as offering the forums necessary to discuss them. The new IOI should bring us closer together and make it easier for each one of us to evaluate practices in other countries, and the suitability of those practices for our own countries.

Although the specific details of the original Swedish recipe have not been duplicated anywhere else, the Swedish model has demonstrated to all of us that division of powers does not preclude efficient parliamentary review over public administration in the interests of the general public. One can even say that the parliamentary ombudsman is Sweden's most successful constitutional export.



In most countries, the Ombudsman's office is designed as a parliamentary oversight agency with the authority to ask for documents, a power which is very seldom granted to the parliaments themselves. The executive cannot refuse the Ombudsman's request for documents on grounds of official secrecy.

In other words, the Ombudsman bridges the gap between the executive and the legislature, and is the only parliamentary agency (including the audit offices), to which citizens can appeal directly. For this reason and others, the Ombudsman serves as the personal representative of each citizen, more than any other parliamentary body. While the Ombudsman is objectively subordinate to the public administration, its highest function from the subjective viewpoint of the individual citizen is to protect the personal rights of each and every citizen.

While ombudsmen have no actual punitive authority at their disposal, unlike the courts, they do have full access to information, and this power should not be underestimated. At the end of the day, the Ombudsman has no power other than the power of his arguments, based on his unfettered access to information.

The Ombudsman's daily routine is to act as an intermediary between citizens and their government, and he must build up a certain amount of trust with both sides if he is to be successful. The Ombudsman must convince the government that it will be treated fairly and objectively, and that it will prevail if it can furnish arguments to support its position. Citizens, on the other hand, are concerned less about objectivity than about the pursuit of their subjective interests, and legitimately so. They do not seek justice so much as the protection of their rights. If the Ombudsman is to be successful over a long period of time, he must satisfy the demands of both sides, rather than work exclusively for one or the other.

In line with the topic of this discussion, I will focus on the relationship between citizens and the Ombudsman.

First, it would appear necessary to eliminate as many of the barriers as possible between citizens and their ombudsman. Some legal systems do not exactly help matters when they require, for example, that all complaints have to be made in writing. These requirements should not prevent the Ombudsman and his staff from receiving complaints by meeting personally with the complainant. All means for citizens to communicate with the Ombudsman should be open. It is already hard and complicated enough for many complainants to contact the Ombudsman; it makes little sense to make things even harder for them by requiring them to use unfamiliar forms of communications. The option of meeting personally with the Ombudsman's staff, or with the Ombudsman himself if possible, is therefore of particular importance. I am personally convinced that an ombudsman who never even sees his complainants is not really doing his job.

Open houses in all parts of the country, decentralized offices or a network of agents on the model of the Médiateur de France are suitable tools towards this end. But whatever accomplished, our goal must be to bring ombudsmen as close to the public as possible.

Complaints about administrative defects will not reach us unless citizens know that the Ombudsman exists, what they can expect from us, more or less, and how to find us. Seemingly trivial things like toll-free telephone numbers and a well designed website are therefore of fundamental importance.

Unless the function and identity of the Ombudsman are publicized to a certain extent, utilization of the Ombudsman's services will be left to chance and, in the worst case, would effectively be available only to select segments of society. If he is to perform his intended function on behalf of the citizenry, the Ombudsman must become a public figure whether he likes it or not. In fact, some ombudsman statutes expressly require him to do so.

We should refer in this context to the relevant provisions in the ombudsman statutes of the Russian Federation, Croatia, Slovenia, Lithuania and the Czech Republic. However, a right to engage in public relations work can also be inferred indirectly from our duty to report to our respective parliaments. After all, it is our responsibility to ensure that the reports we submit to parliament do not simply gather dust in parliamentary files, but instead find their way to the consciousness of the general public.

Clearly, the Ombudsman's interests are not identical to those of the government in this regard. For the Ombudsman's criticism is more bearable for the government the less the general public knows about it, and the case is not fundamentally different for the parliaments themselves. In fact, the only ones who are truly interested in our reports criticizing the government's ministers and administrative agencies are the opposition, but the opposition does not determine the agenda of parliamentary deliberations. In any case, ombudsmen must avoid becoming nothing more than star witnesses for the opposition: yet another reason why ombudsmen should ensure that the public at large is acquainted with the content of their reports.

Making the Ombudsman's work public affects his relationship with the executive, with parliament and with the general public. In many cases, citizens do not know who the Ombudsman is, what he does, and how he can help them until he appears in the media spotlight. Seen in this light, the media can be a vital means of spreading knowledge about the Ombudsman and his constitutional function. But the political utility of publicizing the Ombudsman and his work goes even further; it convinces citizens that it makes sense to take advantage of the statutory means available to them for enforcing their rights, including the Ombudsman. By hearing some examples of the Ombudsman's work, citizens find out that they are not alone and helpless in the bureaucratic jungle.

Making the Ombudsman a public figure makes him the equal of the administration in the public's eye. Like all of us, the government does not like to be criticized and its sensitivity to criticism grows the more people know about it. In democracies, this is reinforced by the natural interest of every politician, from mayor to minister, not to lose even a single vote due to lax administration and bureaucratic red tape, an interest, which they can be sure to explain to the administrative apparatus in no uncertain terms.

Accordingly, media pressure on the administration and its leadership makes them more likely to hear the Ombudsman's arguments and the media's role in supporting the Ombudsman's work should not be underestimated.

Administrations are seldom malicious. In most cases, though, they are overworked, lethargic and loathe abandoning their accustomed practices. In Austria and elsewhere, there are two fundamental arguments the administration makes time and time again: "This is how we've always done it," and "anyone could just come and say that." Generally speaking, the Ombudsman must call upon the administration to abandon its old ways of doing things and accept the risk that always comes with doing something new. Ultimately, what the Ombudsman is asking of the administration is nothing other than to subordinate its own interests to those of the citizenry, to the extent possible under the law. Naturally, this cannot be done without a certain amount of pressure.

This is also true, to a certain extent, of parliaments: Legislators will take you more seriously if they believe that your arguments will resonate with the general public.

But now that we have discussed the positive aspects of publicizing the Ombudsman's work, let us not overlook the dangers. After all, entering the media universe means having to obey the rules that prevail in that sphere. The Ombudsman must be conscious of the fact that he is leaving his familiar territory, and that the media universe has its own unique logic.

First of all, the Ombudsman must learn not to publicize cases that cannot be explained through the media, as the danger of over-simplification cannot be avoided. After all, the mainstream media, like many of us, is accustomed to seeing the world in black and white. When presenting his findings to the media, the Ombudsman must learn to choose the simplest cases possible, and to choose cases that elicit an emotional response and cause media consumers to identify with the complainants.

He must learn that, while the administration can be appeased with balanced formulations, excessive caution and the need for harmony can detract from the effectiveness of his message. Ideally, media consumers will identify with the complainant, and will expect the Ombudsman to defend the complainant's interests energetically.

Above all, the Ombudsman must be cognizant of a fundamental journalistic principle: "Only bad news is good news." This means that cases reported in the media will only be of interest to the general public if the Ombudsman's report details administrative misconduct and explains how that misconduct was rectified. The latter is particularly important: If the initial report does not include a resolution, the Ombudsman should issue a follow-up report making clear that he has not given up on resolving the cases and that, in most cases, a solution will ultimately be found. If he fails to do so, he runs the risk of being attacked as just a "paper tiger."

While this way of selecting cases from the Ombudsman's files may seem unfair to the administration, this is not actually the case. In fact, the public administration benefits in another way.

In our general experience, only 10-20% of complaints reported to us end in a finding of maladministration. What about the other 80-90%? In all of those cases, we have to contend with deeply unhappy citizens convinced that an injustice was done to them, as well as an administration that acted properly but failed to communicate this state of affairs to the persons involved. Such a situation is not entirely devoid of danger politically, as it undermines the citizen's trust in the state and its administration. In effect, only the Ombudsman can resolve this conflict. As an objective and independent public advocate, he can make the citizen understand, through careful review, that the administration could not have acted any differently under the existing laws. In other words, it is the task of the Ombudsman to help citizens understand and accept their system of laws and the administration charged with enforcing them. We do this by publicly identifying and rectifying administrative abuses and by explaining to citizens when and if such abuses do not exist. If the Ombudsman concludes that the administration acted in accordance with the law, but the law itself is the problem, he will generally inform Parliament of this view and propose new legislative initiatives to remedy the situation.

But let us return to the unique features of the media universe: When the Ombudsman speaks to the press, he must remember that he is not dealing with people who slavishly write down his every word, but with skeptical journalists who are jealous of their right to question everything and everyone, including the Ombudsman himself. Many of us are unprepared to face such questioning. When ombudsmen work together with the press, it is inevitable that both sides will become irritated at some point. Journalists don't want to be turned into instruments of someone else's agenda any more than we do. But irritations are also inevitable because our roles in the context of the media are so similar; we are both in acting as intermediaries for the general public, a position that calls upon us to rectify administrative abuses.

Accordingly, ombudsmen and journalists must find a reasonable division of labor to distinguish our respective roles. If we try to outdo one another instead of working together, it will only hurt us in the end. In Austria, we have already seen a partnership with the national television station fail.

We in Austria have gone especially far in publicizing our activities. With interruptions, and in various forms, the Ombudsman Board has maintained a close partnership with Austria's national television station, ORF, for the 33 years of its existence and we work together to produce a weekly television broadcast which present one or two cases a week, in detail. Through this weekly broadcast, the Ombudsman Board now has a name recognition rate of around 75%, along with extraordinarily strong public support. But ORF has benefited as well. It has developed an investigative journalism format which involves practically no risk of subsequent litigation, since it does not have to rely on the truth of the complainant's statements. Through its access to the Ombudsman Board's findings, it knows the whole story. These broadcasts are also relatively cheap for ORF to produce, in addition to being increasingly popular, since the Ombudsman Board has already researched and processed the cases. This has the added benefit of keeping down editing costs, which are typically high for this format.

In such broadcasts, it is especially important to feature an actual confrontation between the Ombudsman, or the complainant, and a representative of the administration, as this is what it takes to bring the discussion home for viewers and make it real. In this way, citizens will get the message that, with the Ombudsman's help, they have a real chance of prevailing against the administration. Meanwhile, the administration will learn that it will be held responsible for its misconduct in public.

It has tried repeatedly to evade this process, but in the end has learned that this course inevitably leads to confrontation. The administration has found that refusing to answer questions does not solve their problems; it only makes them worse. The media's view of the world can be summarized by the Roman legal principle *Qui tacet, consentire videtur*, or "silence is agreement." Some administrative offices have sent out real PR professionals for these broadcasts, who begin by uttering sincere apologies and then, as fast as possible, offer solutions that are both lawful and acceptable to the complainant.

These broadcasts have raised few, if any, privacy issues. No more than once a year, we get complainants who would like to see their problems solved but elect not to take their cases to the media. The Ombudsman is generally responsible for ensuring that no one is forced to disclose details of their personal and family life against their wishes.

Using the media only makes sense if the Ombudsman can control the timing and the topic itself. It is important for the Ombudsman to retain his objectivity and non-partisan status, which is difficult to do if he wades too deep into day-to-day politics.

But we must remember that using the media can't solve all of our problems. Our difficulties reaching teenagers are only partially explained by the broadcast time, late Saturday afternoon; after all, sports programs broadcasting at the same time have no shortage of young viewers. The size of our viewing audience, which is one-quarter to one-third of all households, does not really solve this problem either. Special efforts are necessary to reach some groups, such as specially designed educational material. Efforts to publicize the Ombudsman's activities must go beyond the print and electronic media. An interesting website geared towards younger Internet users is increasingly important these days, and this website should be informative, helpful and entertaining. The website should make people want to contact the Ombudsman and take advantage of his services.

Anyway you look at it, an ombudsman can only be of service to citizens if the citizens know and trust him, and they will only do so if they view the Ombudsman as someone whom the government and parliament have to take seriously. Meanwhile, the government and parliament will only take the Ombudsman seriously if he is viewed by the general public as a serious counterpart to the administration.

Politicians need citizens to vote for them in order to stay in office. Ombudsmen do not run for office, but they have to make citizens believe that their criticism of the government's policy and administration can decide elections. To many citizens, ombudsmen are the touchstone for each candidate's receptiveness to citizens' concerns. Like it or not, our society has become a media-driven society. The success of our businesses, careers and political ideas depends on their presentation in the media. As long as citizens continue to trust the media, ombudsmen cannot ignore its power.

Elisabeth Freismuth, Rector of the University of Music and Performing Arts, Graz
Autonomous Universities and Independent Ombudsmen: Does it Work? Does it Really Work? Can that Work?
(held during the ENOHE Innsbruck Conference 2015)

Ladies and Gentlemen,
dear colleagues from around the world of higher education,

when such a group of high potential ombudsmen and ombudswomen comes together for such a high level annual meeting of your network: how can a rector say no to the organizers of this conference if asked to give the keynote today? This speech then is about autonomous universities and independent student ombudsmen and the relationship between them. I will do this with keeping in mind my several professional backgrounds I have to offer from all my previous positions. Originally, I began my career as a legal expert at the bottom of the hierarchical pyramid, starting my way "in the troubles of the plains". This was followed by an intensive time as a university director for several academic years, always faithfully serving the respective university community. During those years I was very active in a European network myself, namely HUMANE, the Heads of University Management & Administration Network in Europe.

As a top university civil servant I then was called to become the director general at the Federal Ministry of Science and Research. I applied, I got the job and held this position for seven continuous years, being in charge of infrastructure, budget, and human resources. I had the privilege to serve four different Austrian ministers of science and research, and I served them with great energy.

Since October 1, 2014 I am now holding the position of the rector of the University of Music and Performing Arts in Graz. I again had been invited to apply for this position. Since I thought this was yet another thrilling challenge for my career I did apply, and as you can see: I got the job!

So, it's now more than half a year that I am finally my own boss, am I not?

- **Being one's own boss**

Ladies and gentlemen, I want to begin with looking into a possible informal definition of a "rector". And I found a very comprehensive one, given by a dear colleague of mine, Manfred Welan from the Vienna University of Natural Resources and Life Sciences. His definition shows how multi-faceted this position really is. I am quoting Welan:

“A rector is someone who has to comprise several indispensable skills, such as public speaking, persuading and convincing people, being a good and intensive listener. Further skills required are those of an animator, an inspirator, a psychotherapist and a group therapist, an arbiter, a motivator, a diplomat, a wailing wall, an ombudsman and an honest broker between groups”

From this quotation alone, and this comes, after all, from a well-experienced, long-time rector's colleague of mine, you can guess yourself what a rector is up to in daily life. I want to leave it to your imagination how much of one's own boss one can really be under the given circumstances. You as ombudsmen and ombudswomen most certainly have had and still have lots of possibilities for a “reality check” for this definition with YOUR respective rectors, right?

After these about eight months in my new position as a rector, I still do think that I am as free and independent as I never have been before. Being a rector is a permanent challenge, it is daily learning by daily doing. I have my own opinion on what I can do and how. Certainly, all experiences made during my previously mentioned jobs are helping me with my current job.

According to the Austrian Universities Act of 2002 a rector has the following duties.

- presiding over the meetings of the rectorate
- acting as its spokesperson
- nominating candidates for election as vice-rectors
- managing the university office
- negotiating and concluding performance agreements and development agreements with the Federal Ministry of Science, Research and Economy
- acting as the supervisor of all university staff
- selecting professors from shortlists drawn up by the appointments committees and
- concluding employment and service contracts.

Together with the team of vice-rectors he or she is also in charge of admitting of students as well as establishing and discontinuing study programs, prohibiting curricula or changes thereto under certain given conditions. I deliberately mention all these functions since they clearly demonstrate the immense responsibility a rector bears in leading a university. And that being one's one boss can mean many things.

- **Size matters**

With some 2.000 students at my university and the possibility of selecting applicants who want to study at there - like at any other university of arts in Austria - we are better off than institutions of the size of, for example, the University of Vienna with some 94.000 students as the largest education institution of higher education in this country, with almost no selection criteria applicable and hence free access for almost everybody with a higher school leaving certificate.

Whether it is music, dramatic arts, fine arts or applied arts you are interested in, the universities of arts in Austria provide an ideal place for the discussion and further development of art and science for their students. What does matter in this context is not only specific for us but for all higher education institutions: that size matters, in every respect at all universities.

We as the universities of the arts as relatively small sized higher education institutions with special structures, are sometimes said to be institutions of our own kind, living on our own little planets, probably even “abgehoben” as we say in German, out of touch with the real world.



Yet, no matter how big or how small the number of students, of staff, of academics, of course programs, of take up rates, of students taking exams regularly (there are almost no “inactive” students at universities of the arts due to the master class system), third-party funds – all that matters at universities of the arts, too. Right now, at this very moment, one of my most important tasks for me as rector is to prepare the new performance agreement between my university and the Federal Ministry of Science, Research and Economy for the next three years’ contractual period from 2016 until 2018.

It is hence especially exciting for me since last time I myself was still “on the other side”, at the ministry. It has a certain charm and appeal having changed sides. It is interesting to see the needs and necessities of one out of 21 public universities, of my university, and the point of view of the ministry.

When it comes to anything that has to do with facts and figures, when it comes down to money, we are all in the same position, public and private, classical and specialized universities, small and large ones. This is the time when we all have to realize: Neither the rectors have nor the minister has a money printing machine in their respective basements.

Resources need to be used carefully. Financial support should not get lost due to inefficient administration, unclear structures and / or the improper use of human resources. Good inter-personal relations and clear cut responsibilities are therefore an absolute necessity.

Living and working together is more easily done within smaller institutions and can be better steered, yes, also size-related, through effective relationship management. It does make a difference if an institution comprises several tens of thousands of students and staff or just a few thousands. As I said, size matters!

- **Autonomy is not conflict-free**

Let me return then to autonomy which is by no means a guarantee for being conflict-free. No matter how big or how small institutions are, I am again talking about size that matters, conflicts can arise anywhere on any subject.

There are only few regulations and standards regarding conflict, conflict treatment, and conflict resolution mechanisms available. This adds procedural problems in conflict treatment to the actual substantial issues and topics of the conflicts of university life itself.

The regulations that rule the cooperation and life of the members of universities are laid down in detailed provisions such as the appointment procedures of rectors, of professors, or with the creation of the structure and content of curricula and regulations concerning studies and examinations.

Conflict treatment *de iure* is not to be found explicitly in any regulatory framework. But of course, there are already *de facto* conflict handling instruments at Austrian universities in place.

But they are not being adequately announced, they are sometimes (geographically) difficult to locate and, therefore, their services are at times difficult to engage.

As part of their recently acquired autonomy, Austrian universities are entitled to set their own measures of “evaluation and quality assurance” in order to ensure a functioning (conflict-free) internal structure. These measures shall guarantee the high quality of the universities’ main tasks as well as their performance and secure concrete activities, processes, and structures.

University staff and students causing conflicts, affected by or involved in conflicts at universities here in Austria can make use of various very formalized conflict treatment bodies like the Arbitration Board or the Working Group on Equal Opportunities, among others. But they are all not really low-threshold institutions at all.

- **Independent Ombudsmen and their legal bases**

This then, I would say, is the time to discuss the position and the role of an ombudsman and / or an ombudswoman in higher education, independent ones, let it be understood!

Why and since when do university ombudsmen exist?

The world's first university ombudsman Offices were set up in the 1960s in North America during the Civil Rights and Anti-Vietnam movements' activities. They were established to help calm the violent campus unrests whose roots lay with the American war effort in Southeast Asia and with the struggle for civil rights in Canada and the US. They were also intended to help solve the resulting long-term conflicts between students and universities. At the time its main tasks were:

"...to respond to demands for a neutral, confidential, and 'safe' place to discuss concerns and voice complaints. The early emphasis of Ombuds programs was to increase the perception and reality of 'fairness' and justice of procedures and decisions made on campus, and to assist people in navigating the increasingly complex maze of procedures that were being developed."

University Ombuds Offices are also found in other regions and on other continents, such as Mexico in Central America, since 1985, where they contributed to the development of human rights in general. In Australia and New Zealand they have been an integral part of the local higher education systems since the late 1990s.

In Europe, Spain is the country where the first ombuds offices were set up during the 1980s, on their own accord and as a voluntary measure. This was a result of the general societal changes and thus, similarly to the US, a strong civil-society phenomenon, even before the term "civil society" achieved the ubiquity it did in the political and social debates of the 1990s.

The so-called Ley Organica de las Universidades of 2001 determined two important, closely related, elements serving as a kind of general theme for all similar institutions also elsewhere: on the one hand the establishment of ombudsmen offices as designated official bodies for the informal treatment of conflicts between all members of the university, and, on the other hand, contributing to the overall improvement of quality in higher education.

I don't have to tell you about ENOHE, the loose and informal but very active association of higher education ombudsmen in Europe. From what I learned from your webpage ENOHE is a network of individuals and bodies, who are interested in the work of university ombudsmen, expanding knowledge, enhancing skills, sharing approaches to common problems, and creating a possibility for a more solid base for the ombudsman function.

Institutions from several countries with new legal provisions for the establishment of university ombuds services are now affiliated with ENOHE like the "Office of the Independent Adjudicator" for England and Wales established under the Higher Education Act 2004, or Croatia with the "Studentski Pravobranitelj" (Student Ombudsman), established in 2007.

- **Interaction by decree?**

Austria, under the Higher Education quality Assurance Act of 2011, was so far the last country (so far) to enshrine higher education ombudsmen in law, to be more precise the Austrian Student Ombudsman at the Ministry of Science and Research.

I was still working at the Ministry, as a kind of trailblazer, when the new institution took off the ground. I precisely remember the initial phase of the designing and implementing of a good back up electronic administration system which now helps to prepare the legally compulsory annual reports for the minister and to parliament.

Under the above mentioned law, university decision makers are obliged to give any information requested by the Student Ombudsman on issues brought forward to him. He, in turn, can make investigations upon his own motion. And as of the academic year 2015/16 he will be able “to name and shame”.

Do I for my university, the University of Music and Performing Arts in Graz, want to be mentioned in the Student Ombudsman’s next annual report?

The legal possibilities are there, the formal way has been paved by federal legislation. But I do not think, and this still needs to be debated between the two sides involved, if it needs legal force to cooperate in solving common cases. Wasn’t the informal way taken so far much better? Under the new regulatory system there is also a potential discrepancy growing between the principles of confidentiality on the one hand and absolute transparency on the other hand.

Hence I want to close with three versions of a similar question: Does the relationship between autonomous universities and independent ombudsmen work? Does it really work? Can it work?

- **Does it work? Does it really work? Can that work?**

Question one: “Does it work”. This implies that something is already taking place between both sides. To my knowledge my own institution does not have any current issues to be dealt with by the Student Ombudsman in Vienna – at least nothing has reached my desk, yet.

“Does it really work?” means that one of us or both have doubts, that it really does work, in other words, that both sides do not believe in the principles set up by the lawmakers that autonomous universities are in a way controlled by the independent ombudsman at the ministry in Vienna, or mutatis mutandis, by one’s one local ombudsman (that we do not have) and don’t need. “Can it work?” is a question addressed to the future. Both sides do not have any experiences (with each other) yet.

It needs to be seen what will happen next and how. I understand that some of you do have respective experiences with going public with cases brought forward to you.

I hope that I was able to encourage additional discussions for you during the next two days with these three questions of mine. What the right answer for myself and my university will be you find out when reading Josef Leidenfrost’s report to the minister and to parliament on the 15 December 2016. Let us therefore continue discuss these questions further in two years’ time. Enjoy your work as independent ombuds people until then. We as the autonomous rectors will appreciate it.

Emily O’Reilly, European Ombudsman, Strasbourg
The European Ombudsman For an Ethical and Transparent EU Administration
(held during the ENOHE Strasbourg Conference 2017)

Good morning everyone, welcome to Strasbourg and thank you for the invitation to address you here today. In looking at your programme I recognise many of the issues that are of common concern to Ombudsmen, but I also recognise the specific issues of concern to Higher Education Ombudsmen. As this kind of Ombudsman is a relatively new phenomenon in many countries and doesn’t exist in any form in others, I can appreciate the challenges that this network has in terms of mapping out not just how this Ombudsman should develop but also in terms of finding commonalities between you. In preparation for today I read through Rob Behrens study of the Higher Education Ombudsman and I found it fascinating and most informative on many levels.

Some phrases and statements stood out. The Higher Education Ombudsman was described, for example, as 'a resilient but threatened, evolving, non-legal form of dispute resolution.' Someone else commented that 'an internal Ombudsman is a contradiction in terms' while I think Rob himself noted how University academic staff enjoy 'extensive protection from a questioning of their professional judgement'. I also noted the high percentage of Ombudsmen whose mandates come from a University statute as opposed to from national legislation and how the issue of independence is probably, not surprisingly, the issue of greatest concern to practitioners.

Rob rightly describes Ombudsman independence as the 'golden thread' that defines what a correctly functioning and effective Ombudsman should be and all of the issues that you will discuss here today will be to a greater or lesser degree linked to that precious, critical value. There is a story told in my country, Ireland, and probably others, of the stranger who is lost and asks somebody for directions to a certain place. The reply he receives is "Well I wouldn't start from here." And when I look at the wide divergence among you in relation to mandates, origins, powers, independence, resources, etc, I was reminded of that story.

Problems very often arise for Ombudsmen not because they're not competent and highly motivated, but because their founding statute has failed to put in place the tools they require to do that job well, assuming of course that even the job description is agreed and understood. I note the diverging views among you of what the role is. I think that latter point is a particularly problematic one and it's problematic not just for you but for all Ombudsmen.

I sometimes say that the Ombudsman has been a victim of its own success. It started in Sweden over 200 years ago, slowly spread for the next while and then gathered speed again in the middle and end of the last century. Such was its perceived popularity with the public that many public and private institutions started introducing Ombudsmen into their worlds, but at times without proper regard to making sure that this new creature was what was by then popularly understood to be a real Ombudsman. And by a real Ombudsman I mean an independent Ombudsman – independent of the institution but also, critically, independent of the complainant. Otherwise the person charged with this role is a complaint handler, or a counsellor, or some kind of facilitator whose brief falls short of independent investigation and adjudication – the making of non-binding recommendations. In Ireland, following the enactment of legislation some years ago that I and my predecessors had lobbied for, the title Ombudsman is now protected and in my view, that is most definitely in the public interest.

But before I go on to talk about my own role and the wider EU context of transparency and accountability, I want to say how important I think your current role is, and your potential future roles could be. I don't need to tell this audience about the expansion of third level education. We have gone in a generation or two from a world in which access to third level education was limited, to one in where the expectation in most developed countries is that young people will go there.

I can see myself within the EU institutions the intense competition for jobs and the high academic standards expected for even entry level positions.

The pressures on greater number of young people to succeed at this level are now intense but, as the survey also points out, there are issues particular to this sector that can be challenging for those who want to or who have to, question what they consider to be unfair procedures.

I note that some institutions are reluctant to even see an issue in terms of a 'complaint'. And when you consider that those procedures may well determine a large part of the career of a young person, you can see how particularly vital it is that the issues that this network is discussing here today are properly analysed and properly resolved.

As my own children have made, and are making, their way through third level education, I have seen the institutional barriers to real engagement with students when issues arise. I have seen the self-interest of the University take precedence over the interests of the student. I have heard the philosophical debates even over the core functions of a University at a time when everything, including education, is being commodified. And of course, as in every institution, there are the usual non-academic issues that arise. And given all of that, I can appreciate the very particular challenges that you face.

I'll now turn to my own work. The European Ombudsman was created by the Maastricht Treaty in 1993. Under the Charter of Fundamental Rights, the right to good administration is further enshrined. The Ombudsman is elected by the European Parliament and is not a nominee of a Member State Government, unlike EU Commissioners, auditors, and judges. I report to the parliament annually and frequently go before parliament committees to give evidence on my work. I have the same powers as that of a classic Ombudsman. I have wide powers of investigation and make non-binding recommendations if I find maladministration. Up to 90% of my recommendations are accepted. I can make a report to Parliament if a recommendation that I judge to be important is not accepted but this has happened on just a few occasions in the history of the office.

I also have the power of own initiative investigation and this is something that I use quite a lot particularly in the area of transparency. As the complaints I receive from citizens have to be against an EU institution and not a national one, many of the issues I deal with concern the accountability mechanism of the EU and not necessarily the more usual complaints of citizens around social protection, housing, health and other matters of daily concern to the public.

Some of my work however does have relevance for this network. My work contributes to opening up decision-making and policy-making that directly or indirectly affects education. I have for example, worked on the independence and interest balance of the expert groups that advice the European Commission on its work. The European University Association for example are members of expert groups that discuss issues such as the modernisation of higher education. I don't know whether the EU members of this network have examined this in the context of raising the profile and relevance of Higher Education Ombudsmen but it might be worth considering.

I have also worked to make the making of laws by the EU more transparent and more open to all interests particularly in my work on the so-called Trilogue process, that is the informal deal making between the Commission, the Parliament and the Council.

TTIP (and other trade agreements such as TiSA - the Trade in Services Agreement- currently being negotiated by 23 WTO members incl. the EU) are of interest for their potential to affect the Higher Education Sector. This because, although these agreements are meant to exclude services of public interest; Higher Education facilities worry, as I understand it, that as they are often funded with both public and private money, they will be caught up in such agreements. The same applies of course to health services. I have also worked to make the Council – that is the Ministers from the Member States who agree new laws generally as co-legislators with the parliament – more transparent. It is often not clear to citizens exactly what positions their own Ministers are taking and I believe that a more transparent Council would make it easier for citizens to understand who decides what in the EU and whether it is always entirely fair to blame Brussels for everything!

More recently I have been working on Brexit and particularly on the transparency of the negotiations and on citizen rights. Obviously the final deal will be very relevant both for students looking to study in UK and for UK students seeking to study in Europe, and perhaps particularly during an ERASMUS type year.

Individual cases that are relevant to your work include:

A case in 2015 concerned the rejection of an application for a fellowship position under an EU research programme. After being initially offered the position by a university, the complainant was informed that his past internship in a private company rendered his application „ethically unacceptable“ because, amongst other reasons given, there was a legal conflict between members of the team and that company. He complained to the Research Executive Agency but the Agency said hiring researchers was a matter for the beneficiaries of grants, in this case the university. The researcher turned to the Ombudsman saying that the procedure was not transparent. The Ombudsman recommended to the Agency that it increase its oversight on recruitment practices by institutions awarding research fellowships. The Agency accepted the recommendation.

In another case a Belgian national applied for a post in an EU delegation, with one of the required qualifications being a post-secondary school diploma. He got on the reserve list and then applied for a job at the Commission and was picked.

But the Commission refused to employ him saying his diploma was not post-secondary. The complainant said it was recognised under Belgian law as being post-secondary. He turned to the Ombudsman, who obtained confirmation from the Belgian permanent representative to the EU that the diploma was indeed post-secondary.

The EO in 2015 asked the EC to compensate the complainant by either offering him an equivalent post or adequately compensate him for loss of income and professional experience. And earlier this year, I recommended that the European External Action Service (EEAS) pay all of its trainees an appropriate allowance to allow greater access for young people of all backgrounds. The EEAS has almost 800 trainees in its delegations around the world whose full time services are not remunerated. We are awaiting the final response. Finally, this year I initiated the first ever European Ombudsman Good Administration Award – in which there were two education-related runners-up in categories on collaboration and citizen-focused delivery: One was a project on changing mind-sets about vocational training among parents and young people. Another was a portal providing a user-friendly one-stop shop for thousands of researchers, SMEs and other beneficiaries of EU research and innovation funding.

Dame Suzi Leather
Words of appreciation for Rob Behrens
(held during the ENOHE Gala Dinner in Edinburgh 2018)



Occasionally we meet someone truly remarkable. It happens rarely, but when it does we get the sense of what it means to live a really good and useful life. To be all that a human being can be.

I know this because I know Rob Behrens. Like so many of us here today I feel blessed to know Rob. He has graced ENOHE since 2008 when he joined the OIA and the impact he has had on us individually and collectively as HE ombuds is remarkable. Equally remarkable was the impact he had as Independent Adjudicator and CE at the OIA in England and Wales.

Rob's tenure at the OIA was simply transformational; in the eight years he was there he changed the processes and perception of the OIA, he introduced good practice guidance and made the organisation transparent, efficient and effective. He introduced naming universities for non-compliance.

The universities went from mistrust, to grudging acknowledgement to genuine and deep respect. Internally Rob was admired and liked hugely by staff. He was very greatly missed when he left. I don't think its too strong to say that when I joined the OIA six months after Rob had left I found an organisation still in mourning.

Now the extraordinary thing about Rob is that he's had this kind of impact not just on the HE ombuds world. But on every other world he's worked in. And his professional life has encompassed many worlds. He started out in academia teaching Social Policy and Public Administration. He left academia to enter the Civil Service. He was the Director of the South Africa Development Unit which helped prepare the ANC for becoming the first democratic South African Government.

He was the Director of the International Public Services group in the UK government which helped the development in the Accession States of the EU, thereby helping cement public management in the former Yugoslavia, Russian Federation and emerging democracies and countries in transition in Asia,

Africa and the Caribbean. Then, as the Secretary to the Committee on Standards in Public Life, Rob dealt with some of the most difficult aspects of propriety, standards - and people - in UK public life. This was all before he became Complaints Commissioner to the Bar Standards Board of England and Wales, regulating half the legal profession. And all this before most people here even knew him!

The breadth of his experience and his accomplishments in these hugely demanding roles is quite outstanding. There are not many who have had personal letters of thanks from Nelson Mandela! What's his secret? I would say he started out well because, like me, he studied Politics. And, like me, he studied Politics at Exeter University! He was an MA student while I was a BA student. I remember him being very studious, very straight looking and highly good fun.

Of course I didn't know then of his almost pathological commitment to Manchester City. But in the end, I'm not sure that what you study, or even where, really makes that much difference. I think it's down to character. And there are some things I'd like to say about Rob's character. Firstly, Rob is brave. He is never afraid to say what he thinks. 'He spoke truth to power' should be on his gravestone. He is careful and courageous.

Secondly he cleverly combines principled vision with a pragmatic sense of how to achieve it. This is a winning combination! And particularly important for a leader.

Thirdly, he is completely authentic. There is no one else on the planet quite like Rob. He says things differently, he does things differently. All from complete integrity. And there is never any sense of showmanship with Rob. Rather the opposite, a quiet scil-ctfacing brilliance.

He's helped of course by being very, very clever, extremely widely read and hugely diligent. He has a huge breadth and depth of knowledge. And he wears it lightly, managing to bring an apposite quotation to almost every situation. Despite having this great intellect he's refreshingly non-hierarchical and very modest. I've known lots of pretty stupid people think much better of themselves than Rob does of himself. Though I'm glad to say he spots fools a mile off. And he has no time for the pretentious or bumptious. On the other hand he is terrifically supportive of friends and colleagues and one of the most encouraging, generous people I have ever met.

That encouragement and generosity has touched us all. Rob's fundamental commitment to valuing and learning about the international context has hugely strengthened ENOHE and the task of being an ombuds in HE wherever.

Lastly, Rob says things in ways we can all understand. He was questioned by the House of Commons Select Committee responsible for vetting public appointments. Rob was up for the role he now holds: Parliamentary and Health Services Ombudsman.

He was asked what did he think the job would be like? Quoting a Hungarian expression, he replied: it will be like playing a grand piano whilst carrying it up the stairs". Rob has been playing a grand piano whilst carrying it up the stairs all his professional life. We are some of the many who have watched in awe at how he does it. And we have loved listening to his music. Colleagues, we want to thank him.

It is my privilege to invite you please to raise your glasses. Let us salute Rob.

Josef Leidenfrost
Laudatio for Robert Behrens
(held during the ENOHE Gala Dinner, Edinburgh 2018)

Ladies and Gentlemen,

According to the conference programme we have gathered together this evening for an event that has become something of a tradition at our ENOHE annual conferences, the Gala Dinner. The room here, the Playfair Library Hall, is truly impressive. And because our hosts apparently don't completely trust us, guests who are enjoying alcohol, you'll see that they have locked the books up in this room: a rather elitist approach for us ombudsmen and -women who are used to having access to all information wherever and whenever we want it. When preparing myself for this speech in honour of Robert Behrens from an ENOHE perspective, I asked myself how I could structure my words of thanks so that he and you, as the listeners, will be able to take home one or more key aspects. In the end, I settled on four mottos, or principles, that I would like to consider in connection with Rob Behrens and ENOHE, starting from the biblical number of four: four for the four points of the compass, the four seasons, the four phases of the moon.

- **The first motto: The Earth is flat**

This one comes from the deepest, darkest Middle Ages. For a long time, it was something humanity believed, or more accurately, was made to believe by those in authority until it was possible to prove the contrary. Rob has never believed in authorities, and certainly not in his capacity as adjudicator! There is also another aspect behind this motto: If you look for Robert Behrens in the Internet, the relevant WIKIPEDIA article will tell you: "Behrens is an avid supporter of Manchester City Football Club". Somewhere online I even came across the information that he has been an avid supporter of MCFC since 1952, i.e. from the year he was born. So much enthusiasm for the substitute religion of football is admirable - and makes Rob Behrens stand out as an absolutely loyal Mancunian. I can say with absolute certainty: He has never wasted a single second on anything like a disc. In Rob's world, the Earth is a ball, a football! Sorry folks, this principle has virtually nothing to do with ENOHE, but it is a very important element of Rob's personality structure, his anti-authoritarian way of thinking.

- **The second: All people are equal**

Another false doctrine! This one goes back to the French Enlightenment and to the French Revolution that followed, so it has a slightly more contemporary ring to it than the one from the dark Middle Ages, coming as it does from a rather more enlightened period. I mention it because of his track record and the places his career has taken him. In this context, one has to mention quite specifically his activities in post-apartheid South Africa, where he became the director of the Southern African Development Unit which was involved in the preparation of a Post-Apartheid Public Service. There were plenty of inequalities to be dealt with there. And: It was good preparation for other jobs to come, including the position of Independent Adjudicator for England and Wales, a position he held from 2008 until 2016, during which period time he had plenty of exposure also to ENOHE matters. According to THE GUARDIAN, one of the things he said upon taking office was: "The existence of a rigorous, independent and impartial complaints body for higher education is a student right, meets the needs of universities and is in the public interest." Anti-authority is at the same anti-hierarchy, another important element of Rob's approach to his various jobs.

- **The third: Universita semper reformanda est**

This is a piece of plagiarism, as the original quote is "ecclesia semper reformanda est", and is actually derived from a saying of Saint Augustine. The ecclesiastical reformers of the Roman Catholic Church during our days who were caught up in the spirit of Vatican II in the 1960s made reforms happen, at least in some cases.

« Universitas semper reformanda ». Comme en témoigne cette expression, de tout temps les universités furent réformées¹ (Verger, 1994, p. 17-33). Cette frénésie réglementaire peut s'expliquer par différents motifs. D'une part, et il s'agit ici d'un discours légitimant l'action politique, en raison des multiples abus et dysfonctionnement dont souffrent les institutions universitaires ; de l'autre l'adaptation aux évolutions d'une institution multiséculaire impose nécessairement un réaménagement régulier des structures ainsi que des programmes.

For Rob Behrens a double incentive: on the one hand, en raison des multiples abus et dysfonctionnement dont souffrent les institutions universitaires; on the other hand, l'adaptation aux évolutions d'une institution multiséculaire impose nécessairement un réaménagement régulier des structures ainsi que des programmes. Being able to initiate and drive reform at the second-oldest institution after the Church was a real gift for Rob. With the "Pathway Report" he made a vital contribution to further developing the system for complaints at English and Welsh universities. We all, in Europe and overseas, can learn and benefit from it. Rob the Reformer!

- **The fourth: Ombudsmen are the Cinderellas of higher education**

This actually is a quote, and it's a true Behrens-ism! Based on the carefully conducted survey of ENOHE network members in 2015 on "Being an Ombudsman" Robert wrote in this study: "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 impartiality requires a critical distance from contesting parties to a dispute or complaint.

Dressed in the rhetoric of what one early practitioner called 'a priggish mantle, like a hair shirt you wear around campus for the common good ... you speak in lofty phrases such as 'fairness' and 'academic freedom' and 'due process' and 'professional ethics' ". As a result, "Almost inevitably you become respected, but not liked."

ENOHE family members have already begun to refer to Rob's study as Rob's bible, yes, you did here me correctly, "Rob's Bible", not "Rob and the Bible". have no idea if and how much Rob believes in the best-selling book that has been translated into more languages than any other.

But we as ENOHE are working to ensure that "Being an Ombudsman" will become even more widely-read than the real Bible. At any rate, negotiations have already begun with Rob for the film rights. Rob, as a sign of our deep appreciation for what you have done for us so far and hopefully will continue to do for us, I, inspired by the Disney movie "Cinderella", would now like to present you with Cinderella's famous glass shoe, in the hope it will always remind you of us. Thank you very much!

**Sveinn Guðmundsson, Ombudsman for PhD students at the University of Reijkjavik
Greetings from Iceland for the ENOHE Athens Conference 2022**



There had been an ongoing discussion for many years about establishing such a role for and the PhD Student association, as well as the Graduation School had been very vocal about it. Then in relation to the Quality Enhancement Framework for Icelandic Higher Education, a panel of outside experts recommended in their report that the University create the position of Ombudsman for PhD students.

So it came to be in November 2021 as a 20% position. I took on the role in addition to my role as Equality Officer at the same institution.

I am in good contact with the PhD Student Associations and the Graduate School at the University of Iceland which helps a lot.

I have also received guidance from Josef Leidenfrost through online meetings and emails which I am very grateful for. I am learning more and more about the role with every case I receive which are over 30 now. Some who are simple to work through but others more complicated and involve the power imbalance between the PhD supervisor and the PhD student?

I hope to be able to increase the percentage of the role in coming years and following that take an active part in ENOHE.

**Ombuds Office
at Akaki Tsereteli State University
Kutaisi, Georgia**

The Ombudsman Office at Akaki Tsereteli State University (ATSU) was set up back in 2018 as the main result of the Erasmus+ Capacity Building in Higher Education Project *Advocacy Establishment for Students through Ombudsman position* (AESOP). The Regional Project involved 3 beneficiary countries from Eastern Neighbouring Area - Georgia, Ukraine and Azerbaijan. In total, institutions from 9 countries were involved, including Austrian Student Ombudsman Office. The concept of an ombudsman in higher education was a totally new idea in the region. Experience of our European colleagues from Warsaw University(Poland), University of Minho (Portugal), L'Aquila University (Italy) and the Austrian Student Ombudsman Office were of great benefit and support. We are proud and happy that we had a chance to cooperate with the Austrian Student Ombudsman Office, meet Austrian Student Ombudsman and the President of European Network of Ombuds in Higher Education, Josef Leidenfrost.

Dear Josef, thank you for the opportunity to share your experience, understand the notion of Ombudsman and Ombuds office, and have an Ombudsperson - an independent body whose main function is the defense and promotion of the rights and legitimate interest of students and staff within the University.

Akaki Tsereteli State University is looking forward to future cooperation.

**Prof. David Gegetchkori,
Ms. Tamta Demetradze**
AESOP Project Coordinators
Akaki Tsereteli State University
Kutaisi, Georgia
Email: atsu@atsu.edu.ge

3. Selected articles from previous publications

Interview With the Ombuds Blogger Tom Kosakowski (first published in 2010)

Tom Kosakowski writes the “Ombuds Blog” – a website with news and information for and about organizational ombudsmen. This interview goes behind the site that has become a resource for many North American ombudsman institutions.

When and why was the Ombuds Blog set up?

I started the blog in November 2006. At the time, I was a new ombudsman and knew first hand how hard it was to find information about the field. (Like many ombudsmen at U.S. universities, I have adopted the gender neutral term of “ombuds,” knowing full well that it seems ridiculous to my international colleagues.)



At that time, the International Ombudsman Association (IOA) was less than a year, having been formed by the merger of The International Ombudsman Association, which served primarily business and government ombudsmen, and the University and College Ombuds Association. IOA’s website had little information about current events or job opportunities. In addition, there were many organizational ombudsmen who were not members of IOA, so IOA’s membership list was an incomplete directory.

When I found out how easy it is to create a weblog, I decided to compile all of the information I found. In addition to daily postings of news and job opportunities, the blog offers links to professional organizations and individual offices. When people began asking my advice for setting up an ombudsman office, I collected links to a few of the most relevant documents. I try to post at least one story a day. So far, I have posted almost 1,500 articles.

People can access the stories in several ways. The easiest way is to simply visit the site itself. The site draws about 4,000 visits a month. There is also a free subscription service through FeedBlitz that sends a daily email of the latest posts. Almost 300 people use this feature. Unfortunately, there are embedded advertisements that some find annoying. Most recently, I began using Twitter to send short updates and links to the blog posts.

Who „runs“ it?

So far, this is a one-man operation. I had expected more people to send suggestions, but I only receive a few every month. I’d be happy with more submissions from readers. The Ombuds Blog runs on Google’s free blogging platform which allows me access from anywhere. I spend a couple hours a day finding stories and writing posts.

Which search categories are there?

Within the Ombuds Blog, there are a few ways to search for an article. A search box at the top of the page will search for specific terms within posts. In addition, posts are tagged with labels on a variety of topics. For example, a recent post, “Ryerson University Ombuds Reports Spike in Academic Concerns,” was tagged with Annual Reports, Education, International labels. Clicking on these labels will pull up other posts with the same labels.

In addition, I try to provide links to other posts that are related. To find material for the blog, I search several sources. Lexis/ Nexis provides a daily summary of articles about ombudsmen and a weekly summary of U.S. court decisions. I also run daily searches of internet news and blog postings, and I scan a couple dozen blogs about dispute resolution, law and education. A couple times a week, I will search ten different job boards for new job postings. And now I habitually search Twitter for tweets about ombudsmen. At times, it's like drinking from a firehose.

How can you place stories yourself?

Writing posts for your own blog is very easy to do. Google's Blogger is like most blogging platforms and is not any more difficult than writing email. When people submit items, I publish them nearly always. Although I mostly post stories about organizational ombudsmen, I will post material about classical ombudsmen or related professions. In most situations, I prefer to include a link to the original source, such as a newspaper article or press release, so that my readers can get more information. But I will post news without a link if I can be reassured of its accuracy. My email address is: tom.kosakowski@gmail.com.

Who is the man behind it?

I am currently an ombudsman at the University of California, Los Angeles. I work mostly with the faculty, staff and students at the UCLA medical center, which includes graduate schools, laboratories and a large hospital.

I established an ombudsman office at Claremont Graduate University and also served as the ombudsman for the University of California, Riverside. Before that, I was an attorney representing other attorneys, mostly in professional disciplinary cases. Before that, I was an economist. This has been my most satisfying career so far.

Michael Reddy / Guy Stephens

Are Ombudsmen ready for Social Media? Their Stakeholders are!
(first published in 2011)

“The widespread use of the internet and social media makes collective behaviour possible on a scale that was previously unimaginable” (Better Choices: Better Deals)

Background

Organisations are increasingly using social media to monitor comments and complaints from customers, using the information obtained to improve customer satisfaction, and demonstrating that they are listening and engaging. But what about ombudsmen and adjudicators who are often the last port of call for dissatisfied customers – do they need to become social media savvy too?

Last year there were over 200,000 complaints to 20 or so ombudsmen type schemes in the UK. And if we say only 1 in 10 complaints went all the way to the ombudsman that is a lot of complaining! People complained about a whole range of organisations, from banks to telecoms companies, and from government departments to hospitals and universities.

People will go to an ombudsman when things go wrong and they can't get satisfaction from the organisation they are having a problem with. They see the ombudsman as the antidote to bureaucracy and poor service. As a champion of justice they expect the ombudsman to be easily accessible and ready to help. So ombudsmen clearly need to be good communicators.

Until something goes wrong ombudsmen will be off most people's radar. But when a problem occurs customers need to be able to find out quickly what the ombudsman does, what they will have to do themselves, and what the possible outcomes could be. Ombudsmen need to be good listeners too. Are dissatisfied customers finding their website, are they finding the service helpful, and does the public think ombudsmen are helping to improve service standards?

Ombudsmen's use of social media

UK Ombudsmen do not seem to have engaged with social media in a big way yet. A recent trawl of ombudsmen websites reveals a few invitations to share news items or to follow them on Twitter (although Tweets are sparse) and there are a couple of discussion boards, although these appear to be little used. The Independent Police Complaints Commission and the Financial Ombudsman Service both make use of YouTube, however, and the Legal Ombudsman has a blog.

Whether there is nervousness about the medium or a lack of interest, given the importance ombudsmen attach to openness and transparency, it seems that they may well be missing a trick and relying too much on traditional communication methods. Are ombudsmen failing to communicate with generation Y? And what will communication look like by the time generation Z comes online?

The social media landscape

A few facts and figures from Econsultancy's Internet Statistics Compendium for the UK (January, 2011) amongst other reports shows that:

- 19.2m (73%) UK households have internet access. [Source: Office for National Statistics, November 2010]
- 44% of UK internet users aged 16 and over have their own social networking site. [Source: Office for National Statistics, November 2010]
- Social networking now accounts for nearly a quarter (23%) of all time spent online in the UK. [Source: Ofcom, August 2010]
- Time spent on social networks is now greater on mobiles than a PC - 41 minutes a day spent on Facebook via mobiles and 31 minutes a day via PC. [Source: comScore /GSMA MMM, via AOP Digital Landscape Report, June 2010]
- Facebook accounts for 9.58% of all upstream traffic to other websites in the UK. In other words, Facebook is the second biggest source of traffic to all other websites, with nearly 10% of internet visits come immediately after a visit to Facebook, making it the second largest source of traffic for other websites after Google. [Source: Experian Hitwise, October 2010]
- Facebook now accounts for 20% of all time spent online in the UK. [Source: Internet Advertising Bureau Fact Sheet, IAB, March 2010]
- There are four million UK LinkedIn members [Source: Econsultancy blog, July 2010]
- Monthly reach of YouTube has reached a record level of 17.7m adults. It remained the most popular site for UK video streaming. [Source: UKOM, August 2010]
- The UK has one of the highest Twitter penetration rates in the world [Source: Sysomos June 2009]
- 22% of GB adult population owns a smartphone [Source: Ipsos MORI, November 2010]
- BIS/Cabinet Office April 2011)

Ombudsmen and Social Media

While the statistics of social media are fascinating (who could fail to be drawn in by the fact that 600 million people are on Facebook and 50 million Tweets are sent every day) we need to understand what the behaviour behind the numbers is telling us:

In basic terms it is clear that more and more people are spending a greater part of their lives accessing their social networks either online or via their smartphone. The challenge for organisations, such as ombudsman schemes, is to try to understand how this behaviour will impact the service they currently provide. What will the ombudsmen service look like in 5 or 10 years' time? There is no doubt that social

media is fundamentally changing the way people communicate with each other. In turn, this is influencing how organisations communicate with their customers.

The data above gives us insight into a world that is becoming more spontaneous and impulsive, a world where access to information, any information whether written, visual or audio, is literally at our fingertips regardless of time or location. Further- more, it is not simply the consumption of information that is readily available, but also the creation, curation and distribution of it. Technology has democratised information and knowledge. Knowledge is no longer the sole preserve of the knowledgeable.



The corollary to this is that the ownership and control of information and the channels by which information is communicated no longer resides solely within the organisation. In the past an organisation's postal address, email address or telephone number enabled it to tightly manage contact with customers in a one-to-one framework.

Technology has changed this and through social media channels such as Twitter, Facebook, You- Tube and blogs amongst others, customers now have a voice. A voice that is out in the open and can be heard by anyone who chooses to listen. In this world, the time between broadcasting a complaint and the cause of the complaint has condensed to fractions of seconds. The experience becomes a publicly shared one. And the organisation itself becomes just one of the participants.

The complaint is no longer linear, but disjointed and asynchro- nous, occurring across multiple platforms. The corporate web site no longer holds as dominant a position as it once did, superseded increasingly perhaps by sites such as Google. The challenge lies not in necessarily dealing with the complaint – that may be the easy bit, but rather unifying all the different channels into a coherent, usable and relevant whole.

From an ombudsman's perspective, imagine a world in which Google becomes the dominant interface, where decisions are delivered and case studies accessed via its ubiquitous reach. This new world demands each of us to reassess how we view information, who owns it, who generates it, how it is curated, and how it is distributed. New distributed governance models are likely to emerge out of necessity.

What is clear is that social media is here to stay. Organisations, like the ombudsman, which have an important interface with the public, should get on board sooner rather than later. Here are seven reasons why we think ombudsmen should engage with social media

1. Communicating with the public

The Goods Complaint Handling guide, published by the British and Irish Ombudsman Association, the ombudsman's "trade body", says that ombudsmen should explain why they exist and what they do, so that people know what to expect from them. Yet although most ombudsmen's websites contain a lot of formal information they don't really tell you what goes on in the engine room. Complainants want to know more. Unlike lawyering there are no well-known television series or novels to give a flavour of what an ombudsman does. This is a fertile area for social media.

Ombudsmen could blog about what is going on in their scheme at the moment. They could talk about some of their complai- nants' experiences and give examples of good practice. They could provide service updates too; if complaints are taking lon- ger than normal to deal with it would be helpful to know, and, perhaps, why. Blogs are a way of widening the audience beyond a narrow band of website browsers (who may only visit the site once) since the message can be circulated by way of RSS and SMS feeds as well as through other social media like Facebook.

In fact a range of social media is available to ombudsmen for alerting the public to important news items about the scheme (which may not make the national press).

A ground breaking case or a jurisdiction change, for example. Tweeting is particularly useful because of its spontaneity and rapid spread through re-tweeting.

One ombudsman scheme was recently concerned about being swept away by the so called “quango cull”. A twitter message effectively alerted interested parties to a press release setting out powerful arguments why it should stay independent.

YouTube is used by only a few schemes as a means of communicating.. Most notably the Independent Police Complaints Commission uses it to provide information about important investigations.

One of the best examples of an ombudsman scheme using YouTube to expand its communication range recently occurred in Canada. The Ontario Ombudsman held a press conference to explain his findings about the secret expansion of police powers in relation to the G20 summit. A recording of the conference, entitled “Caught in the Act”, was uploaded to YouTube and shared globally.

2. Communicating with other stakeholders

Of course, ombudsmen have many stakeholders apart from complainants. Bodies who advise or champion complainants such as the Citizens Advice Bureaux and the Patients Association, as well as solicitors and MPs, all need to be briefed on developments so they can advise their clients or constituents. And organisations under the ombudsman’s jurisdiction must know what is to be expected of them. Again social media can be used to alert stakeholders to important news, promptly and economically.

It is interesting that Better Choices: Better Deals envisages that more published complaints data from ombudsmen will help to empower the consumer.

3. As an outreach channel

As we have already said the rise of social media means that organisations are no longer in complete control of their communications. Anybody can publish information about an ombudsman scheme or a complaint, and they do! By way of illustration there are several active websites devoted to critiquing specific ombudsman schemes. And disgruntled complainants can continue to tweet about their complaint long after the ombudsman has made his/her decision, putting the decision letter online if it suits them.

There are also a number of industry focused “power to the people” websites, ranging from “Solicitors from Hell” and Trip- Advisor to NHS Choice, where customers can share their opinion on the service they have received. Ombudsmen might well be advised to monitor social media to find out, not only what people are saying about them, but also about the organisations under their jurisdiction, even if such opinions may sometimes be “economical with the actualite”.

Often people use social media to find out where they can go for help with a complaint. It would do no harm for an ombudsman to be proactive and offer signposting to a potential complainant by, say, responding to Tweets. The Financial Ombudsmen Service has been seen to do this. Sometimes “help” on the internet may be ill-informed. An ombudsman could put the record straight using social media before the error is compounded.

A story was circulating about one ombudsman scheme that it took 24 months to deal with each complaint, so a view was building up that there was no point going to the ombudsman. In actual fact it was 24 weeks, not months, and that was an average figure. Fortunately, the ombudsman was able to track the story down to a discussion forum. The forum then published the correct figures.

4. Feedback and consultation

Ombudsmen schemes are funded by the taxpayer (or the relevant industry in some cases) so they need to be accountable.

How can they be sure that they are providing a good service and value for money? Feedback from satisfaction questionnaires sent to users of a scheme tends to be skewed towards the outcome of the complaint. A website discussion board may provide a more meaningful dialogue, and give the ombudsman the opportunity to explain his/her position.

A debate within a specialist network group on, say, LinkedIn may also be informative. A number of trade associations now encourage their membership to participate in a sponsored network groups as a sort of back channel method of communication. Better to have a formal group than an unofficial one!

A professional body proposed to make some substantial changes to its regulations. It was clear from social media discussions that there were significant misunderstandings as to what the changes were intended to achieve. The body was able to provide clarification using social media.

The Legal Ombudsman and the Office of The Independent Adjudicator for Higher Education are both consulting the public about whether they should publicise the names of organisations complained about. There are pros and cons. It is noteworthy that both schemes have used social media to expand the range of consultees.

5. Knowledge building

If ombudsmen want to know what's going on within their jurisdiction then social media is a good way to find out. While ombudsmen may not yet be active tweeters organisations within their sector may well be. The latest information will be shared and tweeted within minutes of it becoming available. Trade journals will use social media to highlight important stories, and conference organisers will remind interested parties of what they might be missing. And advisors (like ourselves) will collate sector information and make it more widely available.

Meanwhile there are all kinds of discussion groups and sub-groups on network media discussing issues that could be very helpful to ombudsmen. It is interesting that a debate has already begun on LinkedIn about the so called "democratic filter" proposed for the Housing Ombudsman under the Localism Bill, for example. It is also a good way of keeping abreast of practices in other countries. There are plenty of content management tools that can help ombudsmen collect this information systematically.

6. Gathering evidence

The Ontario Ombudsman's investigation of police powers at the G20 summit last year has already been mentioned. For the first time extensive use of social media was made. sites were checked for visual evidence of what had occurred and Facebook and Twitter were used to invite witnesses to submit evidence. Over 500 videos and photographs were received by his Office from the public. The result was, as the Ombudsman said, the police were "Caught in the Act". We suggest that, in the future, it will be difficult for systemic investigations to ignore the opportunities social media presents as an evidence gathering tool.

7. Making complaints

Many organisations in both the private and public sectors are now set up to receive and to respond to formal complaints through social media. A helpful response widely shared across Facebook may produce excellent publicity for the organisation. Conversely, as several multinationals have learnt to their detriment, an inadequate response tweeted around the world can be very damaging. Complainants are freshly empowered by this new publicity option. A lame threat to inform "Watchdog" on television or an MP is now superseded by a real ability to tell the world.

The rise of community complaint sites such as Groubal in the US with its customer satisfaction index, or ComplaintCommunity in the UK, in addition to their more mainstream counterparts – Twitter, Facebook or YouTube – afford customers the option to go where they choose to complain and in so doing harness the latent power of the people.

It is difficult to judge the extent to which these sites “make a difference” but clearly where major organisations have signed up to responding to complaints publicly, such as with HelloPeter.com in South Africa, their role is enhanced.

Will the influence of community complaint sites extend to ombudsmen, before too long? This is already happening – see, for example, the Consumer Action Group for complaints about the Financial Ombudsman Service (www.consumeractiongroup.co.uk)

Organisations will also need to take on board that social media is the perfect mechanism to enable complainants to join together to submit a “class” style complaint. In future settling complaints on a one by one basis may not be quite so easy. There are already a number of ombudsman schemes permitting complaint submissions to be made over the internet and, in theory, there is no reason why social media could not be used for a large part of the adjudication process, with much more information being put in the public domain. There would need to be safeguards to protect confidential information and rights to privacy, but this would by no means be mission impossible.

In any event we think that the rise of social media will make it more and more difficult for those ombudsmen who do not currently reveal the names of the organisation complained about to maintain that practice. The push towards more open information will continue, with annual reports and newsletters perhaps diminishing in importance as more immediate routes of communicating information are preferred.

Another change may be that ombudsmen will have to reconsider how they deal with systemic complaints. Does it really make sense for thousands of complaints with very similar facts to be dealt with on a case by case basis? In future through social media complainants may be able to group together to demand speedy blanket solutions.

Ultimately, the answer to these questions will be provided by users of ombudsman schemes: if they are there, using social media, then why shouldn't ombudsmen?

Conclusion

We conclude by suggesting that all ombudsman schemes should, at the very least, inform themselves about how social media is being used by the public to engage with organisations within their jurisdiction, and each other, and more specifically how that might impact their individual schemes, even if their current social media outlook is limited. At a minimum, staff will need to know how to react to messages about their scheme received through social media and who is authorised to respond. They will also want to know the extent they are permitted to use social media for information gathering purposes. For instance, should they be checking Facebook, Twitter, blogs or YouTube to see what complainants are saying? In many respects, the challenges facing ombudsman schemes are still the same, and yet nothing will ever be quite the same again.

ENOHE 2003! ENOHE 2013! ENOHE 2023?
(first published in 2013)

It all started with an e-mail on February 18, 2002, 12:56 pm when **Kristl Holtrop**, the ombudsman of the Universiteit van Amsterdam, wrote to Josef Leidenfrost, then and now the Austrian student ombudsman at the Austrian Ministry of Higher Education: “At the moment I am trying to get names and addresses of European ombudsmen working at universities and other institutions of higher

education in order to find out whether people are interested in a European network of educational ombudsmen”

Amsterdam: The Cradle of ENOHE

The result about a year later was the first meeting of what soon became known as ENOHE at the University of Amsterdam in the Netherlands. Kristl Holtrop and her personal assistant Saskia de Haan as well as Dick Hermans, the ombudsman of the Vrije Universiteit Amsterdam, did an excellent job of preparing the kick-off meeting for the network. Some 40 people from several European countries and from the United States (Jenna Brown, University of Denver) participated in the event in mid-February of 2003. The goals were clear: higher education ombudsmen exchanging their experiences through a network.

The new now official network soon started its special web-based activities such as an ENOHE listserv and the ENOHE website (initially hosted by the University of Amsterdam). The ENOHE Occasional Papers were launched in late 2003 and the title of the first in the series was “Student-Institutional Relationships in Times of New University Management: Academic Ombudsmen in European Higher Education”. It covered the main results of the ENOHE intensive seminar held in Vienna in September 2003, where the world famous “Bayod Formula” (very little writing, much talking) was created by Jose Manuel Bayod, ombudsman of the University of Cantabria, Spain. And: A first Australian delegate was sighted there!

Colleagues from Spain organised the second annual conference in 2004, which took place in Madrid at the Universidad Complutense de Madrid and the Universidad Autonoma de Madrid, co-ordinated by Marta Arroyo Gonzalez. As the press communique after the conference proved, “Helping „Bologna” to lift off in daily university life”, it was especially the emergence of a European Area of Higher Education presenting new challenges to students (and teachers) and hence to ombudsmen across the continent already at that time.

An ENOHE core group meeting in Amsterdam (with additional Spanish and British input from Jose Manuel Bayod and Tim Birtwistle) later in 2004 already covered all the essential details of a more formalized organization like application for finances, organizational structures and legal minimum requirements, secretariat, membership fees, language of activities etc.

Reaching out to “overseas”

“The core group” also prepared the next annual conference 2005 in Vienna. Delegates there finally included a representative from the US partner organization UCOA, the University and College Ombudsmen Association, (Mary ChavezRudolph) and from ACCUO, Association of Canadian College and University Ombudspersons, (Marie Jose Rivest) presenting the specifications of their respective systems. Moreover, the Reading-based new Office of the Independent Adjudicator had its first public appearance in continental Europe, with Ruth Deech and Mike Reddy as two prominent keynoters.

The early years were very much characterized by spontaneity. So it was a big relief when at the end of the Vienna conference, Hans Eppenberger from the ETH Zürich and Eugen Teuwsen from the University of Zurich invited ENOHE to come to Switzerland in 2006. This, by the way, was the first ENOHE conference to have its own homepage <http://www.enohe.ethz.ch/> (still online in 2013) and the possibility to register electronically - welcome to the 21st century!

<http://www.ua.ac.be/main.aspx?c=.ENOHE2007& n=48362> was the electronic access road to the ENOHE 2007 conference at the University of Antwerp, perfectly hosted and organised by Patrick Cras, the ombudsman of that university. It was there that we had our first guests from Mexico, Leoncio Llara and Maria Vallarta, both from the UNAM (Universidad Nacional Autonoma de Mexico) in Mexico City presenting their institution. Antwerp also offered the first pre-conference workshop (on conflict management). Occasional papers have been published on the Vienna, Zürich and Antwerp conferences

and hence made conclusions accessible for a greater community, in print and via the web. Early ENOHE: A rapid lift-off!

ENOHE's Second Quinquennium (-2013) Approaching the Next Milestone

The first quinquennium in ENOHE's history was, surprise!, followed by the second quinquennium: Its flying start was made with the 6th annual conference London, April 2008, on "Universities, Students and Justice".

London 2008 was yet one more landmark in the history of ENOHE events, perfectly organised by Mike Reddy, then deputy adjudicator, and his efficient team around Charlotte Wootton.

With more than 50 (!!!) parallel sessions and a conference venue some hundreds of meters above sea level in the exclusive Canary Wharf district of London's east end, the event and the programme were indeed very ambitious. New participants came from Croatia, France, South Africa and China. The social highlight was a seated dinner at Drapers Hall, in the presence (albeit only in a huge portrait) of Her Majesty, Queen Elizabeth II.

The keynote speaker at this dinner was no lesser dignitary than Baroness Tessa Blackstone, the former UK minister of higher education who had signed the Bologna Declaration for Britain in 1999.

Four years later, Robert Behrens, Independent Adjudicator for Higher Education since 2008, invited ENOHE to come to Oxford in 2013. The main ally on the organizing team this time, surprise, surprise: Charlotte Wootton!

New Topics, more Countries

Which progress had been made in between 2008/13? More and new partners. New and hot topics. Plagiarism, inclusion, diversity, contracting, academic (dis)honesty – an impressive list of new issues emerged.

Hamburg 2009 brought us to the city on the Elbe and to the University of Hamburg where the co-host was a different member of the European "ombudsman family": the ombudsman of the German Research Council. The chair of this body, Ulrike Beisiegel, and her really special special assistant Helga Nolte were the two vibrant local motors for success. There was still no avoiding the subject of Bologna, therefore the conference theme was "Lost in Transition? Defining the Role of Ombudsmen in the Developing Bologna World". The main event was a reception by the Mayor of Hamburg at the town hall. Some people were bold enough to go to the Reeperbahn afterwards, a very special kind of amusement district in the city of Hamburg.

The "Canadian Connection" 2010

2010: Back to the Danube! A year later ENOHE made another stop in Vienna for its 8th annual conference. This was the first conference to be organised jointly, in this case with ACCUO, our Canadian partner. In Austria it was the Ombudsman of the National Agency for the Life Long Learning Programme. The initiative for this joint event came from Martine Conway (the then president of ACCUO). The Canadian conference preparation team consisted of Nora Farrell, Anita Pouliot and Nathalie Sharpe which meant three different time zones during tele-conferencing of the conference committee! There were some 100 participants, yet another new country representative came from Peru. The conference offered four pre-conference workshops and a post-conference networking excursion to the beautiful wine valley Wachau. The whole event almost had to be cancelled due to the disruption of air traffic by ash clouds from the Eyjafjallajökull volcano in Iceland – a rather big nightmare for the conference registrants (and organizers). - There are no complaint managers around yet on forces majeure cases, yet.

¡Otra vez Madrid! In 2011, for the first time ever, a private university, the Universidad Europea de Madrid, hosted an ENOHE conference with an excellent preparation by Elia Cambon assisted by Pedro

Jose Trujillo. No lesser man but the Spanish minister for higher education Angel Gabilondo opened the event, making it indeed a very special one.

The venue was the Villaviciosa de Odon campus some 30 km outside of Madrid. Several conference participants took advantage of the opportunity to stay on campus and enjoy at the same time all the student facilities. Thanks to a very generous offer by the UEM, the conference was bilingual: simultaneous interpretation was offered in the languages Spanish and English.

Milestone Oxford 2013

Oxford, a city dating back to the Saxons and home to a university since at least the 12th century, is THE highlight at the end of the second quinquennium (THE, Times Higher Education, is, by the way, also the media partner of this event). Once again Charlotte Wootton proved to be an excellent organiser, coping calmly with late bookings, early cancellations and last minute program changes. The half-life of Bologna related issues is remarkable.

Whereas in the 2000s almost everybody was talking about “Bologna” and its daily impact on university life, conversation on higher education is now dominated by the negative consequences of the economic crisis since the banking scandals in 2008 and their mid- and long term impacts also on higher education. Hence the general topic at the Oxford conference is “Rising Tuition Costs, Rising Complaints: Alternative Approaches to Dispute Resolution”.

ENOHE 2023: Where to?

Who would not like to be able to look into a crystal ball to see the near and distant future? So let’s imagine we can look into a crystal ball to see the future of ENOHE. Between 2003 and 2011 almost 1,000 colleagues from around the world have participated in ENOHE events and shared their experiences and working methods in conflict management, alternative dispute resolution and the tasks and duties of an ombudsman.

People were encouraged to tell us more about their perception of ENOHE’s services such as the website, annual conferences, occasional papers, the newsletter, electronic list serve and what they would like to see in the future. At the initiative of Dolores Gomez-Moran, ombudsman at George Mason University in Virginia, USA, a long-time (since 2005) ENOHE “activist”, and Josef Leidenfrost, an electronic survey about the past, present, and future of ENOHE was carried out in March 2013. The diversity of the role of the ombudsman within the European higher education spectrum has enhanced the possibilities for discussing existing and future models at these gatherings. Here are some of the results.

The Respondents

The majority of the respondents have been involved in ombudsman activities for approximately 6 years, five colleagues for 16 or more years! People from Europe (the majority), but also from the US, Canada, Australia and Mexico (so much for the idea of a European association) sent in their replies. Their offices normally consist of at least 2 people. The basis of their work is defined either by formal terms of reference, memoranda of agreement or national legislation. Most colleagues report to their respective presidents or vice presidents or provosts, several to the respective (executive) boards, to governing councils, to the Claustro (in Spain) or to the Minister and to Parliament (in Austria).

ENOHE: Past and current activities

People participating in the survey said they first learned or heard about ENOHE either “from this survey request” or “before its existence”, others by searching the internet for information about ombudspersons in higher education on other continents. The conferences since 2003 were generally judged to have been very satisfying with regard to topics and at the personal (networking!) level. The quality of the speakers, however, was considered “uneven”.

People obviously liked the mix of campus ombudsmen, special ombudsmen (e.g. for research) and national ombudsmen participating in ENOHE events, which also provided opportunities to consult on difficult issues and acquire information about alternative ombudsman structures.

Motivation, self-assurance and stimulation came also through in the survey. A colleague (obviously from “overseas”) wrote how much ENOHE’s inclusion of all colleagues by the conference websites, the newsletter and the occasional papers is appreciated.

On future tasks and organisational structures

Information about ombudsman activities in general, followed by topics related to complaint / relationship management and then on more general developments in higher education (e.g. the “Bologna Process”) would be the main areas of interest if an ENOHE electronic listserv were to be reopened. Best practices and skill development for newcomers were also listed.

Training courses on relations with university members and key decisions makers, followed by student associations and then the media were specific wishes for future educational measures. So was the development of working methods (mediation explicitly included). A very interesting (logistically challenging) proposal suggested offering ENOHE webinars on various specific topics like mobility, funding, legislative matters and the needs of international students. Other more general issues for the wider university community mentioned in an open question on services were student satisfaction, the increase in the number of ombudsman offices throughout academia, an on-line journal with “hot topics”, dealing with complaints, writing reports and everything on self-empowerment.

41% of respondents wanted ENOHE to become a formal association (with lean statutes / bylaws), 25% want it to remain informal. In specifying comments one respondent expressed a desire for greater formality to provide support for the few who do most of the work, a view shared by another respondent who wished to see the workload shared more equitably between greater numbers of people. Others however, opposed more formal structures, with one commenting: “Right now formal associations involve a lot of costs; many of us are hindered by shrinking budgets so it is hard to pay professional dues as well as attend conferences”. Even harsher was the response from another colleague who wrote, “A great deal of time and money would be used up unnecessarily if the objectives of ENOHE can be met through its current structure”. A broad-based accessible association of equals should have some structure for a strong foundation. Memberships, if introduced, should be kept affordable. And finally on the issue of formalisation, very outspoken and much to the point: “As much networking as possible, as much organisation as necessary”.

Summary: A Tower of Babel?

So: ENOHE 2023 – perhaps a worldwide platform (which would then be WNOHE) on which individuals and organisations across countries collaborate as a common source of information, leading to greater integration (or not) and an expanded knowledge base about one another? Or: an association with regulations, standards of practice, budgets, committees, sub-committees, permanent staff at a physical headquarters, formal proceedings and perhaps hierarchies?

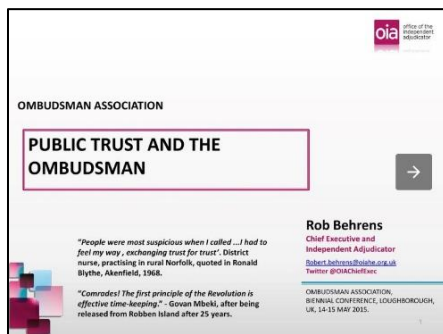
Europe, the Council of Europe Europe, encompasses 47 countries. Almost 40 different languages are spoken there – and in some countries (several) minority languages. Three alphabets are in use. Six different religions are practiced. May participants at future ENOHE conference at places already in sight (in alphabetical order) develop this further: in Amsterdam (again), Budapest, Dubrovnik, Malta, Prague, Uppsala, Warsaw, but certainly not Babel!

Robert Behrens on “Public Trust and the Ombudsman” (first published in 2015)

During a survey carried out among ENOHE activists in 2012 one of the main activities mentioned as essential for the network was the ENOHE annual conference. Since 2003 these have been organised by enthusiasts, with the very first one taking place in Amsterdam.

All conferences since the one held in Vienna in 2005 have had one constant highlight: a keynote speech by a renowned speaker. We have had former ministers, active ministers, presidents of parliaments, members of the House of Lords, party whips, „regular“ members of parliament, and business men talking in plain text to us.

The most recent keynote 2014 in Warsaw was given by a very special member of the ENOHE family, someone who is very well known to all of us, by no less a man than Robert Behrens, the Independent Adjudicator of Higher Education since 2008. His most recent, most thoughtful and well-formulated contribution was “Public Trust and the Ombudsman: The Case of the OIA“.



This speech has now been published by OIA in the “10th Anniversary Series” on the occasion of OIA 10th anniversary. It is also available via both the OIA and the ENOHE websites. In this publication, Robert Behrens writes in three main chapters about the role of an independent complaints process and how it can contribute to public trust, on key elements of public trust and on emerging issues as he sees them. The speech and now the publication are the results of several presentations and discussions Robert had at numerous occasions when meeting with experts from the world of higher education.

The ENOHE family is very grateful to him for sharing his findings with us.

Simon Fraser University Celebrates 50-Year Anniversary of its Office of the Ombudsperson (first published in 2015)

When Simon Fraser University opened in 1965 it quickly established an ombudsperson’s office to independently and confidentially resolve student complaints and disputes. Surprisingly, that move was a North American first for an academic institution.

This week, SFU celebrates the 50th anniversary of this visionary initiative, hosting an international ombudspersons’ conference at the Wosk Centre for Dialogue from May 11-13. The event has attracted ombudspersons from across Canada and Europe who work at all levels of government, and in academia. Jay Solman, SFU’s ombudsperson for the past seven years, says the initiative was so new in the mid-’60s that there were only a handful of ombudspersons in the country, most of them associated with provincial governments. “SFU was the model everybody wanted to follow,” he says. “Over the next few years, one university after another started to open offices.”

While students originally ran the SFU ombudsperson’s office, today it is jointly funded by the University, the Graduate Student Society and the Simon Fraser Student Society, but remains

independent. Solman, who was previously a counselor with SFU Health and Counseling Services, consistently handles about 400 cases each year, and estimates that the office has handled thousands over 50 years.



“The ombudsperson’s office is a resource for the entire community, and part of our integrity as a community,” he says. “Having an ombudsperson means all parties on campus believe fair treatment is who we are—that we believe in transparency, timeliness, due process, and making decisions based on facts and free from bias.”

The most interesting aspect of the job, he says, is helping students understand how to resolve conflict, whether it is related to issues of academic integrity, academic difficulties, or misunderstandings related to language skills or differing cultures. “We have this expectation that students should know this stuff, but they often don’t,” he says. “It’s often their first time dealing with bureaucracy and power differentials.”

Students frequently have unrealistic expectations of the ombudsperson’s office, believing that Solman will tidy up the problem and hand them a quick fix. That’s not the case. “I’m not the “get-out-of-jail-free card,” he says. “Sometimes the solution is not perfect, and a lot of times I have to help students deal with the consequences of their actions, and learn from them.”

Many of the cases he handles are the result of students struggling with mental health issues. These cases are difficult to resolve successfully. Still, he says, there is more understanding today about mental illness, and more assistance available for students willing to seek help.

In a proactive move, Solman organizes campus workshops on topics such as managing the graduate student/supervisor relationship and conflict resolution. And he encourages faculty and staff to use him as a sounding board to test their thinking and logic related to handling student issues. “I’m always encouraged when I get faculty and staff contacting me for advice,” he says. “This is who we are as an institution. Having an independent office keeps us accountable and really says a lot about who we are, and in a very positive way.”

The „Innsbruck Descriptors“ (first published in 2015)

To help us further promote the figure and the role of the university ombudsman in Europe (and elsewhere) and raise his visibility you are cordially invited to contribute to the final formulation.

The “Innsbruck Descriptors” are the descriptors for ombuds institutions in higher education in Europe (with special references to ombudsmen, ombudswomen and ombudspersons elsewhere) presented and first discussed at the 12th ENO HE Annual Conference 2015 in Innsbruck.

The „Innsbruck Descriptors“ shall offer general definitions and generic statements regarding the *raison-d’être*, expectations, achievements and abilities associated with ombuds institutions within higher education in the European Higher Education Area and beyond.

The descriptors include the minimum common features of the manifold variety of institutions, informal and / or legal status, positioning within academic and administrative hierarchies, remit, reporting obligations, and powers etc.

A first draft for your consideration is available during the Innsbruck conference (in print). It also will be available online at the ENOHE webpage.

The final document will be discussed and adopted by the ENOHE Executive Group during its first meeting this autumn and published there after.

The „Innsbruck Descriptors“ shall include, among others to be defined, the following topics:

- initiative to establish HE ombudsmen
- motives for establishing
- initiators for establishing
- terminology, legal basis and framework conditions
- terminology
- positioning within or outside hierarchies
- remit of ombudsmen for higher education in general, particularly
- ombudsmen for selected areas (such as recognition, complaints, admission, ...)
- how to find the ideal person -drawing up a job profile -identification process -profile
- types of issues and how to handle them -procedure for dealing with them
- complaints justified / unjustified / partly justified among others.

**50 Years of Fairness:
ACCUO-FCO Conference in Vancouver looked back on People, Purpose, Passion in the
Ombudsman Sector in Canada During the last half Century
(first published in 2017)**

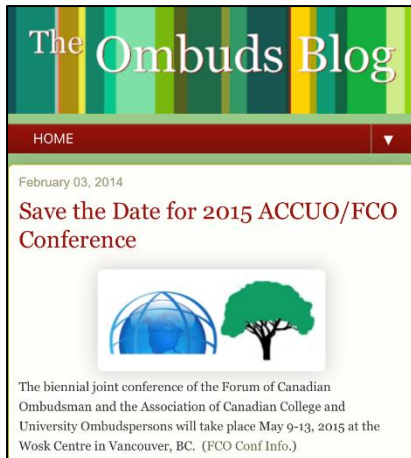
Vancouver in British Columbia on the Canadian West Coast was the host city of a joint conference of ENOHE's Canadian partner organization ACCUO, The Association of Canadian College and University Ombudsmen, in early May 2015. Some 120 participants from all over Canada, from sea to sea to sea, and abroad looked into the last half century of the growing sector of ombudsmen in the different constituencies and some main challenges lying ahead. Speakers covered issues from higher education as well as within the public administration and private sectors.

The two associations have a total of approximately 150 members and are the forum in Canada for dealing with ombudsing in Canada. Both organizations do hold joint conferences every two years, as was the case this year. Both associations' current presidents are at this time coming from the higher education sector: Nora Farrell, the ombudsperson at Ryerson University in Toronto (<http://www.ryerson.ca/ombuds/>) and a long time activist within the ENOHE network, is the president of FCO. Lucie Allaire, the very first ombudsperson at the University of Ottawa (<http://www.uottawa.ca/ombudsperson/about-us/team>), who has been appointed into that position in September 2010, is the current ACCUO president.

Keynotes and Learning Sessions

“Principles, Persistence, Persuasion and Prevention: The Role of an Ombuds in Ensuring Effective Governance“ was the first keynote address, delivered by Kim Carter (http://en.wikipedia.org/wiki/Kim_Carter), the Ombudsperson for the province of British Columbia (<https://www.bcombudsperson.ca/home/who-is-the-bc-ombudsperson>). She did reflect about some of the major changes in expectations of government and public agencies as well as on changes how they deliver their services. The ombudsman principles have continued to evolve and expand into other sectors like the not-for-profit and private sectors. Carter proved in her speech that both are benefitting from ombudsmen's activities, the “consumers” and those delivering services to them. Prevention was the jewel in the ombudsman's crown, she concluded.

Ombudsmen on every campus!



Why an ombudsman is essential on every campus, this question was looked into very closely by Lucie Allaire (University of Ottawa) and Nathalie Sharpe (University of Edmonton; <http://www.ombudservice.ualberta.ca/>).

They both compared the evolution of higher education ombudspersons in Canada since 1965 and abroad and how these were shaped by historical events on campuses like the 1960s movements on human and student rights, and the university unrests during those years. Today, 26% of the Canadian universities and 5% of all colleges have an ombuds office. Reflections were also made on the forming of national and international networks and the importance of their interactions, cooperation and joint activities (among them the joint ACCUO-

ENOHE annual conference in Vienna, Austria in 2010). Some of the challenges for ombuds offices were discussed and identified during group discussions like the significant changes over the decades in influencing policy and the ombudsmen's voices being better heard.

Promoting existing offices and their value was also raised as was how to prevent the closing down of offices (which has happened recently and in the past). Other issues brought up were 'reporting' via annual and/or special report as one of the most important activities, and how the effectiveness of the ombudsmen's reporting activities and the impact of the recommendations in the context of the resources and capacities needed, has resulted in different reporting structures and the continuing search for the "ideal report".

Is Fairness in Higher Education Utopia?

Doris Kiendl-Wendner from FH Joanneum (www.fh-joanneum.at/), Josef Leidenfrost, the Austrian Student Ombudsman (www.hochschulombudsmann.at) and Martine Conway, ombudsperson at the University of Victoria (<http://uvicombudsperson.ca/>), pre-sented together in a learning session on "Fairness in Higher Education – Is it Utopia?", sharing observations both from a European and from a Canadian perspective and discussing examples of good and 'not so good' practice with the audience.

Further plenaries and sessions gave the opportunity to hear and learn more about "The Quest for Effectiveness in the Ombuds' Role" (Lorne Sossin, Dean of Osgoode Hall Law School), through his interactive and incisive presentation which involved seeking 'truth points' from the audience and Doug Melville (OBSI) on developing effective human resources practices in a small ombuds office which takes into account the need for providing opportunities for growth and development while dealing with limited financial resources, Jay Solman (https://www.sfu.ca/ombudsperson/contact_us.html) and Chris Rogerson (BCIT) on introducing to student development theory and its relevance to ombuds practice, as well as Natalie Sharpe on respectful workplaces and classrooms.

The former Parliamentary Budget Officer for the government of Canada, Kevin Page, who is now a Research Chair at the University of Ottawa made a compelling case for the importance of and the satisfaction that can be found in truly fulfilling the mandate of an independent oversight officer so as to ensure public sector resources are used well.

There was also considerable emphasis on the proper and effective means for the evaluation of the work of the Ombuds Office. In particular Raymonde St-Germain the Ombudsperson for the province of Quebec explained how she had used the expertise of evaluation experts from Laval University so as to assist her to determine how to best allocate resources and for the future. In addition Fiona Crean, the Ombudsman for the City of Toronto described the evaluation project undertaken by researchers from

Ryerson University which assessed the impact made through the use of systemic investigations. Various tools and techniques that could be adapted for use by other Ombuds Offices are also available in this report which is available in French, English and Spanish.

The full conference documentation for 2015 with all the presentations available will be accessible via DropBox for conference participants the conference website at <http://www.ombudsmanforum.ca/en/> soon. Just in time for the conference the new guide to fairness, yet another very valuable ACCUO resource publication, was presented. It is also available via the internet at the ACCUO homepage.

50th Anniversary Activities

During the conference an evening reception, sponsored by Simon Fraser University (SFU), was held on the occasion of the 50th anniversary of the world's first university ombudsman at SFU.

Other anniversary activities include a video with an interview with John Mynott, the first ombudsman at SFU, a power point presentation on the history of ombudsmen in Canada, an anniversary webpage <http://www.ombudsmanforum.ca/en/>, an FCO Bursary Program, a Facebook page, updates on "Need an ombuds?" and "How to set up an ombuds office".

Advocacy Establishment for Students through Ombudsman Position (AESOP) (first published in 2017)

Background

The implementation of the Bologna system in Azerbaijan has ushered in a new era of students' involvement in their own educational decisions. Now students have the responsibility to take initiative in managing their academic careers, but they lack the resources to deal with problems arising along the way. Unfortunately, some universities have not developed consistent or democratic systems for student advocacy in administrative issues (specifically including academic appeals, disciplinary appeals, complaints, emergency financial aid requests, or health-related concerns). When universities overlook these issues, they neglect to protect students' rights.



This project will learn from the experience and best practices of European universities in the area of student advocacy, specifically including the common practice of employing a "neutral" (free from other work responsibilities or conflicts of interest) ombudsperson as a resource who can listen to student issues and direct them through appropriate procedures to resolve them fairly, consistently, and efficiently.

The Erasmus+ funded project will implement its findings in Azerbaijani, Georgian and Ukrainian universities through the creation of a Student Advocacy Office in each university headed by a fulltime, trained ombudsperson who will offer training and support services.

The Advocacy Establishment for Students through Ombudsman Position project will improve the administration of the Azerbaijani, Georgian and Ukrainian partner universities, enabling them to implement the Bologna Process not only as a formality but in the full sense of the spirit of the process, giving students access to the democratic processes that are used to make decisions about their education.

Objective

Development of Student Advocacy Offices in Azerbaijani, Georgian and Ukrainian universities will remove obstacles to the academic process and effectively protect students' rights.

Outputs

1. Written materials (training guide, website) on student advocacy systems created
2. Student Advocacy Office (SAO) established in each university in agreement with internal university procedures
3. Ombudsperson from each university trained
4. Key staff and faculty from each university trained on student advocacy procedures and SAO functions

Activities

1. Hold kick-off meeting with all partners
2. Conduct needs assessment (survey) in Azerbaijani, Georgian and Ukrainian partner universities
3. Identify best practices in the area of student advocacy and ombudsperson offices based on the experiences of the EU partners
4. Prepare and e-publish training materials in student advocacy for Azerbaijani, Georgian and Ukrainian universities
5. Prepare guidelines on students' rights and responsibilities
6. Prepare guidelines on administrative and academic staff rights and responsibilities
7. Establish Student Advocacy Office in each Azerbaijani, Georgian and Ukrainian partner university
8. Run pilot training program in student advocacy for faculty and administration
9. Disseminate results on project website for the benefit of all universities in Azerbaijan, Georgia and Ukraine
10. Run training programs in student advocacy for students and staff in all Azerbaijani, Georgian and Ukrainian partner universities
11. Manage quality control and monitoring of project
12. Ensure sustainability of project (Student Advocacy Offices continue to function through universities and offer services)
13. Organize final meeting

www.aesop.khazar.org

Being an Ombudsman in Higher Education (by Robert Behrens) (first published in 2017)

In this study of higher education ombudsmen, Rob Behrens reviews the lived experience of ombudsmen in 18 countries. Having had unique access to ENOHE archives and drawing on a network-wide survey, he has produced the first comprehensive account of European practitioners.

Higher education ombudsmen operate from a wide variety of institutional contexts, from singleton operations within individual universities to national ombudsman schemes. They are bound by a strong adherence to the principles of independence, impartiality, confidentiality and informality, and by a broad

consensus including giving advice to (mainly) students, disseminating information and being agents of change.

Where higher education ombudsmen disagree is over the interpretation of operational principles. Many use adjudication to resolve disputes, whereas many others reject adjudication and rely on the soft power of mediation to enable disputants to resolve their own conflicts. Additionally, there is strong disagreement about whether campus ombudsmen, operating from within universities can ever be properly independent from the universities they have oversight of.

Behrens analyses the ways in which ombudsmen assert their independence and discovers ombudsmen as robust, assertive and properly distant from university authorities or government structures. However, he reports on a small number of ombudsmen whose mandates have been insufficient to prevent interference and obstruction. He argues that higher educational ombudsmen need to develop the professional nature of their activity to ensure commonality of qualifications, competency, and continuing professional development.

Rob Behrens wrote this study while visiting Professor at University College London (UCL). He was Independent Adjudicator for Higher Education in England and Wales from 2008-16. He is currently Parliamentary and Health Service Ombudsman (PHSO) in the UK. ENOHE President, Dr Josef Leidenfrost, MA, Austrian Student Ombudsman, commented: “This is a landmark study which highlights the strength and flexibility of higher education ombudsmen across the European Higher Education Area and beyond.”

Rob Behrens added: “It is important to understand the different ways in which Ombudsmen operate in different countries and university systems so that we can learn from each other and, ultimately, improve the services we provide. I hope my study will spark a constructive debate about these differences in operations.” At the ENOHE Annual Conference in Strasbourg at the European Parliament from 28-30 June 2017 this monograph will be discussed and debated. Further details about this study can be obtained by email from Charlotte Swift (charlotte.swift@ombudsman.org.uk).

Higher Education Ombudsmen and Transparency (by Robert Behrens) (first published in 2017)

Ombudsmen throughout the world subscribe to core operational principles including independence, impartiality, confidentiality and informality. In addition, classic ombudsmen have no binding powers to enforce their recommendations, and choose not to have these powers, preferring the soft power of influence and authority. Each of the above adds to the successful ombudsman ‘brand’, facilitating user trust and agreed resolution to complaints and grievances by the contesting parties. But there is one additional core principle: transparency.

Without transparency – exposing operations and decisions of the ombudsman to public scrutiny – an ombudsman cannot demonstrate that she/he is genuinely independent. Without transparency good practice in complaints handling cannot be disseminated to practitioners. And without transparency the absence of binding powers allows bodies in jurisdiction (eg universities) to ignore ombudsman recommendations with impunity. The national higher education ombudsman in England and Wales, the OIA, has used the transparency provisions in its Scheme Rules to very good effect in the last ten years to bolster its effectiveness.

Transparency to demonstrate independence

Every year the OIA publishes a record of the number of cases brought against each individual university and the outcome of these cases. Not all universities publish this information and few do so with the intention of making a prominent announcement. Publication of this record, the ‘Annual Letter’, ensures that complaints against universities are not ‘private grief’ and hidden away. It also demonstrates that the ombudsman is independent from universities.

Transparency to promote good practice

To protect complainant confidentiality, case outcomes are not routinely published. But the OIA has long published anonymised case summaries to educate universities about good practice. In 2012 it went further and introduced Public Interest Decisions, in which many examples of good and poor practice are now published regularly by name of university where the ombudsman considers there is public interest in doing so. Transparency to incentivize compliance. The OIA cannot force a university to comply with its recommendations, but it can ‘name and shame’ a university where it refuses to comply. It does this by either placing details in its annual report and/or putting the details in a national press release. This is a powerful instrument and has been used on three occasions.

On its 20th Birthday: The Bologna Process is still teething (first published in 2018)

The “Bologna” university reforms harmonised the architecture of European higher education on the basis of the three-cycle system bachelor – master – doctorate (Ba-Ma-Do). Yet, even after 20 years, the system is still having teething troubles. The “Bologna Process”, the creation of a common European Higher Education Area, was kicked off 20 years ago with a joint statement by Germany, Britain, France and Italy, the so-called Sorbonne Declaration, which was followed one year later, in 1999, by a statement of 29 higher education ministers in Bologna.

The meeting of the education ministers of all 48 participating states in Paris in late May this year provided an opportunity to review what has been achieved in the last 20 years. A Review after 20 years However, some challenges are still waiting to be resolved even after more than 20 years. A sizeable minority of professors wish the reform had never taken place – and among students, there are also some who wish to go back to times when studying was allegedly less “schoollike” and less regulated. The „Bologna Process Implementation Report“, an evaluation of the implementation process that was discussed in Paris, showed why criticism has not fallen silent.

It is still perfectly possible that a student from Germany who has studied in the Netherlands or in the United Kingdom will not have his master’s degree fully recognised back home. This can (also) cause problems for students during the admission process for doctoral studies. Even when applying for government jobs, the difference in the weight fall. Over- all, Europe is far from having a unified approach.

Not all the 48 countries participating in the implementation of the “process” have clearcut or manageable regulations for recognising study-abroad periods let alone degrees.

The Paris Ministerial Conference sought to remedy this situation, at least according to the final communiqué: “to further develop mobility and recognition across the EHEA, we will work to ensure that comparable higher education qualifications obtained in one EHEA country are automatically recognised on the same basis in the others.” Besides recognition there are also difficulties with quality management. Thus, some states refuse to implement the recommendation to use external agencies for the accreditation of courses or institutions. Frequently, student representatives are not involved in these processes either.

“Bologna victims“

Not many, but certainly some, of the students seeking help and advice from the Austrian Student Ombudsman, regard themselves as “Bologna victims”. Most of the time, the issues brought forward have to do with degree mobility, but also with the negative consequences that mandatory changes of curricula can have because of the new “architecture” Ba-Ma-Do.

As previous ENOHE conferences have shown, especially the one in Hamburg in 2009, “Lost in Transition? Defining the Role of Ombudsmen in the Developing Bologna World”. “Bologna” is a permanent topic for ombudsmen in their daily work. It is therefore imperative to strengthen the figure of the ombudsman in higher education. Despite its Warsaw Resolution of 2014 (<http://www.enohe.net/warsaw-resolution/>) for the Ministerial Conference in Yerevan 2015 and the Strasbourg Declaration of 2017 (<http://www.enohe.net/the-strasbourg-declaration-2017/>) for the Paris conference in 2018, ENOHE has not yet been able to successfully drive this process forward.

ENOHE will try again in León 2019 for Rome 2020, because: “Rome ne fu pas faite toute en un jour”!

Iucundi acti labores! (first published in 2019)

Pleasant are finished works!, so said Cicero (106 BC –43 BC), the Roman statesman, orator, lawyer, philosopher and consul in his *De finibus bonorum et malorum*, tom. 2, cap. 105. His words are just as relevant today in reference to the long process of ENOHE becoming a legal entity. First launched as an informal network in Amsterdam 2003, now, 2019, ENOHE has finally registered its statutes and is recognized officially as an association under Austrian law: Indeed a long and winding road (© The Beatles).

Happy Parents!

There are several “mothers” and “fathers” whose names (in alphabetical order) should be mentioned for their contributions to the process: José Manuel Bayod y Bayod, former ombudsman of the Universidad de Cantabria (Spain); Robert Behrens, Parliamentary and Health Services Ombudsman and former Independent Adjudicator (United Kingdom); Ulrike Beisiegel, President of Göttingen University and former DFG-ombudsman (Germany); Tim Birtwistle, professor (emeritus) of European law at Leeds Metropolitan University (England); Jenna Brown, Ombuds at Denver University (USA); Martine Conway (Ombuds at Ottawa University (Canada); Baroness Ruth Deech, Member of the House of Lords and former Independent Adjudicator (UK); Nora Farrell, ombudsperson at Ryerson University (Toronto, Canada); Jean Grier, Investigations Manager at Edinburgh University (Scotland); Dame Suzi Leather, Chair of the Board of the Office of the Independent Adjudicator (UK); Natalie Sharpe, Ombudsperson at the University of Alberta (Canada); Leoncio Lara Sáenz defensor universitario at UNAM, (Mexico) and Josef Siegele, Deputy Ombudsman of the Province of Tyrol and Secretary General of the European Ombudsman Institute (Austria).

Thanks to their relentless following up and concern throughout the years, their support and advice, their caveats and their unflagging negotiating skills, the process came to a conclusion.

A Letter from the Police?

How often do you get mail from the police? And how often is it enjoyable? On 7 June 2019 your author received a letter that he (and everyone involved in the drafting process) had been waiting for: the official

approval of the statutes as presented to the authorities. The authorities were even so polite as to “invite the proposers to start their activities as an association”. The price for ist officialisation: € 75,-. Happy inexpensive birthday, ENOHE!

4. Photo collection



**Amsterdam 2003,
Kristl Holtrop**



**Ibid, Josef
Leidenfrost and
Tim Birdtwistle**



**Santander 2005: José Manuel
Bayod, the creator of the
„Bayod Formula“**



**Antwerp 2007,
Dick Hermans and
Patrick Cras**



London 2008



**Ibid., Baroness
Ruth Deech**



**JL, Luis Veliz Cornejo,
Leoncio Lara Saenz in
Ciudad de Mexico,
Summer 2010**



**Madrid 2011: Three wise men,
Cliff Picton, Rob Behrens,
RamGidoomal**



**Warsaw 2014,
Ewa Gmurzynska**



**Everything is
possible in Toluca:
Maria Isabel
Aranjuez Alonso**



Innsbruck 2015
Martine Conway, JennaBrown, Patricia
Begn , Marta Elena Alonso de la Varga



Ibid., Mind you!



Innsbruck 2015
Colleagues from the Netherlands



Strasbourg 2017
Rob Behrens, Emily O'Reilly,
JL, Josef Siegele



**Edinburgh 2018
Scottish Tradition**



**Edinburgh 2018
The Glass Shoe Ceremony**



**ENOHENians always on the move, here
Natalie Sharpe**



Erasmus+ meeting in Kiyjiv



León 2019
Emilio Olias Ruiz and
Marta Elena Alonso de la
Varosa



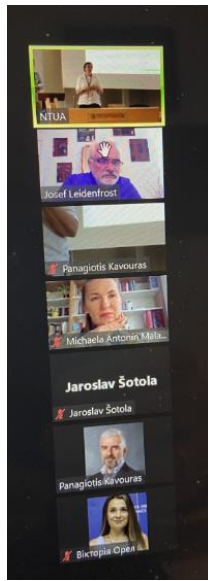
León 2019
Sustainability!



Paulino Cesar Pardo Prieto connecting
with Panagiotis Kavouras



Travelling with the time
machine



ENOHEians in Athens 2022

Athens 2022: partly online



**Klára Laurenčíková
and JL in Prague
Spring 2022**



**Excursion to Olomouc
Spring 2022
Jaroslav Šotola, Jorge
Pereira, Michaela
Antonin-Malanikova,
Thomas Rypka**



Reconnecting with Switzerland Fall 2022
Jonas Nakonz, Margit Leuthold Ehrler,
Annette Spiro, Kathrin Teuscher



Visit to San Luis de Potosi Fall 2022
Urenda Queletzu Navarro Sanchez,
Jorge Ribeiro Pereira, Guadalupe
Barrena

5. Events

5.1. ENOHE Annual Conferences 2003 - 2023

1st Annual Conference: Amsterdam 2003

(co-organized with the Universiteit Amsterdam and Vrije Universiteit Amsterdam)

No general topic

2nd Annual Conference: Madrid 2004

(co-organized with a consortium of universities of the greater Madrid area)

No general topic

3rd Annual Conference: Vienna 2005

(co-organized with the Austrian Ministry of Education, Science and Culture, The Austrian Rectors' Conference and the Austrian Academic Exchange Service)

“Change Management and New Governance in European Higher Education: Ombudsmen as a Contribution to Quality Assurance”

4th Annual Conference: Zurich 2006

(co-organized with the ETH Zürich and the Universität Zürich)

“Complications Arising from Interpersonal Dependency: The Ombudsman's Role in Avoiding and Solving Upcoming Problems and Conflicts in Institutions of Higher Education”

5th Annual Conference: Antwerp 2007

(co-organized with the Universiteit Antwerp)

“Ombudsmen in Higher Education: Counsellor, Student Advocate, Watchdog?”

6th Annual Conference: London 2008

(co-organized with the Office of the Independent Adjudicator for Higher Education)

“Universities, Students and Justice”

7th Annual Conference: Hamburg 2009

(co-organized with the Universität Hamburg)

“Lost in Transition? Defining the Role of Ombudsmen in the Developing Bologna World”

8th Annual Conference: Vienna 2010

(co-organized with the Austrian Academic Exchange Service and the Association of Canadian College and University Ombudspersons)

“Common Objectives, Different Pathways: Embedding Ombudsman Principles and Practices into Higher Education Institutions”

9th Annual Conference: Madrid 2011

(co-organized with the Universidad Europea de Madrid)

“University Ombudsmen in Times of Crisis”

NO CONFERENCE IN 2012

10th Annual Conference: Oxford 2013

(co-organized with the Office of the Independent Adjudicator for Higher Education)

“Rising Tuition Costs, Rising Complaints: Alternative Approaches to Dispute Resolution.”

11th Annual Conference: Warsaw 2014

(co-organized with the Uniwersytet Warszawski)

“Higher Education Ombudsmen and Empowerment: how to make it work ”

12th Annual Conference: Innsbruck 2015

(co-organized with the Landesvolksanwaltschaft Tirol)

“30 Years of Solitude? University Ombudsmen’s Pioneering Past, Confident Present, Challenging Future”

NO CONFERENCE IN 2016

13th Annual Conference: Strasbourg 2017

(co-organized with the European Ombudsman Institute)

“Higher Education Ombudsmen as Beacons: Towards a Fair and Transparent European Higher Education Area”

14th Annual Conference: Edinburgh 2018

(co-organized with the University of Edinburgh and the Association of Canadian College and University Ombudspersons))

“Resolving Conflicts on Campus: Strategies for Enhanced Policies and Effective Operations”

15th Annual Conference: León 2019

(co-organized with the Universidad de León)

“Defending and Protecting Rights within Higher Education: Stocktaking, Looking Ahead”

16th Annual Conference: Virtual conference 2021

“Looking Forward: The Role of the Ombuds in Post-COVID Recovery”

17th Annual Conference: Athens 2022

(co-organized with the Hellenic Ministry of Education & Religious Affairs and the National Technical University of Athens (ΕΚΛΟΓΕΣ ΣΥΜΒΟΥΛΙΟΥ ΔΙΟΙΚΗΣΗΣ)

“Students’ Rights and Ombuds’ Values: Ensuring Inclusion in Higher Education”

18th Annual Conference: Prague 2023

(co-organized with the Univerzita Karlova Praha and the Minister of Education, Youth and Sports of the Czech Republic)

“From Amsterdam 2003 to Prague 2023. Higher Education Ombuds Offices: Reviewing! Reforming! (RE)Starting?”

5.2. ENOHE webinars (since 2016)

Webinars are part of our endeavours in supporting professional development and exchange experience and knowledge. One of the more recent webinars in 2022 took place on the broad theme of “confidentiality” and one “cooperation with student bodies.

The very first ENOHE webinar already went on air in 2016.



- **ENOHE Webinar, September 2016, no specific topic**
- **ENOHE Webinar: Comparing Concerns in COVID-times, 10 June 2020,**
- **ENOHE Webinar: A new year, a new [ab]normal: Adapting to Covid in the new academic year, 10 December 2020**
- **ENOHE Webinar: Social Media, Ombuds Offices and Confidentiality: Friends or Foes?, 19 November 2021**
- **ENOHE Webinar: How to set up an Ombuds Office, 22 June 2021**
- **ENOHE Webinar: Confidentiality, Anonymity and GDPR – Balancing Needs and Rights in Complaint Handling, 1 April 2022**
- **ENOHE Webinar: The Role of Ombuds in Increasing Student Input into Higher Education Governance. What’s behind and/or beyond it?, 28 November 2022**
- **ENOHE Webinar: How to deal with Gender-based Violence: The Potential Role of Ombuds Offices in Case Handling, 12 May 2023**

5.3. Internships

In order to exchange professional experiences among ENOHE organizations, ENOHE is running a platform for an internship programme.

An internship is a form of job training for white-collar and professional careers. These positions may be paid or unpaid and are usually temporary.

Generally, an internship consists of an exchange of services for experience between the intern and an organization. Interns can also use an internship to create a network of contacts or gain credits. Some interns find permanent, paid employment with the organizations for which they worked.

Examples among ENOHE partners so far

Colleagues from member institutions go for a week minimum duration to a partner organisation and are integrated into the respective receiving organization. It’s a learning-by-doing experience
So far exchanges have taken place between:

- Germany
- Scotland
- Poland
- The Netherlands

- Canada
- Israel
- Czech Republic
- Turkey
- Portugal
- Austria

The year 2022, in concreto, was characterized by several internships and mutual site visits like between the Office of the Austrian Student Ombudsman and the two ombudspersons of the University of Olomouc, Jaroslav Šotola and Michaela Antonín Malaníková, by Jorge António Ribeiro Pereira of the University of Beira Interior in Portugal, by Gizem Güray of the Altinbas University in Istanbul, Turkey and by Bartłomiej Chłudziński of the University of Torun in Poland.

Procedures

According to the individual's knowledge of the language(s) spoken in the host country, at the host institution, the members of partner ombuds offices

- directly express their interest in an internship at a specific partner institution to host an intern
- advertise their availability via an electronic job market
- are (then) chosen by the host institution(s)

Minimum criteria

There are no set minimum criteria, but the following issues are to be considered by the potential intern:

- duration of contract/s (if needed)
- professional experience
- personal circumstances (single, married, partnered, child/children)
- as well as job position at home institution

Challenges

- payment during placement / internship
- insurance during -
- social security -
- finding appropriate housing and covering housing costs in the host city
- temporary replacement at home institution
- minimum duration of internship
- maximum duration of internship
- „credits“ / career development elements for position at home



ENOHE INTERNSHIP REPORT

Dr. Ursula Meiser, Ombudsperson, University of Stuttgart, Germany

From Sept 21st to 25th 2015 I had the opportunity to visit my Ombudsman colleagues Lies Poesiat at Vrije Universiteit Amsterdam, Sytske Teppema at University of Applied Sciences Utrecht and Paul Herfs, both Utrecht University and University of Applied Sciences Utrecht.

I had two objectives for choosing universities in the Netherlands:

- In general: To use the experience of European colleagues who are much longer in business and also to discuss some cases that have been or are difficult for me and get their idea about how to solve them.
- Special interest: I went to the Netherlands because they have a lot of ombudsmen for staff. As I officially only work with students, but also get questions and grievances from staff members and teachers, I was happy about the expertise and tips given by my colleagues.

I stayed three days at the Vrije Universiteit Amsterdam and one at Utrecht University. On Friday I had the opportunity to visit the Rijksmuseum in Amsterdam before I went back to the airport. After all it was a very fruitful and inspiring week – full of insights, discussions and also supervision by these experienced colleagues. I already knew all three in person from two ENOHE conferences where we had talked about various things concerning the Ombuds work but the internship, as it turned out, had a lot of benefits:

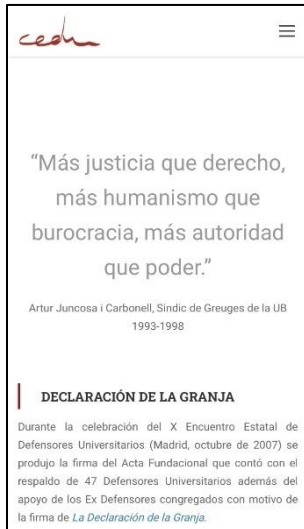
- There was finally adequate time to talk about things in detail and share strategic views about the work.
- Meeting people at their workplace, see how and where they work makes a big difference.
- Talking about how we organize our daily work and also discussing how to report on our ombudswork has been very interesting.
- Getting an idea of the other universities and their facilities for students brought up some ideas for my own university. And at the Vrije Universiteit Amsterdam I got in contact with the leader of the project for students with a disability.
- Meeting other colleagues dealing with disabled students or diversity issues.
- And finally getting an idea of the cultural aspects of a different country, study system and working conditions.
- We shared insights about questions of staff members. Sytske Teppema and Paul Herfs composed a handbook for ombudsmen for staff.

Concerning formalities there were only two things to do: My trip was financed through the Erasmus+ Staff Training Program. All information is usually available at the International Office of the own University. At VU Amsterdam I signed a confidentiality agreement.

I can only recommend taking part in an ENOHE Internship.

6. Declarations

MANIFEST FOR THE UNIVERSITY OMBUDSMAN (Manifiesto de La Granja del Ildefonso, Segovia, Spain, 25 October 2007)



In Europe, the institution of the University Ombudsman (Defensor Universitario, DU) has its roots in the figure of the Ombudsman and in our country in the Defensor del Pueblo (Ombudsman of the People) and in analogous autonomous institutions established after the 1978 Constitution. It shares with all of them the principles of independence, confidentiality, transparency and defense of rights as a guarantor of the equality of all citizens.

Following the entry into force, in 1983, of the L.R.U. (Ley Orgánica 111/1983 de 25 de agosto. de Reforma Universitaria) some Spanish universities, using their autonomy, established the figure of the DU, although it was not until the mid-1990s that the institution of the DU began to become more widespread. The approval in 2001 of the LOU (Ley Orgánica 6/2001 de 20 de diciembre 2001) introduced the mandatory introduction of the institution of the DU in the organizational structure of the universities.

This institution of the DU is now operating in 53 public and private universities. The Reform of the LOU in April 2007 maintains the DU in the same terms as the previous text.

Likewise, in different European countries there is also the institution of the DU, as well as a European Network of Ombudsmen in Higher Education (ENOHE), which organizes annual congresses, facilitates contact and exchange of experiences.

In this context, Spain is the EU country with the strongest presence and tradition of the institution of the DU, having become, in this area, an innovative reference in the construction of the European Higher Education Area (EHEA).

After the experience of the last 20 years, we can affirm that the institution of the DU is recognized as an element of improvement of the European Higher Education Area (EHEA), recognized as an element for improving the culture of responsibility and trust among the members of the university community, as well as its independent and non-executive position, which makes the DU a decisive factor for improving not only the university institution but also the binomial university autonomy-accountability to society.

We cannot forget that meeting the needs and requirements of society is the *raison d'être* of the university, and that the university's of being of the university, and that our society wants it to be increasingly more open and supportive, an authentic generator of values as well as capable of providing a training of the highest excellence, also contributing to the generation of knowledge.

Among the most important aspects of the work of the DU are the following:

- Defending the rights of the members of the university community by harmonizing the different interests and mediating between the parties involved.
- Encourage and promote the culture of ethics in the university environment.
- To promote and encourage through its actions new codes, which facilitate and improve the university relations and coexistence.
- Improve the different regulations that universities have adopted in the use of their autonomy.

- To contribute to the improvement of the quality of Higher Education in accordance with the resolutions, reports, monographs and resolutions issued by the Ombudsman and submitted to the respective governing bodies.

In view of the experience of these years, it seems to us necessary to introduce certain improvements that would increase the effectiveness of the Ombudsman's work. In this respect, we consider it important to increase the means of action of the Ombudsman and the explicit recognition of his or her work in the University, which will undoubtedly lead to a better functioning and consolidation of the institution of the DU.I

It should not be forgotten that the University Ombudsmen lack executive capacity and, therefore, have their basis in the auctoritas, which is why it is advisable to supply this institution with sufficient means and resources, so that all University Ombudsmen can carry out their duties adequately and always independently.

For all of the above reasons, we, the signatories of this letter, URGE the Rectors and those responsible for the different administrations that, with the assistance of the Ministry of Education and Science, and respecting the spirit of the recent reform of the LOU, to proceed to provide the necessary means and resources to enable the institution of the University Ombudsman to function better.

This will contribute to the consolidation of the institution, but above all, it will provide Higher Education, as a whole, with an important instrument for improving the quality of the educational system.

The Oxford Resolution 2013

At the ENOHE side meeting held at St Catherine's College on Thursday 11 April 2013, colleagues agreed unanimously to place the following Resolution before the Concluding Plenary of the 10th Conference:

1. This Conference notes the outstanding contribution of Dr Josef Leidenfrost in leading the ENOHE Network since inception as Convenor.
2. To safeguard the continuity of the Network and to prepare it for any future development, it is resolved to create a Voluntary Executive Committee of about 12 members to support the Convenor's work.
3. Nominations for the Executive are to be sent to Ram Gidoomal care of enohe@oiahe.org.uk.
4. The core purpose of the Executive will be to support the work of the Convenor in maintaining an operational ENOHE website, to facilitate exchanges, and to arrange meetings from time to time.
5. In the interim the Network will retain its non-legal status but move towards a modest annual subscription of around 50-100 Euros for membership to support the cost of the website and minimum core activities.

St Catherine's College, University of Oxford Oxford, 13 April 2013

Following discussions at the 10th ENOHE Annual Conference about how to best support the excellent work of Josef Leidenfrost, the Oxford Resolution was passed overwhelmingly on 11 April 2013 with no contrary votes and one abstention.

After the conference, nominations to a Steering Group were sought from the ENOHE members. It was decided to accept all 27 nominations from 11 countries.

A small group of Steering Group members met by video conference in September 2013 to discuss the best way to follow the wishes of those attending the Oxford Conference. The following key points were agreed by the group and subsequently by the wider ENOHE membership:

1. That ENOHE should continue as an informal, networking organisation, and be strengthened from 1 January 2014 with a Secretariat, web-site, newsletter, supported by minimal annual membership fees.
2. That Josef Leidenfrost should continue as Convenor and additionally become President of ENOHE from 1 January 2014.
3. That the OIA should run a Secretariat on behalf of ENOHE to support the activities of ENOHE for two years from 1 January 2014.
4. That Ram Gidoomal (Chair of the OIA Board) should serve as Non-Executive Chair for a two year period.
5. That there should be a central “Executive” or Operational Group nominated from and supported by a wider “Steering Group”.
6. That the annual fees for membership, reviewable in due course, should be as follows for 2014: a. 50 Euros for an individual membership b. 100 Euros for an institutional membership (with up to three members)

The Warsaw Resolution 2014

As agreed upon at the 11th ENOHE Annual Conference in Warsaw, Poland on May 17, 2014

In the context of the positive experiences in countries of the European Higher Education Area (EHEA) in which Higher Education Ombudsmen have operated for students, for staff or the whole university community in both centralized and decentralized ways (in Spain from 1985 onwards, and, most recently in Norway since 2013), the following recommendations are issued as agreed upon at the 11th ENOHE Annual Conference in Warsaw on May 17, 2014:

- National laws regulating universities and other higher education institutions within the European Higher Education Area should stipulate the importance of the creation of independent ombudsmen or ombudsman-type offices to handle issues and concerns. They should have the necessary authority in their fields and autonomy (i.e. their offices should be free from instructions and orders from other organs or authorities within their institutions) - in order to improve relations between the student body, academic and administrative organs as well as their staff, officers and representatives, within and outside the academic sphere.
- In addition, the institutionalized communication between the student body and the aforementioned organs should be improved and facilitated by these ombudsmen - in order to safeguard the rights of the students and all other members of the university community when handling complaints and problems which may arise from deficiencies in the daily work of universities and other higher education institutions.

The Strasbourg Declaration 2017

Proposal by the European Network of Ombudsmen in Higher Education (ENOHE) to the Ministerial Conference and Bologna Forum 2018 in Paris, France as agreed upon at the 13th ENOHE Annual Conference in Strasbourg, France on June 30, 2017

Quality assurance and public responsibility are growing issues for higher education institutions as they seek to align to the social and political challenges of modern society. Making the higher education system inclusive is a key priority within the European Higher Education Area as population profiles adjust to demographic change and social movement across national borders.

Within this context, pan-European cooperation in higher education has two main goals: the preparation of students for life as active citizens in a democratic society; and their preparation for successful participation in the labour market. To achieve these goals, EHEA countries are adapting their structures to make higher education institutions more open to participation in decision processes through changes to governance.

Hence the European Network of Ombudsmen in Higher Education [ENOHE], first established in 2003 and now consisting of affiliates in more than 20 countries, endorses the further extension of the institution of higher education ombudsmen as beacons for safeguarding a fair, inclusive and transparent higher education system throughout the continent. Ombudsmen also contribute to an improvement of the governance and the quality of higher education institutions.

The participants in ENOHE's 13th annual conference in Strasbourg in June 2017 respectfully propose to the ministerial meeting in Paris in May 2018 that their closing documents include a recommendation on the installation, by law or respective national regulations, of ombudsmen in higher education. This is in order to help individuals (mostly students, but also academics and staff) to have resources at their disposal to access: support, listening capacity, and help through appropriate procedures for the independent adjudication or mediation of disputes; and to resolve upcoming issues in daily life at higher education institutions fairly, consistently, and efficiently.

The León Declaration 2019



THE LEÓN DECLARATION

This declaration on international collaboration between ombuds networks in higher education is made on conclusion of the XV ENOHE conference held in León, Spain, in June 2019.

The declaration is made in line with the aims of ENOHE as specified in paragraph 2 of its statutes to provide support to, exchange experiences and knowledge on the role and main principles of ombudspersons in higher education, and cooperate with international institutions, associations and networks sharing the same or similar goals.

In the spirit of cooperation we, the representatives of the networks from Spain, Portugal, Canada, Latin America and Europe hereby declare:

- that we will look into areas of common interests, especially as identified during the Leon conference,
- that we will set up an electronic forum to update this thematic list and make it public,
- that we will encourage each other to participate in our respective network activities including annual conferences, internships and training courses, webinars and electronic discussion fora
- that we will periodically review progress on collaboration and inform our respective stake holders accordingly
- that we will support each other in developing and safeguarding our networks.

León, 28 June / Junio / Junho / Julliet 2019

Emilio Olias-Ruiz

(CEDU - Conferencia Estatal de Defensores Universitarios)

Berta Batista

(REDEPEES – Rede Nacional de Provedores do Estudante do Ensino Superior)

Wilfredo Jesus Ardito Vega

(RiDDU - Red Iberoamericana de Defensorías Universitarias)

Natalie Sharpe

(ACCUO/AOUC - Association of Canadian College and University Ombudspersons / Association des Ombudsmans des Universités et Collèges du Canada)

Josef Leidenfrost

(ENOHE – European Network of Ombuds in Higher Education)

ENOHE Statement on the recent developments affecting Ukraine
March 2022

ENOHE is the European Network of Ombuds in Higher Education which represents University Ombuds Offices across Europe, including Ukraine, among several other Central and East European countries.

The network wishes to express its solidarity with the Ukrainian population and the students, academic and administrative staff, as well as with the ombuds within their higher education institutions as part of the European Higher Education Area.

ENOHE hopes for effective negotiations towards a peaceful solution to the current situation and offers its support by endorsing developments that will lead to a quick, peaceful solution of the current situation and return to safeguarding of human rights and societal freedom in Ukraine.

ENOHE Statement on Values and Principles
May 2023

ENOHE members come from different countries and cultures, use many languages, and operate in various educational and governance contexts. These differences inevitably affect how we approach issues within our individual areas, yet we share a set of values and principles, regardless of our backgrounds and environments. We also use a variety of titles for our roles. For ENOHE's purposes, we are all 'ombudspersons', regardless of our actual job titles – seeking to achieve the fairest outcomes for those who ask for our assistance, whether we are operating at individual, institutional or national levels and whether working with students, with faculty/staff or with both. We embrace the following values and principles:

- Confidentiality – respecting the sensitive nature of much of the information which we receive
- Accessibility – being approachable for all, regardless of background or ability
- Empathy and Respect – treating those who come to us with dignity
- Fairness and Impartiality – free from bias and reaching equitable outcomes
- Independence – freedom to act without third-party interference
- Integrity – being honest and upholding moral principles
- Transparency and Consistency – treating all who come to us consistently and ensuring that both parties understand the process
- Improvement – assisting institutions in learning from casework, and fostering positive change

As ENOHE members, we recognize that we work in different roles dealing with challenging issues that require a high degree of dedication in their handling. We seek to support each other in this work, sharing good practice through our conferences, publications and other events, both in-person and online.



ENOHE CONFERENCE PRAGUE JUNE 2023

PRAGUE MANIFESTO

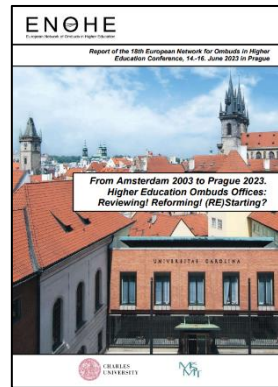
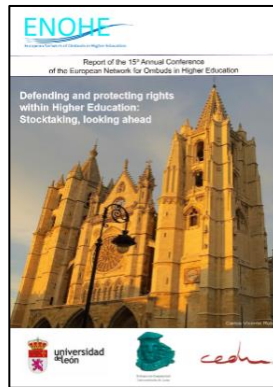
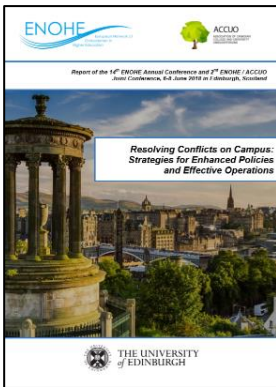
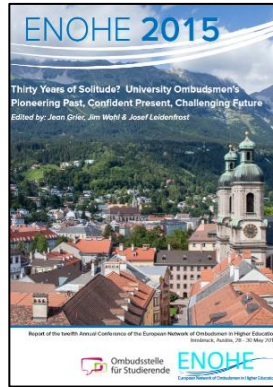
SUPPORTING THE PROFESSIONAL DEVELOPMENT OF OMBUDSPERSONS IN HIGHER EDUCATION

In pursuit of ENOHE's aims of engaging in advocacy and in promoting the further professional development of the role of ombudspersons in higher education, the following statement has been issued at the conclusion of the ENOHE Conference in Prague 2023 at Charles University Prague:

- 1) Following the Rome Ministerial Communique of 2020 where the ministers committed to developing and supporting the safeguarding of students' rights and in preparation the aims of the Tirana Ministerial Conference 2024, it is most important for ENOHE to continue promoting the development of the university ombudsperson's role in more countries of the European Higher Education Area.
- 2) As laid down in its Five Years Plan 2021-2025 ENOHE will continue to work on extending its membership and collaborating with other Ombuds networks worldwide.
- 3) After 20 years of ENOHE activities, the Association is committed to extending its communications services, publications, training activities and internships.
- 4) ENOHE will seek to support its members in embedding ENOHE Values and Principles into their professional practice.
- 5) In order to widen the availability of knowledge in the area, ENOHE will develop ENOHEpedia, a profession-related on-line thesaurus with information relevant to members.
- 6) As begun in 2015 with the Innsbruck Descriptors, ENOHE will continue to develop definitions, guidelines, good practice, evaluation and quality assurance for ombuds offices on all levels, international, national, institutional, faculty and departmental.
- 7) In commemoration of Jan Palach, student of Charles University, who burnt himself to death in Václavské Náměstí in Prague in January 1969, protesting the invasion of his fatherland by Warsaw Pact Troops the summer before, ENOHE supports all students and student movements against current oppression and deprivation of civil and human rights within academia.

7. Publications

7.1. ENOHE Conference Reports



7.2. Covers of ENOHE newsletters (first and last)



7.3. ENOHE Occasional Papers

ENOHE Occasional Paper Nr. 1: **Kristl Holtrop/Josef Leidenfrost** (eds.) Student – Institutional Relationships in Times of New University Management: Academic Ombudsmen in European Higher Education

ENOHE Occasional Paper Nr. 2: **Josef Leidenfrost** (ed.) Change Management and New Governance in European Higher Education: Ombudsing as a Contribution to Quality Assurance

ENOHE Occasional Paper Nr. 3: **Hans M. Eppenberger/Markus Kägi/Josef Leidenfrost/Eugen Teuwsen** (eds.) Complications Arising from Interpersonal Dependency - The Ombudsman's Role in Avoiding and Solving Upcoming Problems and Conflicts in Institutions of Higher Education

ENOHE Occasional Paper Nr. 4: **Patrick Cras/Josef Leidenfrost** (eds.) Ombudsmen in Higher Education: Counsellor, Student Advocate, Watchdog?

ENOHE Occasional Paper Nr. 5: **Michael Reddy/Josef Leidenfrost** (eds.) Universities, Students and Justice

ENOHE Occasional Paper Nr. 6: **Ulrike Beisiegel/Josef Leidenfrost** (eds.) Lost in Transition? Defining the Role of Ombudsmen in the Developing Bologna World

ENOHE Occasional Paper Nr. 7: **Martine Conway/Josef Leidenfrost** (eds.) Common Objectives, Different Pathways: Embedding Ombudsman Principles and Practices into Higher Education Institutions

ENOHE Occasional Paper Nr. 8: **Gerlinde Sponholz/Josef Leidenfrost** (eds.) Curriculum “Good Scientific Practice“

ENOHE Occasional Paper Nr. 9: **Ewa Gmurzyńska** Benefits of Dispute Resolution Systems in Organizations; The Example of the University of Warsaw Conflict Resolution System

ENOHE Occasional Paper Nr. 10: **Maria De Pellegrin/Ian Eisteter/Josef Leidenfrost** (eds.) (In-House) Mediation as a Tool in Higher Education Conflict Management: A Study from Austria

ENOHE Occasional Paper Nr. 11: **Josef Leidenfrost / Anna-Katharina Rothwangl** The Austrian Student Ombudsman, “student rights” and “student obligations” in the Austrian Higher Education Area: Between soft administrative control and proactive syntegration Paul Herfs Ombudsing at Canadian universities through the eyes of a Dutch ombudsman

ENOHE Occasional Paper Nr. 12: **Paul Herfs / Jenna Brown / Nora Farrell / Ursula Meiser** PhD Students and Ombuds: How Ombuds Contribute to Civil, Fair and Productive PhD Trajectories

ENOHE Occasional Paper Nr. 13: **Guadalupe Barrena / Anna Cybulko / Wolf Hertlein / Emilio Olías Ruiz** Webinar: Comparing Concerns in Covid-times

ENOHE Occasional Paper Nr. 14: **Carolyn Brendon / Csaba Dégi L. / Panagiotis Kavouras / Felicity Mitchell** Webinar: A new year, a new [ab]normal: Adapting to Covid-19 in the new academic year

ENOHE Occasional Paper Nr. 15: **Tom Kosakowski / Helga Nolte / Tamta Demetradze / Brent Epperson** Webinar: How to set up an Ombuds office

ENOHE Occasional Paper Nr. 16: **Josef Leidenfrost / Anna-Katharina Rothwangl** -Conflict Management through Ombudsman Offices at Universities in Austria: Status and Outlook -Gestión de conflictos a través de las defensorías de los estudiantes en las universidades de Austria: Situación y perspectivas

ENOHE Occasional Paper Nr. 17: **Paulo Peixoto / Joana Gomes de Almeida**: The dilemma of international students at UC in a pandemic context
Paul Herfs: What can universities do to prevent PhD students from dropping out?

8. List of all contributors to ENOHE Occasional Papers

Occasional Paper 1: Student – Institutional Relationships in Times of New University Management: Academic Ombudsmen in European Higher Education

Bacher Gottfried : Students as Partners
Barkat John : How to Effectively Design an Organizational Ombuds Services
Bayod Jose Manuel : Ombudsman The University Ombudsman in Spain under the New University Law of 2001
Birtwistle Tim : The United Kingdom to Adopt the Role of an Ombudsman for Higher Education? Late and on a Voluntary Basis
Bjotveit Maria: Ombuds Services in International Higher Education: A Norwegian Perspective
Holtrup Kristl / Leidenfrost Josef : The European Network for Ombudsmen in Higher Education: Birthplace Amsterdam
Holtrup Kristl : Ombudsman Ombudsmen at the Institutions of Higher Education in the Netherlands
Holtrup Kristl / Leidenfrost Josef: Student-Institutional Relationships in Times of New Autonomous University Management and Academic Ombudsmen: About this Publication .
Kasparovsky Heinz : Students, their Rights and Duties in Times of International Educational Cooperation
Kothbauer Max : Turning Theory into Practice
Leidenfrost Josef / Kronfuss Hubert: Ombudsmen The Austrian Ombudsman for Higher Education: A Regulator with Teeth?
Leidenfrost Josef: Academic Ombudsing: Historical Notes, Future Challenges
Marhold Franz : Ombudsmen as a Remedy
Mettinger Arthur : The Responsive University
Michavila Francisco : The Role of University Ombudsmen in the Building of a European Citizenship
Pellert Ada : Is it a Relationship at all?
Reddy Michael: Establishing a Statutory Scheme for Resolving Student Complaints in England and Wales
Scholz-Strasser Inge : Mapping the Last Three Decades in Austrian Higher Education Legislation
Schwarzmayr Bettina: Some Pending Questions on “Student-Institutional Relationships” and Ombudsmen: An Austrian Perspective
Söderman Jacob : How to be a Good Ombudsman

Occasional Paper 2: Change Management and New Governance in European Higher Education: Ombudsing as a Contribution to Quality Assurance

Birtwistle Tim : Higher Education - A Choice of Direction?
Brown Jenna: Mediation and Ombudsing in Higher Education
Deech Dame Ruth: The Independent Adjudicator for Higher Education in England and Wales
Diaz Miguel Angel Estesó : University Governance and Ombudsing: A Challenge for all Sides
Dick Hermans : Good Fair or (at least) Sufficient Practice? Ombudsing and Tutoring, Grading and Supervision
Fiorioli Elisabeth / Konrad Helmut: The After Bergen Agenda
Gomez-Moran Dolores : Creating Ombuds Offices: The How(s), When(s) and Why(s)
Hager Herbert: The Ombuds Center for Good Scientific Practice at the University of Natural Resources and Applied Life Sciences Vienna
Holtrup Kristl, Rudolph Mary Chavez, Cras Patrick, Rivest Marie Jose, Simpson Anne: Ombudsmen Overseas: Models of Good Practice

Holtrop Kristl: The European Network for Ombudsmen in Higher Education: Past, Present, and Future
Künzel Wolfgang : Size Matters! How Small and/or Big Institutions are Dealing with Ombudsing
Leidenfrost Josef: Aller guten Dinge sind drei. Third time is a charm
Leidenfrost Josef: The ENOHE Road Map for the Next Year(s)
Neisser Heinrich: Mediation and Ombudsing in the Civil Society
Reddy Michael : Common Standards or Living on an Isolated Island?
Sanchez Mercedes Gutierrez: “Non-traditional Students” Issues and Ombudsing
Vettori Oliver: The Wirtschaftsuniversität Wien Student Support Programme
Weigel Wolfgang: Indifferent, Cooperative or Aggressive
Weikhart Andreas: Between Partisanship and Impartiality

Occasional Paper 3: Complications Arising from Interpersonal Dependency

Deech Ruth: Wrap Up, Synopsis and Take Home Lessons of the Fourth Annual ENOHE Conference, Zurich, May 17-19 2006
Haller Walter: Globalization and Commercialization in Higher Education: Is Lack of Mutual Respect the Result? A Challenge for the Ombudsman
Cras Patrick: A Process Oriented Approach and Benchmarking
Hell Daniel: Dependency and Responsibility in Supervisory Relationships
Leidenfrost Josef: The ENOHE Road Map for the Next Years

Occasional Paper 4: Ombudsmen in Higher Education: Counsellor, Student Advocate, Watchdog?

Bayod José Manuel: Counselling, student offices and ombudsman, how do they relate? My view as an ombudsman
Bogaert Cis Van Den: Administration and Transparency - A contradiction per se?
Deech Ruth : The Student Contract
Derijcke Luc: Management School Conflict management
Gomez-Moran Dolores: Students' Ethnic and Cultural Diversities: The Ombudsman As an Agent of Institutional Change
Picton Cliff: Ombudsman as Multi-role Practitioner in a Complex Environment
Reddy Mike: The Ombudsman as the Watchdog of the Educational Process
Simpson Anne, Oakes Penny: Models for complaint handling in universities Implications for the Ombudsman
Van Schravendijk C.: Fraud and plagiarism
Vettori Oliver: See through transparency - Benefits and Dangers of a new communicational paradigm in HE

Occasional Paper 5: Universities, Students and Justice

Abad-Garcia Pilar: How the University Ombudsman adds Value to Bologna: (human) Quality Assurance (hQA)
Ansari Selman: Removing Students from Halls of Residence: A Practical Guide for Universities
Attle Gary: Academic Collaborations: Some Contractual and Due Diligence
Barrett David: Widening Student Participation in Universities: An Overview

Bayod José Manuel: All about being a Campus Ombudsman at a Spanish University.
Bennett Geoffrey: Student References: Some American Comparisons
Birtwistle Tim: Bologna without Tears: An Overview
Birtwistle Tim: Improving Dispute Resolution
Blacknell Alex: Report on Workshop 3C: The Disability Challenge: To Compliance and Beyond
Bott Richard: Why Campus Ombudsmen are a good thing, Northumbria University - A New Departure?
Carter Katie: Report on Workshop 4A: From Student to Professional
Challis Robyn: How can the Social Model of Disability help us reduce Numbers of Complaints from Disabled Students, and Others?
Cottrell Stella: Widening Student Participation in Universities: Financial Support (UK)..
Dandridge Nicola: Equality Challenge Unit.
Draper Fiona: Academic Appeals and Mitigating Circumstances
Draper Fiona: Report on Workshop 1C: Resolving Complaints Early: What's Stopping it?
Drew Tony: Mental Health and Students: An Overview
Fournier Georges: University Mediation a la Francaise: The Rennes1 Example
Gow Lan: HE Strategic Alliances with Special References to China
Hackett Chris: Dealing with Graduate Student Complaints
Harris Neville: Student Complaints Handling in Higher Education Institutions: Survey Findings and Implications
Hohls Siobhan: Report on Workshop 4B: Academic Appeals and Mitigating Circumstances: The Ombudsman's View
Howard Colin: Notes on Resolving Complaints Early: What's Stopping it?
Hyams Oliver: The Manner in which Public Law affects the Provision of Higher
Iyer Graham: The Case for Student Registration
Knowles Craig / Mitchell Felicity: Role of the Courts Questionnaire OIA - Role of the Courts Questionnaire
Knowles Craig: Report on Workshop 1E: Hosting International Students: The Risks
Knowles Craig: Report on Workshop 3D: Students Contracts, Codes and Charters -International Law and Practice
Leidenfrost Josef: Academic Appeals and Mitigating Circumstances, The Ombudsperson`s Role Perspectives from Austria
Leidenfrost Josef: Student Complaints and Appeals – Comparative Approaches of the Courts, A View from Austria
Mawii Salima: Student Litigation in England & Wales
McLuckie John: An Introduction to the Scottish Public Services Ombudsman
Mitchell Felicity: Providing Student References: What should You Say and How should You Say it?
Niamh Sherwood: Why Campus Ombudsmen are a Good Idea
Nuckley Jo: Report on Workshop 2C: Diversity and Ombudsmen
Nutt Diane: Student Drop-out: The New Reality?
Nyabadza Rosemary: Hosting an International Student
Olohan Sally: Putting Principles into Practice
O'Neill Jane: Staff and Student Training at the University of Leeds.
Owen Derfel: QAA and the Student Voice
Palfreyman David: UK Higher Education Law Update...
Pell Helena: Student Complaints and Appeals – Comparative Approaches of the Courts
Picton Cliff: Financial Support for Students: Different Approaches, Common Issues?
Picton Cliff: The Australian Experience
Pinnell Chris: Report on Special Session B: Students and Mental Health.
Pinnell Chris: Report on Workshop 2B: Dealing with Plagiarism....
Reece Susanna / Jo Nuckley: The Disability Challenge: To Compliance and Beyond..
Reece Susanna: An Introduction to the Office of the Independent Adjudicator for Higher Education
Rivest Marie-Jose: Learning from Complaints: Convincing the Powerful.
Rivest Marie-Jose: Mediating Student Concerns: The Risks
Robillard Kirsten: Working with Challenging Behavior: A University Ombudsperson's Experience in Quebec
Saénz Leoncio Lara: University Ombudsman: The Mexican Model

Sharpe Natalie: Academic Appeals and Mitigating Circumstances, An Ombudsperson's View, The Canadian Scene
Shepherd Kay: Learning from Complaints: Persuading the Powerful
Shepherd Kay: Report on Workshop 4C: OIA/Scottish Public Services Ombudsman Round Table
Sherwood Niamh: Report on Special Session A: Update on UK Higher Education Law
Slater Adrian: Student References, ENOHE 2008
Varnham Sally: A Matter of Contract?
Varnham Sally: Student v University in Australia and New Zealand: who, why, how, where?.
Walton Helen: Panel Discussion and Closing Remarks
Walton Helen: Student Dropout, The New Reality Pat Sponder - Learning from Complaints: Persuading the Powerful
Williams Donna Douglass / Dolores Gomez-Moran: Diversity and Cultural Competence for Ombudspersons
Williams Peter: Quality Assurance
Wiltshire Imogen: Resolving Complaints Early: The Students' Union Adviser's Perspective
Witts Patricia: Dealing with Graduate Problems
Woollen Victoria: Report on Workshop 2D: Listening to Students

Occasional Paper 6: Lost in Transitions? Defining the Role of Ombudsmen in the Developing Bologna World

Abad-Garcia Pilar: Implementing Bologna: The Impact on Campus Ombudsmen Observations from Spain.
Baumann Bastian: Students' View on Ombudsman and the Importance of their Activities for the Basic Values and Principles of the University
Behrens Rob: Public Consultation to develop the Students Complaints Resolution Scheme in England and Wales
Beisiegel Ulrike / Leidenfrost Josef: The Higher Education Ombudsman in Times of "Bologna"
Beisiegel Ulrike: How to Promote Research Integrity
Birtwistle Tim: Improving Dispute Resolution in Higher Education Project - England.
Cras Patrick: How to Investigate Scientific Fraud?
Deech Ruth / Josef Leidenfrost: Overview on ENOHE developments and activities.
Gómez-Morán Dolores: Student Rights and Grievances - A Short Outlook
Juros Luka: The Most Current Status of the Introduction of the Student Ombudsman in Croatia
Lara Leoncio: The Mexican University Ombudsman - Defending (not only) the Disabled
Leidenfrost Josef: Do Tuition Fees Increase the Quality and Efficiency of "Bologna" Universities?
Sharpe Natalie: The Role of the Ombudsman in Promoting Academic Integrity: A Canadian University
Steneck Nick: The Role of the Ombudsmen in Fostering Integrity in Research
Varnham Sally: Up with Students' Rights Down Under - University „Ombudsmen" in Australia and New Zealand

Occasional Paper 7: Common Objectives, Different Pathways: Embedding Ombudsman Principles and Practices into Higher Education Institutions

Abad-Garcia Pilar: Building Bridges: University Ombudsmen and University Cooperation in the post Bologna European Higher Education Area
Behrens Robert: The Pathway Project: An Ombudsman's Roadmap for the Next Five Years
Blaettler Andrea: ESU and its Perspective on Student rights and ombudsmen in Higher Education
Brown Jenna / Reddy Mike / Wohl Jim: Learning by Doing:

Conway Martine / Leidenfrost Josef: Vienna through the Rearview Mirror
Cornejo Luis Adolfo Veliz: How to Create an Ombuds Organism at the Pontifical Catholic University of Perú?
Farrell Nora: Challenges to Impartiality
Gadesmann Gundi: Problem solving in the EU - The European Ombudsman
Gidoomal Ram: Independence and Governance: (In) compatible?
Heslep Cathryn: A New University - Addressing Diversity
Jacobson Robyn: Restorative Justice: A Viable Option for Non-academic Misconduct?
Kiend-Wendner Doris: The Powers and Tasks of the Ombudsman in Institutions of Higher Education
Kostelka Peter: Reaching Out to Citizens
Marinovic Jure: An Overview of the Student Ombudsman at the University of Zagreb.
Morley Ray: Higher Education Ombudsman and Diversity Issues - Considering the Australian Point of View
Müllner Karl Andrew: Establishing an Ombudsman for the Lifelong Learning Programme in Austria - Challenges and First Experiences
Petermandl Monika: Small and Beautiful - How Austrian Universities of Applied Sciences are Dealing with Student Complaints: The Example of the FHWien - Studiengänge der WKW
Pichler-Stainern Christian: Quality Management and ISO Standards within the Austrian Agency for International Cooperation in Education and Research (OeAD-GmbH)
Picton Clifford / Birtwistle Tim: Things I wish I had known when I started as an Ombudsman:
Sáenz Lara Leoncio: Latin American University Ombudsmen - Building Better Environments and Fostering Social Change
Sharpe Natalie: Online Bullying, Discrimination, Harassment - Revising a University Protocol
Sjöstrand Christian: Complaint Management, Students' Rights and the Principle of Public Access to Official Documents: Experiences from Sweden
Sponholz Gerlinde / Nolte Helga: Core Curriculum for Development of Scientific Integrity: Lessons to be Learned for Higher Education Ombudsmen
Tim Birtwistle: The Importance of the Use of Language, Terms and Titles in Higher Education Life, for Faculty and Students
Vicini Sandro: Dealing with Systemic Issues: Strategies for Solutions in the University Context
Weigel Wolfgang: Conflict Management Revisited: Remarks and Observations on the Status of the University Ombudsman

Occasional Paper 8: Sponholz Gerlinde / Leidenfrost Josef: Curriculum: Good Scientific Practice

Occasional Paper 11: Herfs Paul: Ombudsing at Canadian universities through the eyes of a Dutch ombudsman

Leidenfrost Josef / Rothwangl Anna-Katharina: The Austrian Student Ombudsman, “student rights” and “student obligations” in the Austrian Higher Education Area: Between soft administrative control and proactive syntegration

Occasional Paper 12: Herfs Paul / Brown Jenna / Farrell Nora / Meiser Ursula: PhD Students and Ombuds: How Ombuds Contribute to Civil, Fair and Productive PhD Trajectories

**Occasional Paper 13: Barrena Guadalupe / Cybulko Anna / Hertlein Wolf / Olías Ruiz Emilio:
Webinar Comparing Concerns in Covid-times**

**Occasional Paper 14: Brendon Carolyn / Dégi Csaba L. / Kavouras Panagiotis / Mitchell Felicity:
Webinar A new year, a new [ab]normal: Adapting to Covid-19 in the new academic year**

**Occasional Paper 15: Kosakowski Tom / Nolte Helga / Demetradze Tamta / Epperson Brent:
Webinar How to set up an Ombuds office**

**Occasional Paper 16: Leidenfrost Josef / Rothwangl Anna-Katharina: Conflict Management
through Ombudsman Offices at Universities in Austria: Status and Outlook**

**Occasional Paper 17: Herfs Paul: What can universities do to prevent PhD students from
dropping out?**

**Peixoto Paulo | Gomes de Almeida Joana: The dilemma of international students at UC in a
pandemic context**

9. Documents

Amsterdam, September 2002
Subject: Proposal meeting European Ombudspersons

Secretary Bureau Ombudsman UvA
Contactperson: Saskia de Haan
Tel.: +31 (0)20 525 3798
Fax.: +31 (0)20 525 3797
E-mail: sdehaan@bdu.uva.nl

Dear colleagues,

In the summer of 2001 I started to establish contacts with European ombudsmen in the field of higher education in order to exchange experiences gained during our work. The result was that contacts have been established with ten educational ombudsmen in six different countries across Europe.

Many of you were enthusiastic about the idea of creating a network and indicated to be interested in attending a meeting during which European educational ombudsmen could interchange their experiences.

In the meantime I have attended two conferences of the University and College Ombuds Association (UCOA) in America and I have established contact with a small group of European ombudsmen from The Ombuds Association (TOA).

Now I would like to try to organize a first meeting for European ombudsmen in higher education.

**Consequently I would like to make the following proposition to get together.
To organize a two day 'conference'; date: 24 and 25 February 2003; location: Amsterdam.**

My idea would be to start Monday the 24th in the afternoon and continue Tuesday till noon. No schedule has been made yet for those days, since first I would like to know how many of you will be able to attend this meeting.

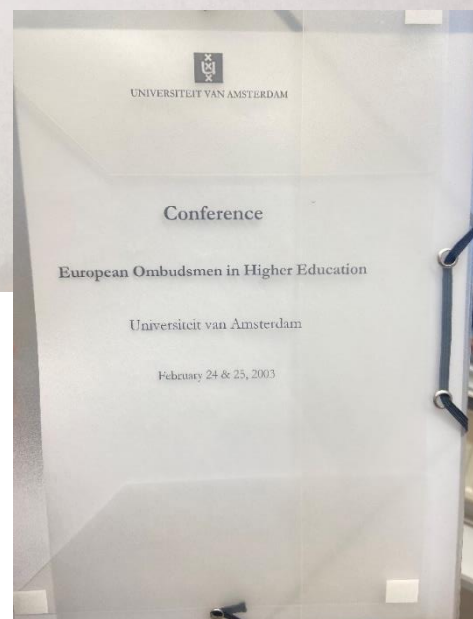
Hereby I would like to ask you if you could let me know whether you are interested in this meeting in the first place, and if the place and date are convenient for you.

Any suggestions and alternative proposals are welcome and if you have any questions or remarks, please do not hesitate to contact me.

I am looking forward to hearing from you.

Yours sincerely,

M.C. Holtrop





4th ANNUAL CONFERENCE Zurich, May 17-19, 2006

- Home
- Organisation
- Plenary Topics
- Programme
- Speakers
- Registration
- Accommodation
- Where to find
- Social Events

Main Topics of the Conference

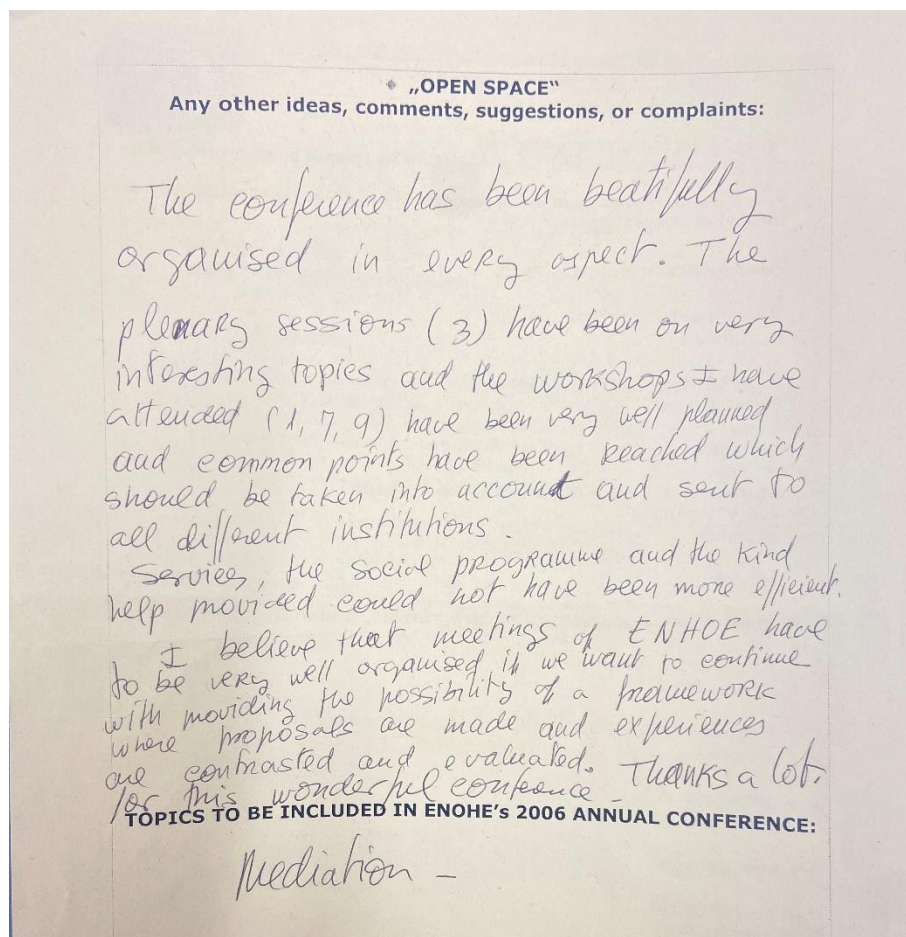
The 4th Annual Conference of the European Network of Ombudsmen in Higher Education (ENOHE) will be held from the 17th to the 19th Mai 2006 in Zurich, Switzerland. The ENOHE 2006 conference will be jointly hosted by the Swiss Federal Institute of Technology (ETH) and the University of Zurich. This years central topic will be :

"Complications arising from interpersonal Dependency"

"The Ombudsman's Role in Avoiding and Solving upcoming Problems and Conflicts in Institutions of Higher Education"

The conference will be held both at the ETH main building and at the Stockargut of the University. Both locations are centrally situated side by side on top of the Old City of Zurich. We are proud to invite the ever growing network of academic ombuds institutions within Europe and beyond to exchange knowledge and pick up ideas as how to do ever better *ombudsing*.

Conferene Homepage 2006



Feedback from a conference participant

12. Juni 2007 9:45

UZA NEUROLOGIE

Nr. 4650 P. 2



RED DE DEFENSORES, PROCURADORES Y TITULARES
DE ORGANISMOS DE DEFENSA DE LOS DERECHOS
UNIVERSITARIOS A.C.

Mexico

REDDU

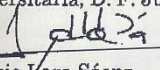
Dr. Josef Leidenfrost
Leiter der Studierendenanwaltschaft

Dear Dr. Leidenfrost:

In the name of the University Ombudsmen Network (Red de Defensores, Procuradores y Titulares de Organismos de Defensa de los Derechos Universitarios, REDDU), I am pleased to invite the Bundesministerium für Wissenschaft und Forschung to be proposed by the undersigned as an Honorary Associate of the Network so that once we receive the request for affiliation, the REDDU Executive Secretariat may commence the corresponding procedure.

At the next REDDU meeting which will take place in June 2007 in the city of Acapulco, México, our President M. en D. Joaquín Bernal Sánchez will submit to the Plenary Assembly of the REDDU the formal incorporation of the Bundesministerium für Wissenschaft und Forschung as an Honorary Associate of the network.

Sincerely,
Cd. Universitaria, D. F. June 5th de 2007


Dr. Leoncio Lara Sáenz
REDDU Executive Secretary

c. c. p. M. en D. Joaquín Bernal Sánchez, Presidente de la Red de Defensores, Procuradores y Titulares de Organismos de Defensa de los Derechos Universitarios.- Presente.
A todos los Asociados.- Presente.

RED DE DEFENSORES, PROCURADORES Y TITULARES DE ORGANISMOS DE DEFENSA DE LOS DERECHOS UNIVERSITARIOS
E-mail: info@reddu.com.mx
Edificio "D", 2º, Piso, Zona Cultural, Ciudad Universitaria, C. P. 04510, México, D.F.
Tel.: 56 27 62 22 al 24. Fax.: 56 06 50 70

Making connections with Mexico

26.3.09

Business Meeting ENOHE	
Bessieje	Hamburg / Germany
Maria Vallarta	UNAM / Mexico
MARIA DE PELLEGRIN	Vicenza University of Economics and Business
CLIFF PICTON	Ombudsman, Le Cote Uni., Australia
Gerard W van Dorp	Ombudsman University of applied sciences Utrecht Nlms
Ruth DEECH	Oxford
JOSÉ MANUEL BAYOD	University of Cantabria, Santander, Spain
PIAZ ABAD	U. of VALLADOLID, Spain
MARIA TERESA GONZALEZ	U. POLITÉCNICA DE MADRID, Spain
Eliá Cambón Crespo	Universidad Europea de Madrid, Spain
MARIA DOLORES GONZALEZ	Universidad Carlos III de Madrid, SPAIN
Rosa M. Galán Sánchez	Universidad Complutense Madrid, SPAIN
Joan Miró	Universitat de Girona, Spain
JENNIFER BOSTON	Univ. of Denver USA
Blanca TELLO	Universidad Autónoma de Madrid - SPAIN
Hans Thierstein	ETH Zurich, Switzerland
Hans R. Eppenberger	ETH Zurich Switzerland
Fiona Dorpe	OIA UK
Tim Birkwistle	Leeds Metropolitan University
Eugen Teuwsen	ETH Zurich Switzerland
Rob Goiahe	rob.Goiahe.org.uk
Michael Reilly	michael.reilly@oiahe.org.uk
Josef Leidenfrost	josef.leidenfrost@bmwf.gv.at
Antonio Pulido	apulido@aual.es
C. Lehner	christoph.lehner@bmwf.gv.at

“Business Meeting “ Hamburg 2009

Esta semana en la Católica



Distinción: **Profesor Emérito**



ING. HUGO SARABIA SWETT
(Perú)

Distinción otorgada por su sobresaliente labor de formación de numerosas generaciones de alumnos en el ámbito de las matemáticas a lo largo de cincuenta y seis años de actividad docente, durante la cual ha demostrado de modo excelente su solvencia intelectual y sabiduría pedagógica.

Viernes 27, 12.15 p.m. Auditorio de Derecho, ingreso libre.
 Transmisión en vivo: <http://emvivo.pucp.edu.pe/foro/emomoinstitucional>
 Los docentes deberán portar la medalla de la Universidad

Seminario internacional:
Ciencia, tecnología e industria en Israel



PH.D. MANUEL TRAJTENBERG
(Israel)

Universidad de Tel Aviv
 Director del Sistema Nacional de Educación Superior de Israel. Investigador asociado de la National Bureau of Economic Research de Estados Unidos y del Center for Economic Policy Research en el Reino Unido

Viernes 27 de agosto, 4 p.m.
 Maestría en Economía
 Auditorio de la Facultad de Ciencias Sociales
 Ingreso libre previa inscripción: mirha.cornejo@pucp.edu.pe

Conferencia **Defensoría universitaria: un paso adelante**

Martes 24, 6 p.m. Auditorio de la Facultad de Ciencias Sociales
 Ingreso libre previa inscripción: dases@pucp.edu.pe



DR. JOSEF LEIDENFROST
(Austria)

Ministerio de Ciencia e Investigación de Austria
 Defensor de los estudiantes de Austria y cofundador de la European Network of Ombudsmen in Higher Education (ENOHE).
 Especialista en internacionalización de la educación



DR. LEONCIO LARA SAENZ
(México)

Universidad Nacional Autónoma de México
 Defensor de los derechos universitarios de la UNAM. Secretario ejecutivo de la Red de Defensores, Procuradores y Titulares de Organismos de Defensa de los Derechos Universitarios en México



DRA. MARÍA T. GONZÁLEZ
(España)

Universidad Politécnica de Madrid
 Defensora universitaria. Presidenta de la Conferencia Estatal de Defensores Universitarios de España. Especialista en petrofísica, conservación y tratamiento de los materiales pétreos

Connecting with Peru, 2010



INVITATION

Dear ENOHE friends and "activists",
you are most heartily welcome to an "Open Town House" meeting during
the ENOHE Madrid conference

**time: Monday, June 27, right after the last session of that
afternoon,**

room: Universidad Europea de Madrid, Aula B201

with the following topics to be dealt with:

- ENOHE conferences:
 - Vienna 2010 flashback
 - Madrid 2011 stocktaking (new countries!)
 - 2012 proposals

- ENOHE media:
 - ENOHE Occasional Papers
 - ENOHE News Newsletter
 - ENOHE homepage
 - ENOHE L- listserv

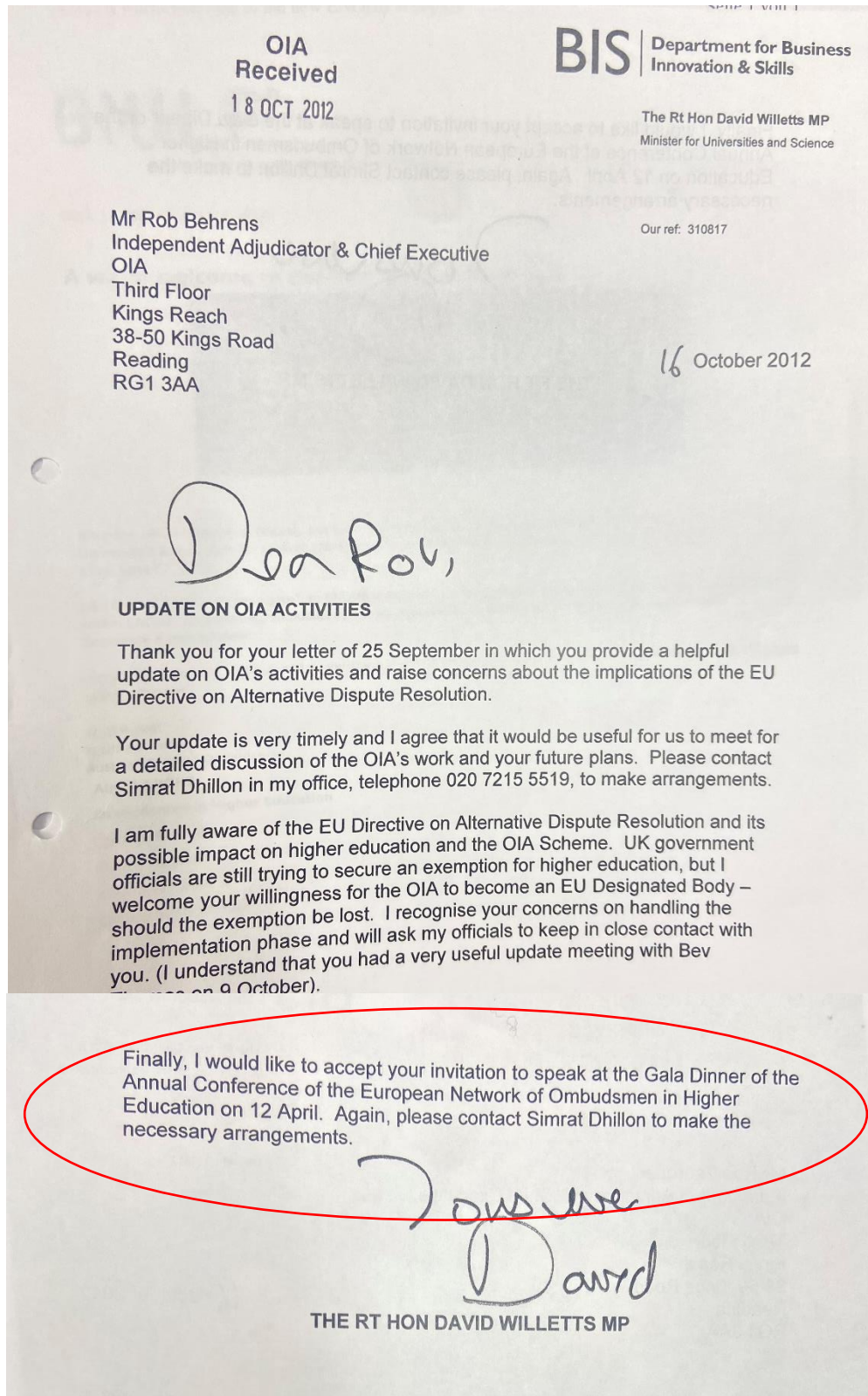
- ENOHE projects:
 - cooperation between higher education and public ombudsmen:
a comparative study

- statutes / bylaws:
 - state of the art
 - further procedures

We would be happy to have you with us to discuss all these issues and any
more you might be interested in bringing up

**Dr. Josef Leidenfrost
Austrian Student Ombudsman**

Open Town House Madrid (2011)



Oxford 2013: The Minister is coming

12th ENOHE Annual Conference

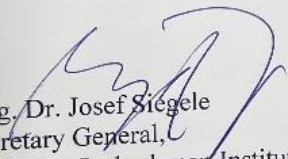
Innsbruck, Tyrol, Austria

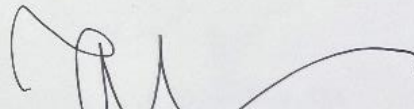
28-30 May 2015

Certificate of Participation

This is to certify that

has participated in the 12th ENOHE Annual Conference in Innsbruck, Tyrol, Austria. The general topic was “30 Years of Solitude? University Ombudsmen’s Pioneering Past, Confident Present, Challenging Future”.


Mag. Dr. Josef Siegele
Secretary General,
European Ombudsman Institute
Innsbruck, Tyrol, Austria


Dr. Josef Leidenfrost, MA
Austrian Student Ombudsman,
Convener of ENOHE
Vienna, Austria


ENOHE
European Network of
Ombudsmen in
Higher Education


EOI


Ombudsstelle
für Studierende
hochschulombudsmann.at
hochschulombudsfrau.at

PRESENTATIONS: NOMINEES FOR THE 2019 ELECTION

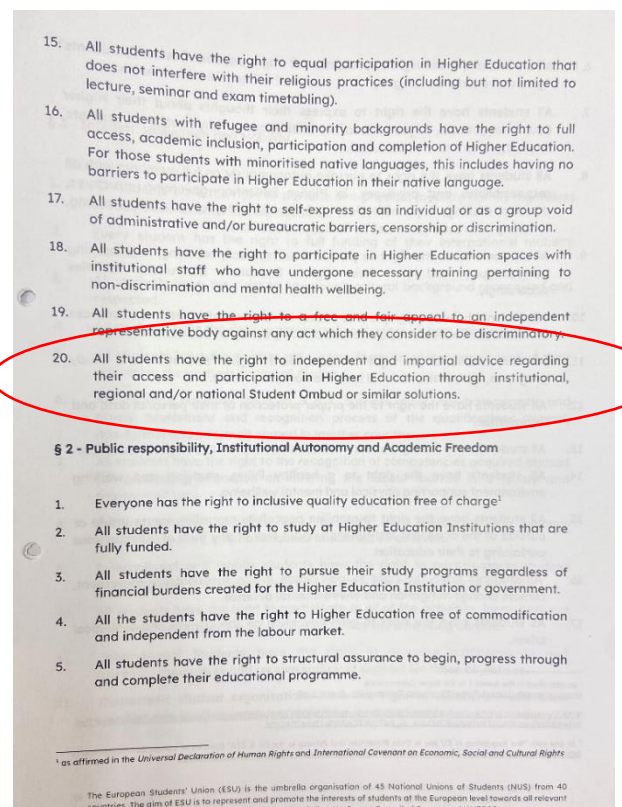
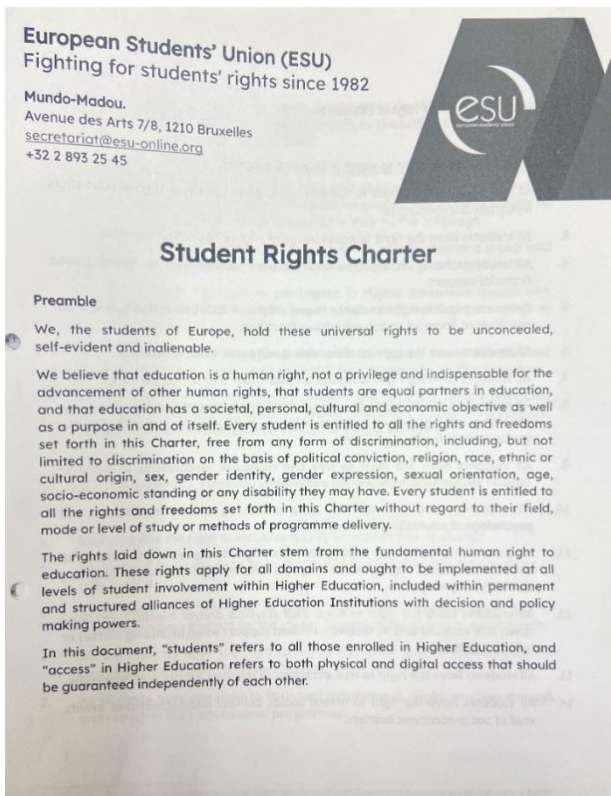
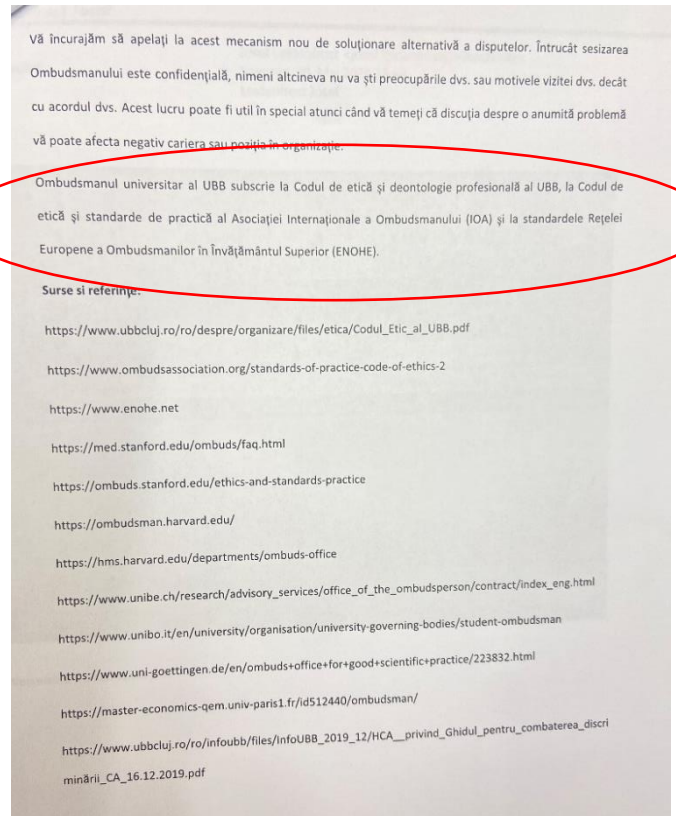
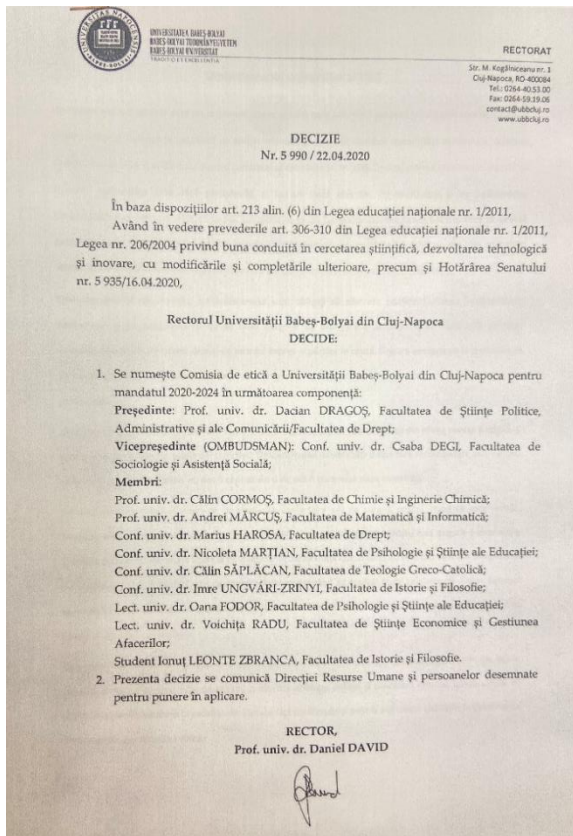
Nominees for Board members:

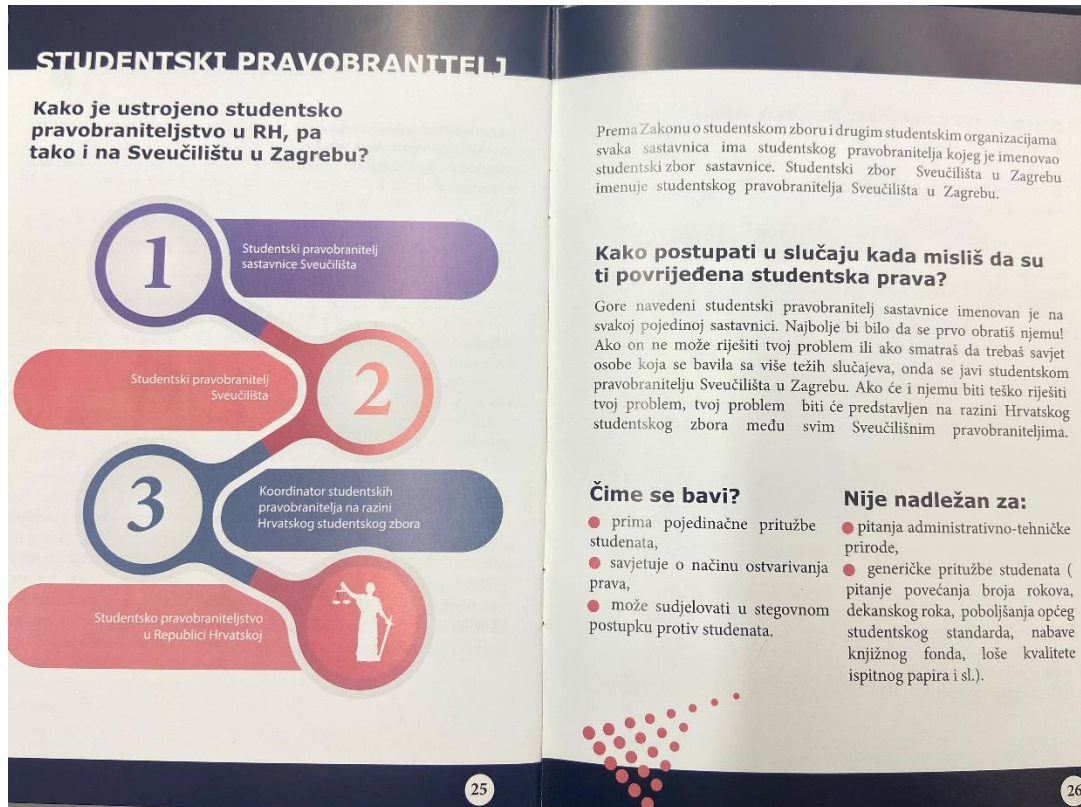


**Felicity Mitchell,
Independent Adjudicator, OIA**

I am a barrister with over 20 years' experience in ombuds schemes. I have been the Independent Adjudicator for Higher Education in England and Wales since 2018 and was Deputy Adjudicator for 9 years before that. I joined the OIA in 2004.

ENOHE is an important network and I believe strongly in the value of coming together with colleagues from different organisations and different jurisdictions to share learning and good practice. It is important for a national ombudsman to be represented on the ENOHE board. I offer my insight, good judgement, analytical and problem-solving skills, and political intelligence, as well as my considerable experience.





Student Ombudsman in Zagreb

Building the Future

An inclusive EHEA

Socially inclusive higher education will remain at the core of the EHEA and will require providing opportunities and support for equitable inclusion of individuals from all parts of society. Learners with diverse socio-economic, professional, cultural and educational backgrounds must have the possibility and the tools to seek out and avail themselves, at any time of life, of the educational options most useful for them.

We commit to reinforcing social inclusion and enhancing quality education, using fully the new opportunities provided by digitalisation. While our societies increasingly rely on innovative technologies, including artificial intelligence, we must ensure that these observe ethical standards and human rights and foster inclusion. We recognize that digitalisation does not offer 'one size fits all' solutions, and ask the BFUG to propose ways in which all learners can benefit from the new technologies.

We adopt the "**Principles and Guidelines to Strengthen the Social Dimension of Higher Education in the EHEA**" (**Annex II**) based on a broadened understanding of the social dimension, and commit to implementing them in our systems. We will engage in wide-ranging policy dialogue on how to implement the principles and guidelines fully at national level. We will support our higher education institutions in integrating them into their institutional culture and core missions: learning and teaching, research and innovation, knowledge circulation and outreach, institutional governance and management. We ask the BFUG to report back to us in 2024 on the steps taken and the related monitoring measures to assure evidence-based follow-up.

We recognize the importance of safeguarding student rights through legislation; we commit to developing and supporting them in our national systems through dedicated measures and structures, such as student ombudspersons or similar solutions that already exist in many EHEA countries. We commit to enabling such arrangements within our countries and higher education systems and will encourage cooperation within the European Network of Ombuds in Higher Education (ENOHE).

EHEA Rome Ministerial Communiqué November 2020, Anex II

ENOHE Adopts Four-Year Strategic Plan



The European Network of Ombuds in Higher Education has unveiled a strategic plan to take it through 2025. According to an announcement, the plan includes "general strategy, objectives and their implementation (among others supporting the ombuds institutions in Europe, membership growth, developing guidelines and rulebooks and events programming). ENOHE plans to evaluate its strategy annually and make revisions if necessary.

The strategic plan includes nine objectives:

A. Supporting and strengthening the position of ombuds institutions in Europe by making them visible throughout the "Bologna Process" and encouraging governments to set up ombuds institutions within the European Higher Education Area on a legal basis, pursuant the guidelines to the 5th principle of the European Principles and Guidelines to Strengthen the Social dimension of Higher Education of the Bologna Follow-Up Group, approved by the higher education ministers during their November 2020 Rome conference (<https://ehea.info/page-ministerial-conference-rome-2020>).

B. Membership growth and development

During 2021 to 2025 we aim to grow our membership to a minimum of 100 members, largely by building on links with existing national and regional networks which share similar aims with ENOHE, along the lines of the León Declaration of 2019. We also aim to develop networking opportunities between individual members and national networks.

C. Finances

We have established a Finance Sub-Committee which is setting in place robust mechanisms for planning and budgeting for events and ongoing infrastructure costs.

D. Further developing already existing guidelines and rulebooks (e.g. Innsbruck descriptors of 2015, (<https://www.enohe.net/innsbruck-descriptors/>)) by tasking special resources with compiling suggestions for additions and amendments, based on its members' experiences and proposals.

E. Supporting professional development as well as exchanging experience and knowledge on the principles how to set up ombuds offices and of daily ombuds work by implementing a discussion list, an extension of occasional papers electronic for a running webinars and annual conferences, promoting and supporting internships.

F. Events programme

During 2021 to 2025 we aim to offer a minimum of three online events each year, plus an annual in person conference. Conference services are supplemented by electronic services like the ENOHE Discussion List and the ENOHE Newsletter.

G. Recognition

During 2021 to 2025 we aim to set up regular communication links with a minimum of 10 regional, national and international networks, to gather and disseminate relevant information across the higher education sector internationally.

H. Member benefits

During 2021, we aim to set up a small short-life working group to look at member benefits and consider the dichotomy between our wish to be inclusive and our need to establish a solid membership base. The working group will report to the Board by the end of 2021, with a view to implementation of their recommendations during 2022 and beyond.

I. Publications

During 2022, we will review the success (or otherwise) of the newsletter, consider its format, frequency and distribution, with the aim of encouraging contributions to the newsletter from members and its increasing recognition as a valuable resource thereafter.

10. Five Questions for the Future

1. If you were president/vice-chancellor/rector of a university, would you install an ombuds office, and if yes, why?
2. What is the ideal profile of a potential ombudsperson in higher education?
3. Do ombudspersons need an official status (e.g. by a charta) in order to work effectively?
4. How important is it to raise awareness and educate the university community about the work of ombudspersons in higher education and how is the best way to do so?
5. How has the role of ombudspersons changed in the last 20 years and what are the most urgent questions ombuds offices / ombudspersons need to prepare for in the next 20 years?

Five answers from Alicia Booker, President of the International Ombuds Association (IOA)

Ad 1:

I would install an ombuds office. Where there is hierarchy there is positional power. I feel the opportunity to hear themes of concerns from all levels of the university offer leadership insight to make informed decisions.

Ad 2:

The ideal profile of an ombuds is one who understands the dispute systems of higher education or has institutional knowledge of how they function, in addition to having practical application skill of various alternative dispute resolution intervention methods. (mediation, facilitation, dispute systems analysis and design, negotiation, coaching, etc)

Ad 3:

Yes, I believe the charter governs the office and protects the office. Due to the confidentiality of the role, it's important to have parameters in which we work understood.

Ad 4:

I think it's imperative that people know where their options are when faced with conflict and having a safe space to discuss concerns is essential. Ombuds serving as thought partners with leaders on conflict reduction and management techniques has a rippling effect to improve university experience. I think sharing the Ombuds at orientation and using the ombuds office for group concerns is a great way to show the value of the role.

Ad 5:

The role hasn't changed so much but it has gotten sophisticated. With the advancement of the study of alternative dispute resolution, many Ombuds have arrived to the field with an extensive skill set for conflict management, conflict reduction and conflict resolution. I think Ombuds need to prepare for more rigor in qualitative and quantitative research methodology to support efforts in communicating concerns of visitors. I also predict more clarity and advance training opportunities for the Ombuds career path.

Five Answers from Carolyn Brandon, President of the Association of Canadian College and University Ombudspersons (ACCUO)

Ad 1:

Yes. The Ombuds office serves as an early warning system of systemic problems. Focusing on prevention promotes compliance with university regulations that may prevent costly legal battles and potential reputational damage to the institution. Ombuds offices also foster positive and inclusive learning and working environments.

Ad 2:

The ideal Ombuds should be knowledgeable about the university including its policies and governance structures, the applicable laws that apply to universities including administrative law. They should also be trained in alternative dispute resolution, including mediation, and ideally have a graduate degree.

Ad 3:

Yes. It is very important that Ombuds have terms of reference that are approved by the university's highest governing bodies. Among these should be terms protecting the Ombuds from being terminated without cause. Such terms of reference ensure that the Ombuds may operate independently without interference from administration, provided that they act within their mandate.

Ad 4:

The Ombuds role is not well understood by students, faculty or administrators. Awareness of the role of the office may act as a deterrent to maladministration. Awareness of the role increases the likelihood that members of the university community will approach the office when they have concerns or complaints.

Ad 5:

Fundamentally, the role has remained the same; but what has changed is the range and complexity of issues that a Higher Education Ombuds may encounter. Some of the new points of tension involve the changes that came about as a result of the pandemic, including the shift to on-line and virtual activities that alter the student experience. Tensions also arise from the shifting demographics of universities as they become more welcoming of non-traditional students particularly those from equity-deserving groups. Furthermore, in recent years, greater numbers of students have been reporting high levels of depression and anxiety. Students experiencing mental health concerns may be more likely to experience conflicts and are less likely to be able to manage them.

The role of universities in society has also changed as they have increased the number and size of professional programs. In many cases, universities are gatekeepers to lucrative professions, so students are more likely to complain when they believe their future prospects are threatened. Universities are no longer seen to be in "loco parentis" acting in the best interests of students, so students are speaking up when they encounter injustice

Five answers from Dragan Mikulov, President of the European Ombudsman Institute

Ad 1:

Yes, I would install university ombudsman, because there is a lot of maladministration at the universities as well as in other organizations.

Ad 2:

From my point of view, it should be well experienced lawyer.

Ad 3:

Yes, of course. Without official status ombudsman cannot work effectively.

Ad 4:

A series of presentation of this institution in different parts of the universities.

Ad 5:

Ombudsman should get more formal authorities in order to be able to influence the administration. Personal and moral authorities are not always enough.

Five answers from Rob Behrens Parliamentary and Health Service Ombudsman, United Kingdom

Ad 1:

I am Chair of Governors at a wonderful new University (ARU Peterborough) in a socially deprived part of England. We are fully committed to outstanding student experience, effective student services, a strong student union and transparent dispute resolution mechanisms. However, legislation in England and Wales provides for a national higher education Ombuds (OIAHE) acting as a final, independent mechanism to resolve disputes. Since one Ombuds should not be engaged in adjudicating on the decisions of another Ombuds, in England and Wales universities do not appoint university Ombuds, but work closely with the OIA and submit to their investigative judgements. The system works well.

Other jurisdictions have no national higher education Ombuds and so individual universities legitimately install a university Ombuds. The trick here is (first) to do this by fair and open competition not by ‘a tap on the shoulder’: and (second) by ensuring the independence of the Ombuds from the university human resources function.

Ad 2:

There is no ‘ideal’ profile, given that universities vary enormously in size and scope across Europe, and roles of Ombuds vary too with some focusing on advice and mediation and others on investigation. However, first, the Ombuds should have had personal experience of being a student in higher education, ensuring essential empathy with service users. Secondly, the Ombuds should be committed to independent engagement in disputes so that fairness and justice are the aims, not loyalty to the institution. Third, in demonstrating empathy, the Ombuds must also be strategic, analytical and rigorous in being able to work through complex situations and working through the implications of what has happened. Fourth, the Ombuds must have tenacity and resilience in abundance, combining this with humility, and not wanting to be popular.

Fifth, and last, the Ombuds must be committed to networking inside and outside the institution, learning from others and using the exchanges to develop collegiality and support in what can be a lonely position.

Ad 3:

Absolutely. Yes ! Informal structures allow negligent institutions to evade responsibility. The Venice Principles on the Protection and Promotion of the Ombudsman were adopted by the Venice Commission in 2019, and by the United Nations General Assembly a year later. They set out core standards for national Ombuds schemes and recommend all national schemes should be entrenched in law.

When the UK Government changed the domestic law to adversely affect my ability to investigate very serious health service incidents, I took the case to the Venice Commission and won its unanimous support. The same principle applies to university Ombuds.

Where there is no national higher education Ombuds (Austria, England and Wales) universities should entrench the ombuds role in their governance statutes. Most now do so.

Ad 4:

Every Ombuds has the challenge and duty to raise awareness of what we are for and what we do. In The Art of the Ombudsman: leadership through international crisis (IOI/PHSO May 2021) a study of 53 Ombuds schemes in 32 countries, more than 80 per cent of respondents reported that their biggest challenge was ‘the public’s lack of knowledge and understanding’ of the role of the Ombuds.

We all need to be visible, accessible, and transparent in what we do. To demystify our role we need to publish decisions we make without compromising complainant privacy. And we need 'to get on our bikes' to reach out to those vulnerable communities unlikely to come to our offices.

Ad 5:

I first became an Ombudsman in 2006 as Complaints Commissioner to the Bar Standards Board in England and Wales. A year later I researched and wrote *A Strategic Review of Complaints and Disciplinary Processes* (Bar Standards Board 2007), a study involving a thousand respondents. In hindsight this is a critique of self-regulation in the Ombuds world and failures in making systems independent and accessible, failures in communications with complainants and prospective complainants, and a lack of proportionality in decision-making rules.

Ten years later, in *Being an Ombudsman in Higher Education: A Comparative Study* (ENOHE, 2017), we found that while self-regulation was on the retreat, not a lot else had changed. Higher education ombuds claimed their biggest challenges included a lack of independence, access to resources, to students, and to a network of colleagues.

The biggest challenge was perceived to be able to focus on personal growth. This goes to the heart of what we now have to do going forward, and it is writ large in 'The Manchester Memorandum' which is the action strategy emerging from *The Art of the Ombudsman*.

We need to continue to struggle to fashion and utilize every possible learning and professional development opportunity. We need this so that we are better equipped to be empathetic, ethical, leaders bridging operational and strategic challenges in a world that, as yet, hardly knows us.

Five Answers from Urenda Queletzu Navarro Sanchez, President of the Mexican Network of University Ombudspersons REDDU

Ad 1:

Yes. The University ombuds offices have an important role in the promotion and defense of human rights. These offices serve the university community as a secure instance to learn their academic rights and how to approach authorities, or report situations that affect them.

In addition, Ombuds offices at universidad are vital to guarantee that even if their rights are violated, university authorities will generate solutions for the community to continue with their activities in an environment of respect and harmony.

Ad 2:

Ombudspersons must act with empathy, care and humility to exert their power of opinion. Ombudsman offices at universities must act with knowledge of the insistiendo culture, a deep ability to actively listen to the communities' concerns; and work through university diplomacy to assist in the articulation of actions that maximize the community's well-being.

Likewise, the ombudspersons should have professional experience in university life, to better assist colleagues in finding solutions to particular issues; or suggesting wide ranging changes to improve university policy.

Ombudspersons in higher education benefit from deep familiarity with human rights to frame problems in the university space, from a perspective that allows identifying inequalities, discriminatory practices, and unfair acts. Ombudspersons should also act prudently, that is to say, deciding about the appropriate actions to solve problems proportionally and efficiently. Also, ombudspersons should know the structure and competence of university authorities, the University regulations, as well as the procedures that are available for community members to complain about their rights.

Ad 3:

Ombudspersons must be recognized by authorities and the legal framework of the university as independent, impartial and confidential, to legitimize and strengthen their actions to assist the university community in the identification and solution of difficulties in the university space.

Ad 4:

It is of the utmost importance that the university Ombuds office is close to the community. Several aspects of this relationship matter: university communities should live intensely by the principles of academic freedom. Also, universities must contribute to educating human beings, not only scholars: attitudes matter. Promotion and defense of academic rights, to strengthen a university environment free of violence, inequalities, and discriminatory practices, are also goals to live for in University life.

Also, communities must know they can ask for help. To request the intervention of the ombudspersons must be a right, freely exercised.

Every outlet for university information is useful as a channel for the Ombuds office: social media, booklets of academic rights, conferences, academic rallies, academic articles, university courses.

Ad 5:

questions ombuds offices / ombudspersons need to prepare for in the next 20 years?

The ombudsperson's offices in higher education have become necessary to preserve the legal university order and protect academic rights.

In recent years, Ombuds offices have shared the insitiendo space with an ever growing number of offices with more specific and more invasive mandates, to deal with issues such as gender violence, bullying, discrimination, suicide, and inclusion people with disabilities, indigenous peoples, migrants. The Ombuds role must navigate these structures, and assist the whole university apparatus work to increase everyone's rights.

Five Answers from Jose Manuel Bayod, long time ombudsman (2001-2011) of the Universidad de Cantabria in Santander, Spain

Ad 1:

Yes, for several reasons:

First of all, the ombuds office is useful for the education of students as citizens because the office will help the students to learn to listen and understand positions and argumentations opposite to their own, to work out negotiated solutions; as an alternative to legal (or otherwise) fighting, but also as an alternative to excessive resignation to bring near opposed parties in a specific issue the potential benefits of using dialogue (which is the main item in the ombudsperson tool basket), to address conflict situations.

An ombudsperson may deal with particular cases or with problems that only affect a very small number of students or even a single person. Democratic universities have in their structure enough bodies where rules are approved by a majority or by general consensus. However, particular cases may need a different channel where adaptations, even exceptions, might be pondered.

Students (and also sometimes teachers or staff) are often not aware of the real limits or restrictions that a rector or a manager faces when they make a decision.

The ombuds office helps the whole managerial system of the university, by improving the understanding of some decisions made by professors or by policy-makers. In my experience, quite a few complaints disappear when a fair explanation is provided to the complainant. The ombudsperson may help in preventing future conflicts, by pointing out problems that have not surfaced yet. University authorities can occasionally refer students to the ombudsman as a resource. E.g., when they want to make a decision that is sensible but exceptional and they are happier with a report by the ombuds approving/endorsing it. My last reason would be selfish: if I were rector, the ombudsperson would get me out of some problems

Ad 2:

Someone who knows the university milieu; universities are somewhat peculiar institutions is not very young; the ombudsperson should and be quite knowledgeable of academic life and should have enough life experience is a professor; this helps the ombudsperson to enjoy some authority (in the sense of auctoritas) in academic issues has communication skills, both in public and in private settings

Ad 3:

Yes. In my opinion a basic feature of the ombudsperson is being independent from the management and the academic authorities. Hence, they should enjoy some kind of protection so that he or she cannot be punished for his or her recommendations. An explicit, and high level, statement of that protection is very convenient. During my tenure, when dealing with a teacher, a department head, etc., sometimes I had to emphasize that I had an official mandate by the Senate of the university to interfere in that issue. Such a clear mandate does help

Ad 4:

Yes, it is important. As it was pointed out above, the work of ombudspersons has a deep educational value, hence it should be regarded as a core part of the student's experience. So often, students do not pay much attention to the existence of an ombuds office in the first place. Its existence should be more visibly highlighted in the general info for new students

Ad 5:

In the last years several delicate issues that may concern the ombudsperson office, but were not as visible as they are today, have emerged; examples: sex abuse, discriminations for various reasons, freedom of speech, etc. In my opinion some of these, like sex abuse, deserve an office especially devoted to them. The ombuds office should help and cooperate with these special offices with its own tools, e.g., with confidentiality when the problem arises. Others, like freedom of speech, should fit in the job of the ombudsperson; it would be nice to devote a whole European conference to that issue

Five Answers from Nadine Mailloux, President of the Forum of Canadian Ombudspersons

Ad 1:

Yes I would since I firmly believe that it is a clear signal to send to the community that this is a mature organization who is secure enough and transparent enough to get criticized and grow and evolve in its practices.

Ad 2:

An experienced jurist (or from another discipline) with mediation skills and open, inclusive and transparent philosophy of action. If I may add, somebody who understands the essential characteristics of an ombudsman.

Ad 3:

Yes they do. This is the cornerstone of the trust it needs to install in the complainants. Same when they need to challenge the administration's decisions.

Ad 4:

It is always important to do so in every community. I am not familiar with the academic context but I will say that explaining the role, reaching out to stakeholders, make yourself available and visible is the best way to succeed.

Ad 5:

The matters submitted to ombudsmen are much more sophisticated today, more complex. The most urgent is, for many ombudsmen, to insure the survival of their office and/or to maintain their resources and activities. I would say, human rights and EDI matters are the ones that ombudsmen have to adapt to and make sure they possess well in order to be beacons and visionary.



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