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ENOHE
28-30 MAY 2015

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Ombudsstelle
für Studierende
hochschulombudsmann.at

30 YEARS OF SOLITUDE?
CODIFICATION:
WE NEED/NO NEED?

MARTA ELENA ALONSO DE LA VARGA
UNIVERSITY COMMUNITY OMBUDSWOMAN, LEÓN
JOSEF LEIDENFROST
AUSTRIAN STUDENT OMBUDSMAN



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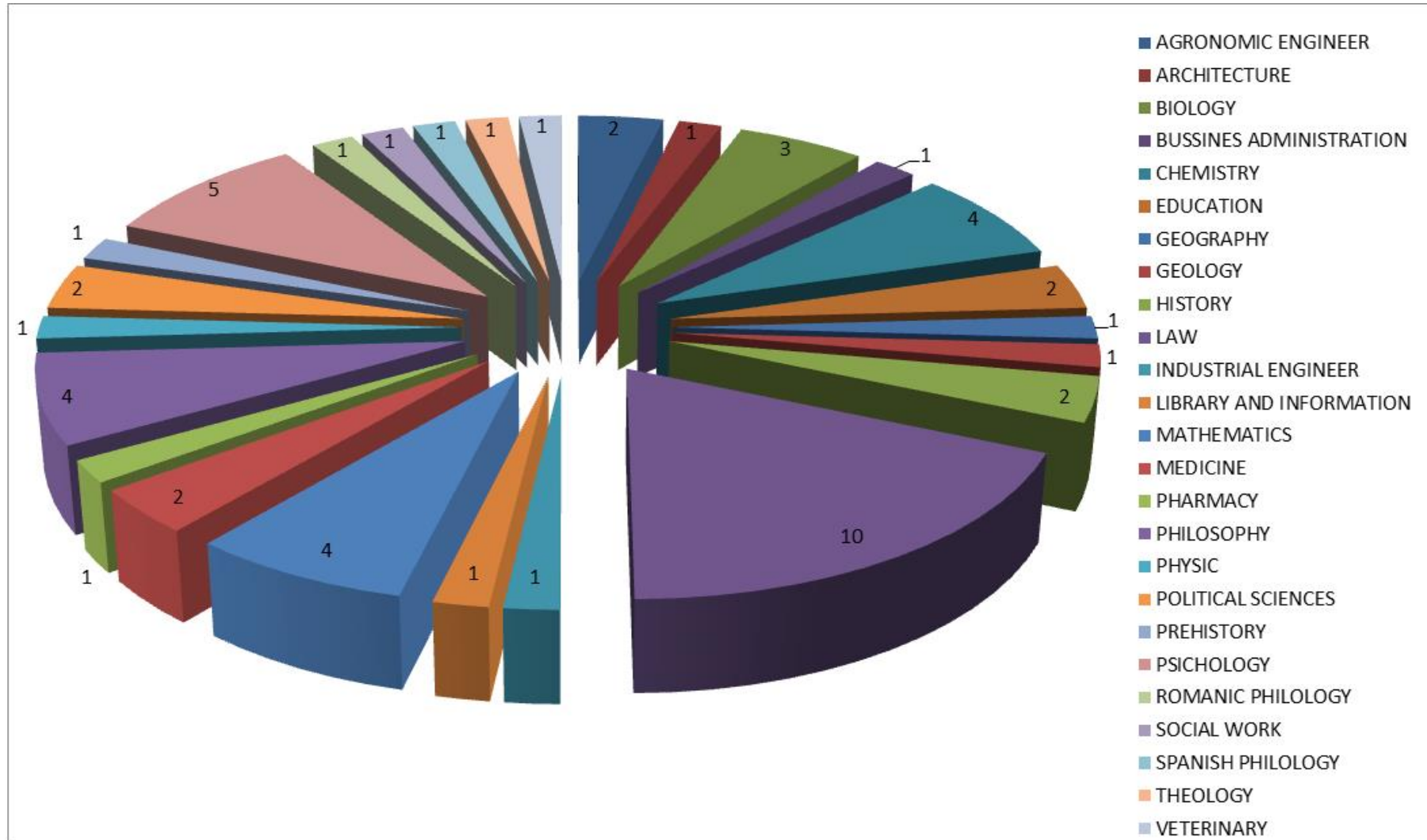
**WHAT COULD TEN LAWYER, ONE GEOLOGIST,
FOUR MATHEMATICS, TWO DOCTORS IN HUMAN
MEDICINE, FOUR PHILOSOPHERS, ONE
GEOGRAPHER, FIVE PSYCHOLOGIST AND ONE
VETERINARIAN HAVE IN COMMON?**



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❖ **Common National legislation (L.O.U. December 2001)**

□ **Particularities:**

Who could be: Members or the University Community (all or only some) but in 11% is compulsory that the Ombuds had no contractual relationship with the Institution.

Names: Defensores, Valedores, Sindics, Adezles, Tribunal de Garantías...



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❖ **Common National legislation (L.O.U. December 2001)**

□ **Particularities:**

Working for: All members or the University Community, Students, Teachers and Students...

Offices members: from 1 to several (Ombuds, Adjuntos, Vicesindics, administration and service members).

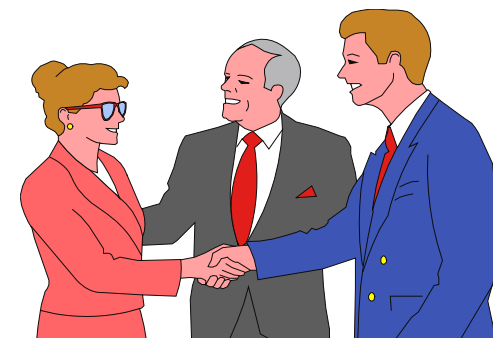
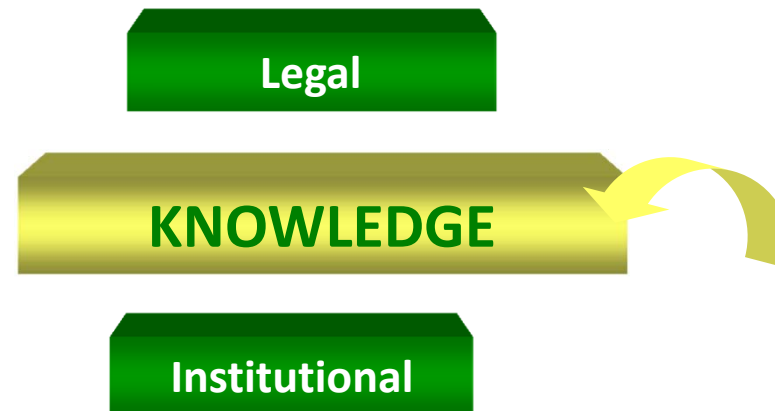


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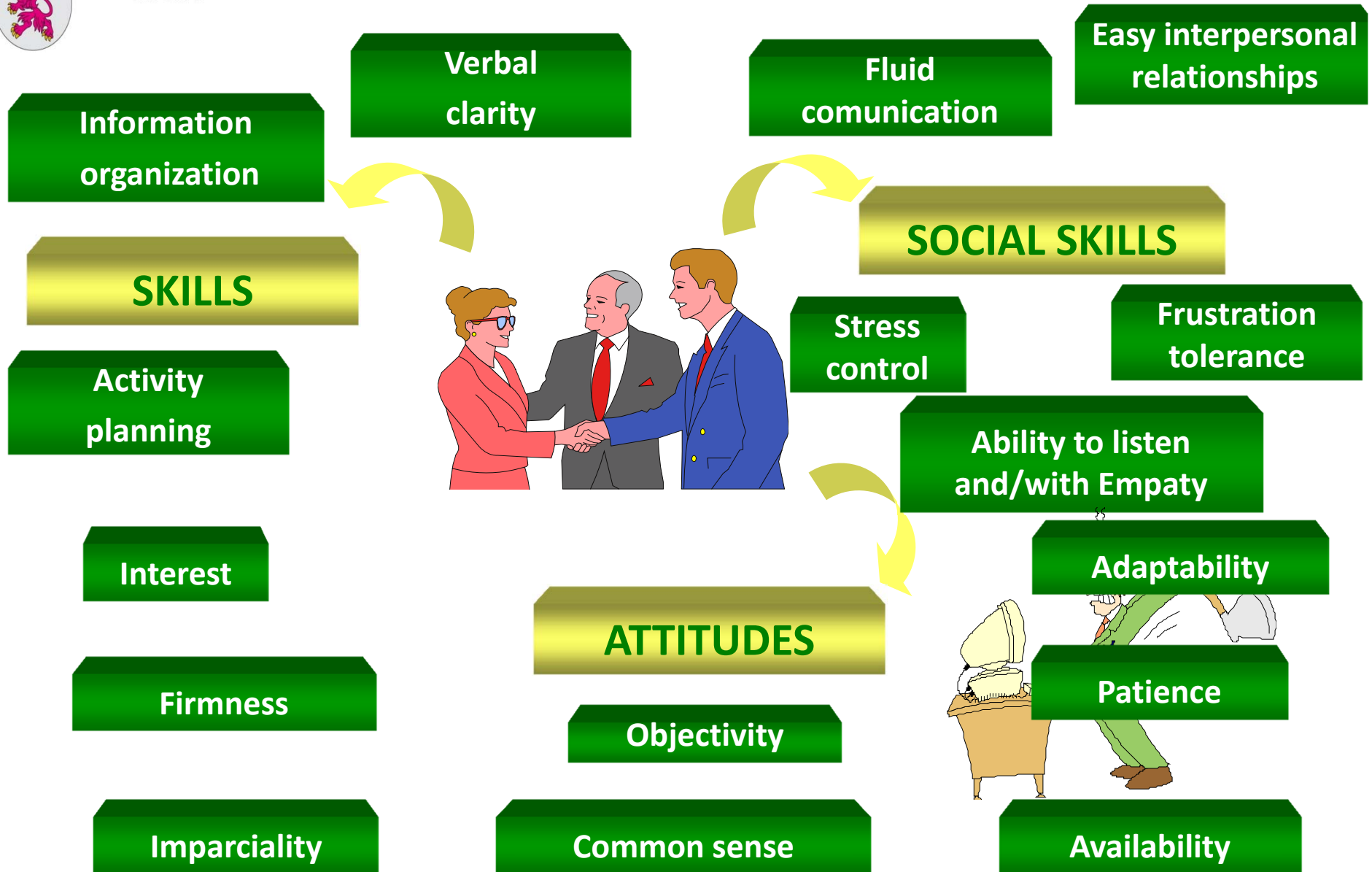
❖ L.R.U. 2001

- ❑ Stated principles of “Independence” and “Autonomy”.
- ❑ Common features not stated:





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❖ ***MANIFIESTO DE LA GRANJA/LA GRANJA STATEMENT,
Segovia, October 25, 2007***

❑ ***Roots: political Ombudsman: “principles of independence, confidentiality, transparency and advocacy as rights defense for the equality of persons”.***

❑ ***Compulsory after 2001 and in 2007 53 public and private Universities had UO. Now 63 out of 78 .***



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❖ ***MANIFIESTO DE LA GRANJA/LA GRANJA STATEMENT,
Segovia, October 25, 2007.***

- ❑ ***Europe: UO and ENOHE: organizer of annual congresses which facilitates contact and exchange experiences .***
- ❑ ***Spain: after 20 years experience the institution of UO it is recognized as an element of improving the culture of responsibility and trust between members of the university community.***



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❖ ***MANIFIESTO DE LA GRANJA/LA GRANJA STATEMENT,
Segovia, October 25, 2007.***

□ ***Spain UO: its independent and non-executive position makes it a decisive factor to improve not only the university but also the binomial university autonomy-accountability to society.***

□ ***Spain: our society wants University to be more open and supportive every day, generating authentic values and capable of giving training of the highest excellence, also contributing to the generation of knowledge.***



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❖ ***MANIFIESTO DE LA GRANJA/LA GRANJA STATEMENT,
Segovia, October 25, 2007.***

□ ***UO work:***

- ***Defend the rights of members of the university community harmonizing different interests and mediating between the parties.***
- ***Encourage and promote a culture of ethics in the university.***



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❖ ***MANIFIESTO DE LA GRANJA/LA GRANJA STATEMENT,
Segovia, October 25, 2007.***

□ ***UO work:***

- ***Promote and encourage with their performances new codes, to facilitate and improve the university relations and coexistence.***
- ***Improve each University own different regulations which universities have endowed in use of their autonomy.***



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❖ ***MANIFIESTO DE LA GRANJA/LA GRANJA STATEMENT,
Segovia, October 25, 2007.***

□ ***UO work:***

➤ ***Contribute to improve the quality of higher education in terms of resolutions, reports, monographs and reports, elaborated by the Ombudsman or group of Ombuds and submitted to the respective governing bodies.***



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❖ ***MANIFIESTO DE LA GRANJA/LA GRANJA STATEMENT,
Segovia, October 25, 2007.***

□ ***UO lack of executive capacity and, so, they are based on the “Autoritas” (moral authority), reason why this institution needs sufficient media and resources. This would allow all UO to perform their duties adequately and always with independence.***



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❖ ***MANIFIESTO DE LA GRANJA/LA GRANJA STATEMENT,
Segovia, October 25, 2007.***

□ ***Provide the means and resources necessary to enable a better functioning of the institution of the University Ombudsman. This will actually consolidate the UO institution, but more important, Higher Education will be endowed as a whole, with an important instrument for improving the education system quality.***



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❖ **Different background training and regulations.**

❖ **Common features and work.**

❖ **We do need some general codification to achieve basic standards in our everyday work?**



Austria 1997

Monocausal Reason: **Money**

- meeting Maastricht Criteria in 1996 requested budget cuts, also in HE, increased pressure on social support funds, student protests, coincidentally deregulation of study laws
- → 1997 *Studierendenanwaltschaft* (Student Advocate) for information, complaints, for “cooling down“



Austria 2001: Money Again

- on the eve before reintroducing tuition fees
- *Studierendenanwaltschaft NEU*: Tasks
 - competent treatment of complaints about maladministration and shortcomings in matters concerning studies
 - regular reports on inquiries and on steps and measures taken
 - implementation of an institutionalized communication with representatives of relevant organizations and groups



Austria 2011/2012: Enshrined in Law

Higher Education Quality Assurance Act, Section 8, Student Ombudsman

§ 31.

(1) An office that is not bound by any instructions and provides ombuds services, information, and other services for students at higher education institutions shall be established at the Federal Ministry of Science and Research. Hereinafter students also mean persons interested in beginning a degree programme as well as former students.

(2)

The student ombudsman shall provide information and services in the area of higher education on the topics and cases it is concerned with. For this matter, it shall collaborate with the student representatives and shall periodically organise events for the purpose of sharing information with institutions that deal with matters relevant to students.

(3)

Each student shall have the right to turn to the student ombudsman for information and advice on matters related to degree programmes, teaching, examinations, services, and administration at higher education institutions. Each such inquiry shall be dealt with by the student ombudsman. The student and the educational institution shall be informed about the results as well as, if applicable, any measures taken.

Enshrined in Law Part 2

(4)

The student ombudsman shall have the right to request information from the respective bodies and members of the educational institutions concerning the matters brought forward by students. The bodies and members of the educational institutions shall be obliged to provide the student ombudsman with the requested information in the matters it deals with.

(5)

The student ombudsman can act as an advisor to the bodies of the educational institution.

(6)

The student ombudsman shall be bound to observe confidentiality with regard to all facts and information that come to its attention exclusively as a result of its activities.

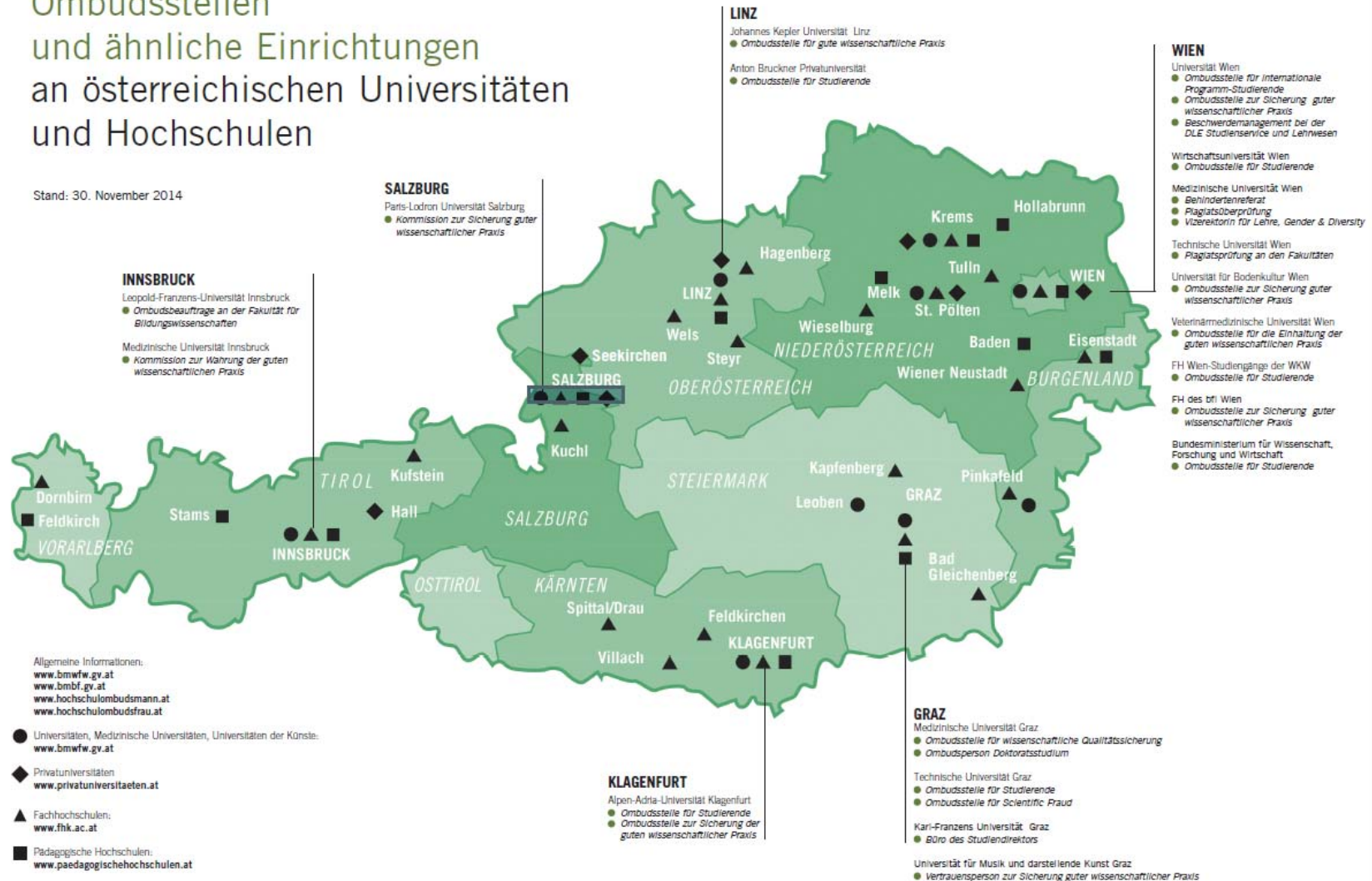
(7)

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



Ombudsstellen und ähnliche Einrichtungen an österreichischen Universitäten und Hochschulen

Stand: 30. November 2014





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Central / Decentral

- ombudsman **at the ministry** (under the Higher Education Quality Assurance Act)
- ombudspersons **on the local level**, four public universities, one private university, one university of applied sciences



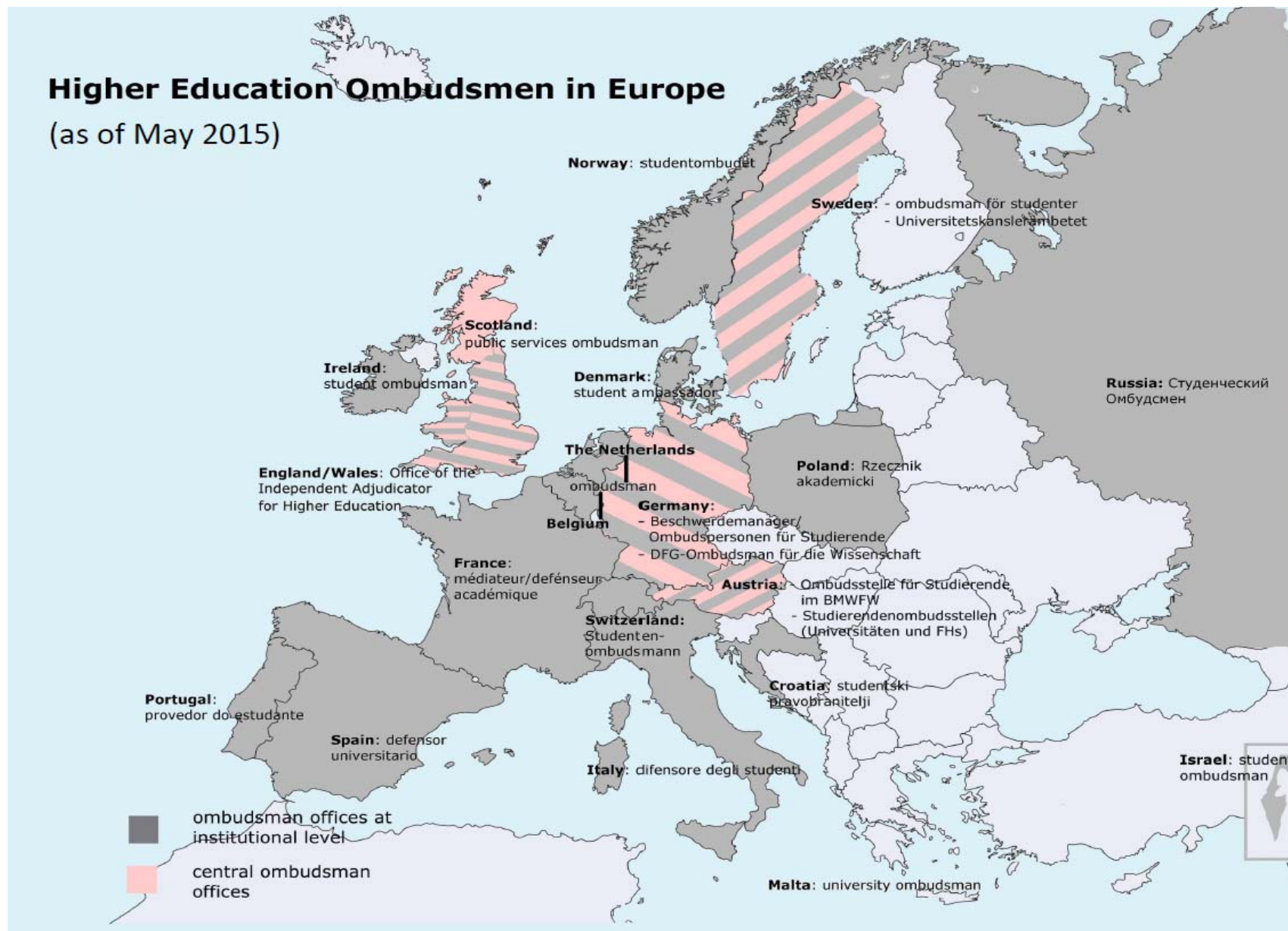
Objectives

- assist students in individual cases (with structural, inter-personal conflicts) and help them and solve the cases (hopefully)
- give recommendations to the “mighty“
- issue public reports (*regulator WITH teeth*)



Higher Education Ombudsmen in Europe

(as of May 2015)



HE Ombudsmen in Europe 1

- mid/late 1980s Spain (“voluntarily”)
- 1993 Malta, **by the law**
- mid/late 1990s The Netherlands, Belgium
- 1997 Austria
- late 1990s Germany (for safeguarding good scientific practice)
- 2001 Spain compulsory, **by the law**
- 2004 England and Wales, **by the law**
- 2007 Croatia, **by the law**
- 2011/12 Austria, **enshrined in law**

HE Ombudsmen in Europe 2

- different tasks (students, employees, everybody)
- different structures (central, decentral, institutional / faculty / departmental levels...)
- different (legal) bases
- different reporting systems
- **in common: helping individuals, (hopefully) improving the system**



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Innsbruck Descriptors 1

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 of the **“Innsbruck Descriptors”**.

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 to be discussed here at the 12th ENOHE Annual Conference 2015 in Innsbruck.

Innsbruck Descriptors 2

- The **“Innsbruck Descriptors“** shall offer general definitions and generic statements regarding the raisons-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, remits, reporting obligations, powers etc.

Innsbruck Descriptors 3

- -initiative to establish ombudsmen for higher education
- -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 special areas (such as recognition, complaints, admission, nostrification, international students...)
- -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



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” VIELEN DANK FÜR IHRE
AUFMERKSAMKEIT ”

MUCHAS GRACIAS POR SU ATENCIÓN
THANK YOU FOR YOUR ATENTION