Annual Report 2023

Ombuds Officer for students

“Safe and trusted”
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1. Introduction

2023 was an eventful year. On 6 February there was a very strong earthquake in Turkey, the war in Ukraine continued, in July the Rutte IV government fell due to the issue of migration and on 7 October the war between Israel and Hamas began. In terms of economics in the Netherlands, people were worried about inflation, with concerns about the sharply rising cost of living, including energy costs and housing costs, for example. How were these events and developments reflected in the pattern of complaints submitted by students to the Ombuds Officer for Students in 2023? And to what extent did these events and developments have an effect on the perception of social safety of students at Leiden University?

In 2023 the number of students increased by more than 2 per cent, while the number of complaints stayed almost the same: 149 complaints in 2023 and 150 complaints in 2022. In addition to complaints (reports), the Ombuds Officer also received 44 questions in 2023 (42 questions in 2022). The question asked most frequently by students was whether their issue was one that could appropriately be addressed to the Ombuds Officer. In addition, there were various requests for advice from the university itself, for example from study advisers, programme boards, faculty boards and staff & student participation bodies.

As in 2022, the Ombuds Officer found that the complaints he received in 2023 were again more “accurate”. He only referred six complaints to another university body (11 in 2022) and could not handle two (six in 2022). A cautious conclusion from this could be that students are becoming more aware of what issues they can address to the Ombuds Officer.

Chapter 5 of this report is devoted to the 125 complaints that were submitted against a faculty or a faculty’s staff member or unit. Chapter 6 discusses the 19 complaints against the Student and Educational Affairs (SEA) expertise centre.

Finally, Chapter 7 of this year’s report is once more devoted to the conclusions and recommendations that the Ombuds Officer presents to the Executive Board, in accordance with the Regulations relating to his position. In a separate appendix to this report, the Ombuds Officer looks back on what has happened, from his perspective, in response to last year’s recommendations.

Leiden, March 2024
Eugène van der Heijden, LL.M.
2. About the role of Ombuds Officer for Students

2.1 Legal basis

Leiden University first created the role of Ombuds Officer for Students in April 1999. This position is subject to specific Regulations, stipulating the method of appointment, the target groups that are granted the right to complain, the procedure for submitting a complaint, the Ombuds Officer’s power to instigate an investigation and the obligation to provide the Executive Board with an Annual Report. The legal basis for the Regulations relating to the Ombuds Officer is Article 7.59b of the Higher Education and Research Act (WHW) and Chapter 9 of the General Administrative Law Act (AWB). As of 1 July 2021, the role of Ombuds Officer has been laid down in the Collective Labour Agreement for Dutch Universities (CAO NU).

2.2 Mission

The mission of the Ombuds Officer is to provide an accessible complaint service for students, thus promoting a respectful, inclusive and diverse community of students and staff; this service aims to offer students the opportunity, at an early stage of a dispute, to present an issue confidentially to an independent body with the competence to form an opinion about this issue and, if necessary, to attach an appropriate action to this opinion.

2.3 Vision

The aim of the Ombuds Officer is to make a contribution, by means of complaint handling and mediation, to creating a legally certain, safe and trusted environment for students and to improving the quality of processes designed to ensure careful provision of university education and other services to students.

2.4 Core values of the Ombuds Officer

The core values of the Ombuds Officer’s process are: confidentiality, neutrality and independence. These are the specific core values of every Ombuds Officer role.

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1 Regulations relating to the Ombuds Officer, adopted by the Executive Board on 29 April 1999, following approval by the University Council, and last amended on 17 December 2019.
Confidentiality

... means that all complaints are handled in strict confidence. The Ombuds Officer will only contact staff or bodies within the university to obtain further information with the complainant's consent. This guarantee of confidentiality is also fully applicable for the staff member or body accused in the complaint.

Neutrality

... means that the Ombuds Officer tries to achieve a fair, reasonable and unbiased resolution of the complaint. The process of the Ombuds Officer incorporates the principle of hearing both sides of the dispute. Although the Ombuds Officer is initially concerned with students who submit a complaint, his role certainly also relates to the university's interests; the Ombuds Officer therefore does more than serve the interests of student complainants.

Independence

... means that the Ombuds Officer operates autonomously and is not a member of a directorate, service department or faculty of the university and therefore cannot receive any instructions with respect to his complaint handling. In his contacts with university staff and students, he aims to be objective and to maintain a certain distance. The Regulations relating to the Ombuds Officer stipulate that the role cannot be combined with any other employment at Leiden University.

2.5 Internal complaint procedure for students

The National Ombudsman defines the role of the Ombuds Officer as the “internal complaint procedure for students” within the meaning of the General Administrative Law Act (AWB). One consequence of this is that a student who addresses a complaint directly to the National Ombudsman will be referred back to the Ombuds Officer for Students. In a news report published on 2 November 2020, the National Ombudsman states: "... Staff, students and third parties have the right to lodge a complaint about a university. This complaint must be handled by the institution itself. If the complainant is not satisfied with how the complaint was handled, the law requires that the route must be open to contact an external, independent, second-level complaint handling body. The National Ombudsman fulfils this role..."

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for 11 public universities. The Ombudsman can give an opinion on whether or not an Executive Board handled a complaint properly.”

2.6 Integration of the Ombuds Officer within the Leiden University organisation

Within the limits imposed by the core values, it is important for the Ombuds Officer to remain sensitive to developments within the university that are relevant to the role. He therefore holds “routine meetings” with the Director of the Student & Educational Affairs (SEA) expertise centre every six weeks. These meetings are also regularly attended by a representative of the Strategic & Academic Affairs directorate. The Ombuds Officer has a network of contacts within the faculties and study programmes, with whom he can confidentially discuss complaints, still on an informal basis and “off the record”. However, he can only do this with the permission of the student complainants.

In the year covered by this 2023 report, the Ombuds Officer consulted with the university’s confidential counsellors and Staff Ombuds Officer on several occasions. In particular, there was often reason to consult with the Confidential Counsellor for Malpractice at the level of a specific case (see Chapter 4).

At the administrative level, the Ombuds Officer liaises with the Rector Magnificus of Leiden University, who is also chair of the Education Consultation (OWB). The OWB brings together the Directors of Education from the various Faculty Boards, and each year the Ombuds Officer presents an explanation of his Annual Report to this body. This is followed by discussion of the Annual Report in the University Council, in particular by the Staff, Student Affairs & Internationalisation (PS&I) Committee, after which the University Council discusses the Annual Report with the Executive Board.

2.7 Professionalisation

In 2023 the Ombuds Officer participated in one peer review (“intervision”) session organised by the Mediators Federation of the Netherlands (MfN) and – this year for the first time – two intervision sessions organised by the Association of Ombuds Officers in Higher Education (VOHO), specifically for ombuds officers for students at research universities and universities of applied sciences. In the autumn he participated in the training course on Autism, Conflict and Mediation delivered by Mediation Amsterdam.
2.8 Visibility

It is beneficial for the Ombuds Officer when people within the university are aware of his independent complaint service. Again in 2023 he raised awareness of his role via various media during the introductory weeks for new students (such as Orientation Week Leiden (OWL) and The Hague Orientation Programme (HOP)) and also participated in person in several activities in the context of students’ well-being and social safety. He regularly visited faculties and study programmes, on the basis of an investigating role (principle of hearing both sides) or an advisory or mediating role. In addition to his work at Leiden University, the Ombuds Officer also operates in the area of complaints with various other organisations: as the chair of complaints committees for inappropriate conduct (national government), chair of the complaints committee for unacceptable behaviour (TU Delft) and chair of the complaints committee of the Health & Youth Care Inspectorate (IGJ).
3. Complaints

How many complaints were submitted in 2023, what action was then taken by the Ombuds Officer and what was the conclusion that resulted from his complaint handing? Chapter 3 will look at these questions.

3.1 Number of complaints

![Figure 1: Number of complaints submitted per year](chart)

In 2023 the number of complaints was largely consolidated compared with 2022 (149 vs 150); this is still significantly higher than before the coronavirus years of 2020 and 2021, but in view of the continuing increase in the number of students – especially international students – it is in line with expectations.

3.2 Submission method

A new method as from 2023 is submitting a complaint or asking a question via an online intake form. A basic principle when introducing the form was that it must not make the complaint service less accessible. The purpose of the form is: to enable students to easily state their study programme and faculty, their contact details, the route by which they reached the Ombuds Officer, information about any other ongoing procedures and a brief description of the complaint.
Figure 2 shows that many students (54 per cent) already chose to use the intake form, which is easy to find on the Ombuds Officer’s webpage. In cases where students submitted their complaint by email, the Ombuds Officer kindly requested them to also complete the intake form.

### 3.3 How complaints reached the Ombuds Officer

It is important for the Ombuds Officer to know the route by which a student reached him. This is partly to determine whether the information about his position that students can access via internet is easy to find and accurate, or whether the student was referred by a staff member or body within the university or was informed by another student about the Ombuds Officer’s complaint service, for example. Again in 2023 there were several students who had already submitted a complaint to the Ombuds Officer in the past. Additionally, three student complainants submitted more than one complaint in 2023. I will discuss one of these students in more detail in Chapter 4 (safety risks due to behaviour of an FGGA student).

Where the students were referred to the Ombuds Officer by, for example, education administration offices, front offices, study advisers, student counsellors or confidential counsellors, it may be helpful for the Ombuds Officer to ask these individuals or bodies about the reasons for the referral. However, he will always first request the student complainant’s permission to do this.
Figure 3 shows that most of the complainants still reached the Ombuds Officer via the information on the website. In 2023 there was an increase in the number of student complainants who were referred by the study advisers in study programmes and faculties and also – again – a slight decrease in the number of students who were informed about the Ombuds Officer for Students by front offices.

![Figure 3: How complaints reached the Ombuds Officer](image)

3.4 When the complaints were submitted

As noted in earlier reports, it is difficult to perceive a pattern in the monthly highs and lows of the number of complaints submitted, and this was the same in 2023. For example, 22 complaints were submitted in January 2022, and only 11 in the same month in 2023. In 2022 a significant proportion of these complaints related to admission, while in January 2023 the Ombuds Officer did not receive even one complaint about admission.

Figure 4 on page 11 shows these differences. In any case, it can be stated that the Ombuds Officer usually receives very few complaints in the month of May. This can probably be explained by the many public holidays and university holidays during May, and also by the fact that most deadlines are either earlier (application for admission) or later (submitting thesis). In 2023 the month of October shows a somewhat distorted picture, because the Ombuds Officer received seven complaints relating to a planned period of study abroad of one study programme. I will come back to this in Chapter 5, when discussing the complaint impression for the Faculty of Humanities.
3.5 The procedure for handling a complaint

When the Ombuds Officer receives a submitted complaint, he first looks at whether he is permitted to handle it, in terms of admissibility and/or competence (see section 3.8). Article 5 of the Regulations relating to the Ombuds Officer define the cases where the Ombuds Officer will not conduct an investigation of the report or complaint that has been received. For example, if the complaint relates to a grade or a decision of the Board of Examiners, then he will have to refer it to the Examination Appeals Board (CBE). Or should the student consider submitting a complaint to the Complaints Committee for Unacceptable Behaviour? This is usually the case in situations involving, for example, violence, intimidation, sexual harassment or discrimination. The most appropriate course of action is then for the Ombuds Officer to refer the student to one of the confidential counsellors for unacceptable behaviour, who will be able to advise the student about the complaint procedure for this.

If the Ombuds Officer considers that he is competent and the complaint is admissible, he will start to explore the facts of the complaint (exploratory investigation). This is not yet the stage of a formal investigation, as described in Article 6 of the Regulations relating to the Ombuds Officer. In fact, this formal investigation stage is reached only rarely in the handling of a complaint. The Ombuds Officer will usually decide to initially adopt an informal role in relation to the complaint (see section 3.8). This has the advantage that an issue or problem does not unnecessarily become “legalised”, which in turn makes it easier for the staff...
members or bodies involved in a complaint to cooperate (confidentially!) with the Ombuds Officer’s complaint handling. Nevertheless, “hearing both sides” remains the basic principle for the fact-finding investigation conducted by the Ombuds Officer, even when fulfilling his informal role. When his chosen action is mediation, this principle is applied to a lesser extent. In those cases, the Ombuds Officer’s efforts are directed more towards encouraging the parties to continue holding a reasonable discussion with each other and, where necessary, to focus additional attention on the interests and considerations of each of the parties. Ultimately, it will be the parties themselves who have to reach a solution. For a number of complaints, the Ombuds Officer will decide to restrict his role and efforts to giving advice. These will usually be cases where there is uncertainty about a correct or reasonable way to approach a problem.

The Ombuds Officer can close a complaint when he has made a referral, given his advice or completed his mediation. If the Ombuds Officer actually conducted a somewhat more formal investigation, in which he heard both sides, then he will express his views to the complainant and the accused party in a provisional opinion on the complaint, although a formal investigation as described in Article 6 of the Regulations was not involved; an investigation under Article 6 is subject to many more formal requirements, such as notification of the investigation and a concluding report, a copy of which is sent to the Executive Board.

3.6 Who submitted the complaints?

In 2023 approximately the same number of complaints were submitted as in 2022. How were these 149 complaints spread across the categories male/female/non-binary, study phase, national/international and so on?

National-international

![Figure 5: national vs international complaints](image)
In 2023 there was a very slight shift towards more “national” complaints and fewer complaints from international students, while the percentage of international students increased slightly: from 20.3 per cent to 20.9 per cent. The proportion of complaints from international students can still be described as high (35.6 per cent), and it is particularly notable that 16.8 percent of all the complaints were submitted by students from outside the EEA, who comprise just 4.4 per cent of the total number of students. Countries (nationalities) that are especially represented here in 2023 are China, Turkey and Israel. I will briefly discuss the last of these countries in Chapter 4.

**Female, male or non-binary?**

Not surprisingly by now, the male/female/non-binary ratio of complaints has always closely reflected the actual ratio within the student population of Leiden University. Not directly evident in Figure 6 is that in 2023 one complaint was received from a non-binary student, while six students were registered as non-binary.

**Study phase of complainants**

The Regulations relating to the Ombuds Officer only permit the handling of complaints from regular students about situations that occurred while the complainant was registered as a student. He does, however, also consider prospective students who have already applied via Studielink for a study programme at Leiden University, while students who have already graduated can also submit a complaint to the Ombuds Officer, as long as it relates to a situation that occurred no more than one year ago and while the graduate was still registered at the university (see Article 3.2 of the Regulations relating to the Ombuds Officer). The Ombuds Officer is not competent from the formal point of view to handle complaints of, for
example, PhD candidates or other complainants for which those Regulations do not provide. Nevertheless, the Ombuds Officer is able to provide advice to these PhD candidates or other complainants.

A striking point in Figure 7 is the relatively large number of complaints from prospective students (10) compared with previous years. Many of these complaints from prospective students related to the English language requirement, which since last year can no longer be met by taking the “home edition” TOEFL test (see Chapter 6).

The proportion of complaints from bachelor’s students compared with master’s students largely reflects the ratio of the student population on this point. However, again in 2023, the Ombuds Officer for Students was contacted by four PhD candidates. He referred three of these PhD candidates to the Confidential Counsellor for PhD Candidates, with or without a short advisory discussion to gain a clearer picture of the problem before deciding whether or not to refer the complainant.

3.7 Who or what were the target of students’ complaints?

Students can submit a complaint to the Ombuds Officer not only about the conduct of an individual member of staff (such as a lecturer) but also about how they were treated by a university body. It often happens that an entire study programme, faculty, administration office or service department is the “accused”, although it sometimes initially appears that the complaint is targeted against the staff member with whom the student was in direct contact. When the student’s treatment occurred while this staff member was fulfilling duties on behalf of a certain university body, then the target of the complaint is the university body. It is only if the
complaint actually relates to the staff member’s specific improper conduct towards the student that the staff member is the target.

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

Table 1: **Affiliation of staff members or university bodies against which a complaint was submitted in 2023.**

<table>
<thead>
<tr>
<th>Faculties</th>
<th>Number of complaints 2023</th>
<th>% complaints per faculty 2023</th>
<th>% students 2023</th>
</tr>
</thead>
<tbody>
<tr>
<td>Archaeology</td>
<td>1 (2022: 5)</td>
<td>0.8</td>
<td>2.0</td>
</tr>
<tr>
<td>Governance and Global Affairs</td>
<td>10 (2022: 22)</td>
<td>8.0</td>
<td>10.3</td>
</tr>
<tr>
<td>Humanities</td>
<td>52 (2022: 35)</td>
<td>41.6</td>
<td>22.0</td>
</tr>
<tr>
<td>Medicine/LUMC</td>
<td>4 (2022: 6)</td>
<td>4.9</td>
<td>10.4</td>
</tr>
<tr>
<td>Law</td>
<td>10 (2022: 16)</td>
<td>13.0</td>
<td>16.6</td>
</tr>
<tr>
<td>Social &amp; Behavioural Sciences</td>
<td>31 (2022: 21)</td>
<td>17.1</td>
<td>19.8</td>
</tr>
<tr>
<td>Science</td>
<td>17 (2022: 18)</td>
<td>14.6</td>
<td>18.9</td>
</tr>
<tr>
<td><strong>Total complaints against faculties</strong></td>
<td><strong>125 (2022: 123)</strong></td>
<td><strong>100.0</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other university bodies</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Student &amp; Educational Affairs (SEA)</td>
<td>19 (2022: 14)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>University</td>
<td>3 (2022: 4)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Examination Appeals Board (CBE)</td>
<td>1 (2022: 0)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>University Services Department (UFB)</td>
<td>1 (2022: 1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>University Library (UBL)</td>
<td>0 (2022: 1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ICLON</td>
<td>0 (2022: 2)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>External</td>
<td>0 (2022: 3)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total non-faculty complaints</strong></td>
<td><strong>24 (2022: 27)</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Total                              | **149 (2022: 150)**      |                              |                 |
To give a clearer picture of the relative share of the faculties in the number of complaints, Figure 8 shows the complaint/students ratio per faculty from the multiyear perspective. Striking fluctuations can be seen in this regard, which will be explained in more detail in Chapter 5 (Complaint impression per faculty). In advance of this: in Archaeology there was a sharp decrease compared with 2022; in FGGA there was a considerable decrease, particularly from the multiyear perspective; and in Humanities there was a considerable increase.

![Figure 8: Complaints/students ratio 2023-2022-2021](image)

In addition to the organisational unit of the university against which the complaint was made, we can also look at the role or position of the staff member or the university body to which the complaint relates. This further breakdown is shown in Table 2.

Table 2: Role of staff members or university bodies against which a complaint was submitted in 2023.

<table>
<thead>
<tr>
<th>Role of staff members or university bodies</th>
<th>Number of complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td>- University, faculty, study programme, institute or other university body in general</td>
<td>34 (2022: 50)</td>
</tr>
<tr>
<td>- Member(s) of teaching staff, thesis supervisor</td>
<td>52 (2022: 38)</td>
</tr>
<tr>
<td>- (Staff member of) education/information desk, administration/facilities department, student counsellor/psychological counsellor</td>
<td>23 (2022: 27)</td>
</tr>
<tr>
<td>- Board of Examiners/Board of Admissions/Examination Appeals Board (CBE)</td>
<td>31 (2022: 25)</td>
</tr>
</tbody>
</table>
- Study, internship or thesis coordinator, study advisor or programme director/manager 6 (2022: 9)
- Other (e.g. external person, PhD supervisor, other student) 3 (2022: 1)

**Total** 149 (2022: 150)

In 2023 there was a significant decrease in the number of complaints against the university or one of its bodies "more generally" and an increase in the number of complaints against teaching staff, in the role of thesis supervisor or otherwise. This development is to some extent connected with the increase in the number of complaints with the main topic "Conduct" (see Table 3).

The increase in the number of complaints against Board of Examiners, Board of Admissions and Examinations Appeals Board (CBE) could raise the question of whether the Ombuds Officer for Students may often be involved in cases that actually, pursuant to the Regulations relating to the Ombuds Officer, are excluded from investigation. Article 5.3(g) of these Regulations refers to cases where:

*the actions mentioned in the letter of appeal have resulted in a decision against which a possible appeal or objection procedure is currently still available and the appellant has not made use of the procedure.*

However, these complaints often relate to actions of these boards, such as failing to reply to emails, the tone of the communication or the impersonal and unempathic manner in which important decisions are notified to students.

Table 3: **Main topic of the complaints received in 2023, ranked by frequency of occurrence and further quantified in terms of international students.**

<table>
<thead>
<tr>
<th>Main topic of complaint</th>
<th># complaints</th>
<th># international</th>
<th>% international</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Conduct</td>
<td>45 (2022: 38)</td>
<td>17</td>
<td>38.8%</td>
</tr>
<tr>
<td>2. Supervision</td>
<td>20 (2022: 20)</td>
<td>7</td>
<td>35.0%</td>
</tr>
<tr>
<td>3. Education - general</td>
<td>19 (2022: 14)</td>
<td>5</td>
<td>26.3%</td>
</tr>
<tr>
<td>4. Information</td>
<td>18 (2022: 11)</td>
<td>3</td>
<td>16.7%</td>
</tr>
<tr>
<td>5. Grading</td>
<td>13 (2022: 17)</td>
<td>6</td>
<td>46.2%</td>
</tr>
<tr>
<td>6. Facilities</td>
<td>11 (2022: 21)</td>
<td>3</td>
<td>27.3%</td>
</tr>
</tbody>
</table>
Table 3 shows that there were a few striking changes compared with the previous year. The main topics that are now in the first and second places, “Conduct” and “Supervision”, still have high scores, but the number of complaints relating to “Facilities”, last year’s second placed main topic, has nearly halved. In 2022 the complaints about problems with enrolling within MyStudymap were recorded under this main topic. The large increase in the main topic “Information” is largely due to the seven complaints about information relating to a period of study abroad for a two-year Humanities master’s programme. This will be explained in more detail in the complaint impression per faculty in Chapter 5.

To conclude this section 3.7, Figure 9 on page 19 shows a chart of the different aspects and sub-aspects recorded by the Ombuds Officer for each complaint. Many complaints can be divided into different complaint components and aspects or sub-aspects. For example, if a student complains about unsatisfactory supervision by a lecturer during the process of writing the thesis, this may naturally fall under the aspect “supervision”; however, other relevant aspects may be “treatment”, “making contact”, “grading”, “unequal treatment” and even “financial issues” (because the student has insufficient money to unexpectedly continue studying for longer). The grounds on which the Ombuds Officer decides to classify this complaint under the main topic “Supervision”, “Grading” or “Conduct” may then be quite arbitrary. In many cases, this is determined by the student’s formulation and explanation of the complaint; which aspects does the student emphasise most when asked further questions by the Ombuds Officer in the correspondence and discussions after submission of the complaint? What was the student’s reason for submitting the complaint? What does the student wish to achieve with this?
As in 2022, the aspect “diversity” was again considered by the Ombuds Officer to be included in nearly one in six complaints in 2023. The further increase in the number of times that the aspect “treatment” was indicated corresponds with the increase in the number of complaints where “Conduct” is regarded as the main topic. Additionally, the increase in the number of times that the aspect “information supply” is associated with a complaint – which was already high in 2022, at 56 times – is reflected in the increase in the number of complaints with the main topic “Information”.

### 3.8 How complaints are handled and settled

The Ombuds Officer distinguishes six different ways in which complaints are handled (“actions”).

1. **Not handled**

The Ombuds Officer cannot accept a complaint for handling if it does not meet the formal requirements for admissibility, which are in fact relatively minimal. It also needs to be clear which student is complaining, about which staff member or organisational unit and about what. It can also happen that the complaint was withdrawn soon after being submitted.

2. **Exploratory investigation**

To gain a provisional picture of the complaint, the Ombuds Officer conducts an exploratory investigation in which he gathers information from the complainant, the accused and other parties involved in the complaint. Other sources, including the internet, can also be consulted for the purpose of this investigation.
3. **Mediation**

In consultation with the complainant, the Ombuds Officer can decide that a mediating role will be the most effective in resolving a problem situation. The Ombuds Officer will then make reasonable attempts, on the basis of his neutral and independent role, to reach an outcome that is acceptable for both the student and the staff member or university body concerned.

4. **Referral**

If the Ombuds Officer comes to the conclusion that he is not competent to handle a complaint and another body within the university is more appropriate, then he will “refer” it to that body (e.g. on the grounds of Article 5.2(a) of the Regulations relating to the Ombuds Officer).

5. **Advice**

If the Ombuds Officer concludes, after exploring the complaint, that he cannot play a direct role in the matter, he may still decide that the complainant or the accused will benefit from his advice (about e.g. points for attention, procedure, methods).

6. **Formal investigation**

The Regulations relating to the Ombuds Officer provide him with the power to instigate a formal investigation. This results in a confidential report of the investigation, which is sent to the relevant administrative body; a copy is also sent to the Executive Board (see Article 6 of the Regulations relating to the Ombuds Officer).

Table 4: *Method of handling the complaints submitted in 2023.*

<table>
<thead>
<tr>
<th>Method of handling the complaint (“action”)</th>
<th>Frequency</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Not handled</td>
<td>2</td>
<td>(2022: 6)</td>
</tr>
<tr>
<td>Exploratory investigation only</td>
<td>62</td>
<td>(2022: 51)</td>
</tr>
<tr>
<td>Mediation</td>
<td>57</td>
<td>(2022: 47)</td>
</tr>
<tr>
<td>Referral</td>
<td>6</td>
<td>(2022: 11)</td>
</tr>
<tr>
<td>Advice</td>
<td>22</td>
<td>(2022: 35)</td>
</tr>
<tr>
<td>Formal investigation pursuant to Art. 6</td>
<td>0</td>
<td>(2022: 0)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>149</strong></td>
<td><strong>(2022: 150)</strong></td>
</tr>
</tbody>
</table>
The conclusions reached by the Ombuds Officer concerning the complaints can be divided into the following categories.

1. **Inadmissible**
   The Ombuds Officer considers that the submitted complaint does not fulfil the formal requirements for handling or is outside his competence to handle as a complaint. This will usually be applicable if he is obliged to refer the complaint to another university body, such as the Examination Appeals Board (CBE) in cases relating “purely” to a student’s grade, or the Confidential Counsellor for Unacceptable Conduct in cases of transgressive behaviour (e.g. racism, sexual harassment).

2. **Unfounded**
   The Ombuds Officer is of the opinion that the student complainant’s arguments for having been improperly treated are invalid and he communicates this to the student and the accused staff member or university body. This opinion relates only to how the student was treated, and does not exclude the possibility that a formal procedure on other grounds may be open to the same student.

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

4. **Justified**
   The Ombuds Officer decides in the student’s favour regarding all aspects adduced in the complaint of improper treatment. The Ombuds Officer communicates his opinion on the complaint to the complainant and the accused. If the accused is an organisational unit of the university, the Ombuds Officer can attach a recommendation to his opinion, intended to remedy the situation about which the complaint was made.

5. **No opinion**
   If the Ombuds Officer considers that he can play “only” a mediating role in resolving the complaint, a process of mediation will follow. He will then make reasonable attempts, on the basis of his neutral and independent role, to reach an outcome that is acceptable for both the student and the staff member or university body concerned, without delivering an opinion. This is obviously also the case if the Ombuds Officer does not handle the complaint or limits himself to giving advice.
Figure 10 shows that again in 2023 the Ombuds Officer expressed his view in a non-formal opinion about a complaint slightly more often than in 2022. The number of “justified” complaints remained about the same, while both the number of “unfounded” complaints and the number of “partly justified” complaints increased slightly. If the complainant so wishes, the Ombuds Officer will consider whether to further discuss particularly the “justified” and “partly justified” complaints with the relevant faculties and service departments, albeit in anonymised form.

3.9 Duration of complaint handling in multiyear perspective

The usual fluctuation can be seen with regard to the average duration of complaint handling. In 2023 this again increased slightly. The handling of one complaint in the Faculty of Humanities took a total of 210 days, because the recommended and promised actions in relation to the student were found not to have been fulfilled, after which the complaint handling was resumed, under pressure from the National Ombudsman.
4. Exceptional issues in 2023

**Tensions on campus in consequence of the Gaza-Israel situation**

Given the Ombuds Officer’s neutrality, he would not be expected to express his views on political issues. In fact, the Ombuds Officer looks purely at behaviour and considers whether it is reasonable, proper and/or respectful. In that light, the Ombuds Officer therefore spoke with a few Jewish students at Campus The Hague, who were feeling unsafe due to very openly pro-Palestine expressions, because they perceived this behaviour as directed against them and usually assumed that they were being blamed for everything happening within the conflict on Israel’s part. The Ombuds Officer spoke behind the scenes with several people from the various study programmes, to ensure that sufficient safety would be offered to continue with the education.

**Advice to LUC about Honour Code (of Conduct)**

At the request of the Dean of LUC, the Ombuds Officer issued advice related to amending/updating the existing Honour Code. The Ombuds Officer also advised LUC to involve the study association more closely in monitoring compliance with the Honour Code, particularly during events, since it was especially there that LUC felt the present Honour Code was inadequate.

**Safety risks due to behaviour of an FGGA student**

In 2023 a student applied to FGGA, and then submitted his first complaint to the Ombuds Officer before actually being enrolled. This complaint concerned the conduct of the front office colleague who had in fact helped him but, according to the student, had asked too many questions. This behaviour became worse after the student was enrolled, and also the type of complaints that the student then submitted contained increasingly “grandiose terms”, referring to malpractice (e.g. corruption). The Confidential Counsellor for Malpractice also became involved in this case, and later also the Security Manager, when the student’s behaviour within the classes had become intolerable and unacceptable. The student’s registration at Leiden University was ultimately terminated. It is very likely that this student will apply to other educational institutions, but the Ombuds Officer takes the view that privacy rules prevent him from actively informing them about this student’s behaviour.
5. Complaint impression per faculty

5.1 Archaeology

In 2021 there were only two complaints, in 2022 quite suddenly five, and now in 2023 just one complaint. It is difficult in this case to give a complaint impression or to say anything in detail about the one complaint without making it possible to trace this back to the person concerned. This complaint concerned a member of teaching staff who gave too little attention to a student’s special (medical) circumstances during fieldwork abroad. This one complaint was classed under the main topic “Conduct”.

5.2 Humanities

The Faculty of Humanities is still the largest faculty in terms of student numbers (7,458) but it is now closely followed by Social & Behavioural Sciences (6,708) and Science (6,411). In terms of the number of study programmes, the Faculty of Humanities offers by far the most diverse range: 24 bachelor’s programmes and 27 master’s programmes. The question is whether there is a connection between this great diversity of study programmes and the large number of complaints (52 in 2023, 35 in 2022) that are submitted against this faculty by students. However, it is difficult to make this connection, since many of the 51 Humanities study programmes have almost never been the subject of a complaint, while complaints against other study programmes – such as the MA International Relations – have been received remarkably often and for many years, frequently with a similar problem (for example, the thesis track in International Relations).
Something that in any case contributed to the high number this year is the fact that seven complaints were submitted by students against the two-year Korean Studies master’s programme, which had supplied information both on the website and in the Prospectus about a period of study abroad in South Korea at three highly renowned universities. However, when the time came for the students to really start planning their period of study abroad, they found that there were hardly any places available at these universities and they would have to be satisfied with considerably less renowned universities. When asked by the Ombuds Officer, the International Relations Office of the Student Affairs department (SEA) said that the places should have been reserved much earlier and even then it was doubtful whether these places could actually have been offered (partly in view of the duration of the period of study abroad).

A special mention should be made of the International Studies bachelor’s programme. This is one of the large bachelor’s programmes offered by the Faculty of Humanities, with an intake in 2022 of more than 500 first-year students. The complaint handling in relation to the 12 complaints against this study programme ran smoothly and appropriately, thanks to a well-functioning agreement on confidential consultation with a contact person within this study programme. Nearly all the complaints relating to International Studies (8) were brought to a satisfactory conclusion through mediation. The Ombuds Officer conducted only an exploratory investigation for two other complaints, and referred the remaining two complaints to another university body.

The 52 complaints against the Faculty of Humanities were evenly distributed across the various main topics. It is not entirely surprising that “Conduct” (19) is the most common main topic of complaint (after all, it is also the main topic in first place overall).

5.3 Medicine

Once again, 2023 was a quiet year for complaints in the Faculty of Medicine. There were only four reports and, after further inquiry, the Ombuds Officer found that two of them were from PhD candidates. The Ombuds Officer ultimately referred these two complainants to the Confidential Counsellor for PhD Candidates.
An interesting question for now (in advance) is which complaints the Ombuds Officer will handle in relation to the Faculty of Medicine in 2024, since the LUMC will then have its own Ombuds Officer. The Ombuds Officer for Students intends to ensure effective cooperation with the LUMC Ombuds Officer on complaints from students in the Faculty of Medicine.

Complaint 23-124: complaint of Jewish student: “Once again, thank you for your time to listen to our concerns earlier today. We realise how difficult it is for the university to find a way to control the animosities on the campus.”

5.4 Governance and Global Affairs

Whereas 22 complaints were submitted against FGGA in 2022, the number of complaints fell in 2023 to just ten. It is therefore even more remarkable that of these ten complaints, four were submitted by the same student. Not surprisingly, this student also required much attention and concern from the study programme and faculty. The Ombuds Officer ultimately had to settle two of the four complaints with the intermediation of the university’s Security Affairs department. It should be noted that the Ombuds Officer actually spoke with this student twice in the context of the first two complaints. The first complaint was even mediated to the student’s satisfaction. However, the complaints after this became less concrete and contained terms that gave cause for concern. In this context, the Ombuds Officer discussed confidentially with both the Confidential Counsellor for Malpractice and the study programme itself regarding what approach would be most effective for this student (partly also with a view to the safety of all parties concerned).

Of the ten complaints submitted against FGGA, the Ombuds Officer gave “no opinion” on six complaints and declared four complaints “unfounded”. The actions preceding these conclusions were an exploratory investigation on four occasions, mediation on three occasions, advice on two occasions and referral on one occasion.
5.5 Leiden Law School

For Leiden Law School, 2023 appeared to be a quiet year in terms of complaints. Whereas 16 complaints were submitted in 2022, there were only ten in 2023. However, the Ombuds Officer was not able to verify the extent to which complaints or reports were submitted via other internal channels. In 2022 the Ombuds Officer advised the Law School on organising the reporting structure and creating a code of conduct.

A striking point about the ten complaints against the Law School is that half of them were submitted by international master’s students. It is notable in this regard – whether or not inspired by the legal ambitions of the student complainants – how they fiercely demand that the Ombuds Officer should impose measures for which, first of all, the Regulations relating to his position do not provide, and which he further considers must be regarded as disproportionate.

For six of the ten complaints, the Ombuds Officer gave “no opinion”, two complaints were declared “unfounded” and only one “justified”.

5.6 Social & Behavioural Sciences

Compared with the quiet year in 2022 (21 complaints), the number of complaints in the Faculty of Social & Behavioural Sciences in 2023 rose somewhat to 31, of which 20 complaints related to the largest study programme, Psychology. These were complaints about, for example, the actions of the

Complaint 23-085 against Psychology: “Very many thanks for your assistance! In particular, it was very useful for me that you explained what the role of the administrative secretary is and how the person in this role operates in practice, and that you informed me that even after an official decision of the Board of Examiners, there is still an opportunity to exchange arguments. Without this calm explanation, I would probably have acted more on the basis of emotion and surprise, which would not have been helpful. Once again, many thanks for this.”
Board of Examiners (4), the Education Administration Office (3), the study programme as a whole (3) and naturally also about teaching staff (6). Cultural Anthropology was also notable in 2023, with five complaints, four of which were submitted against a member of teaching staff or related to a course or a thesis.

In 2023 the Ombuds Officer had a reason to confidentially contact the Faculty Board on one occasion, to give an alert about inappropriate conduct between teaching staff and students in one of the study programmes. However, it turned out that this situation was already known to the Faculty Board, therefore the Ombuds Officer took no further action, partly because he had not received a direct complaint from a student regarding this issue (see Chapter 7: Conclusion 4).

With respect to the main topics of the Faculty of Social & Behavioural Science complaints: nine related to “Supervision”, four “Grading”, one “Facilities”, five “Conduct”, one “Registration/deregistration”, two “Information”, five “Education – general”, one “Rules & Regulations”, one “Study plan” and two “Admission”; in other words, a highly varied pattern of complaints!

5.7 Science

While the Ombuds Officer praised the Faculty of Science in his 2021 Annual Report for the well-functioning line of communication with him about complaints, in 2023 this usually depended on improvisation, as a result of various staff changes. In any case, however, this did not lead to more complaints (17 in 2023 and 18 in 2022).

The bachelor’s programmes Data Science & Artificial Intelligence and Computer Science especially were well represented within the total number of complaints. Two complaints were against Physics, but both of these came from the same student, who had already submitted complaints to the Ombuds Officer in 2022, which had been followed by mediation with involvement of the programme director.

Most of the complaints in the Faculty of Science were about the main topics “Supervision” (4) and “Conduct” (4). Out of the 17 complaints, the Ombuds Officer declared five to be “justified”, two “unfounded” and one “partly justified”, and it was sufficient for him to give “no opinion” for nine complaints.
6. Complaints against SEA

In 2023 a total of 19 complaints were submitted by students where the Student & Educational Affairs (SEA) expertise centre could be regarded as the (main) accused party. Especially in the case of complaints about admission or internationalisation, it is often quite difficult to determine whether a complaint is directed against a faculty or against SEA.

The 19 complaints against SEA are distributed as follows across the main topics: “Conduct” six, “Facilities” four, “Admission” three, “Registration/deregistration” three, “Information” three. For ten complaints the Ombuds Officer conducted an exploratory investigation of the issue, for seven he provided mediation; he gave advice for one and referred one. For eight complaints, the Ombuds Officer gave “no opinion” (or was not required to give an opinion); he declared five complaints “unfounded”, four “justified” and two “partly justified”. Several of the complaints relating to SEA were connected with whether or not the English language test should be imposed. For most of the “justified” complaints, the information via front offices was based on an incorrect assumption that the language test would be required. However, in the discussion about whether students had been actively informed to a sufficient extent about the changed policy concerning the English language test – that the “home edition” TOEFL test was no longer recognised – the Ombuds Officer was persuaded by the Admission team leader at SEA that this had been clearly stated on the website.

Figure 12 shows that the number of complaints against SEA has decreased in relative terms since 2015, with a temporary sharp increase during the coronavirus period.
7. Conclusions and recommendations

**Conclusion 1:** There are increasingly frequent instances of highly demanding student complainants who request a harmonised university-wide approach based on a clear and transparent coordinating role. A complicating factor here is that the students concerned also address their complaint(s) to multiple university bodies at the same time. After the complaint has been reported or submitted, it is therefore not clear who should speak to the complainant, and on the basis of which role and which powers, as the person handling this report or complaint.

**Recommendation 1:** Renewed attention is required for an integrated vision on a reporting structure in the interests of social safety. In this regard, it is not only important where a student’s report is received, but also who continues to coordinate the handling of the report (with a guarantee of confidentiality), even after referrals have taken place. This vision should be in line with the recent publications on social safety.³

**Conclusion 2:** One in three complaints in 2023 was directed against the Faculty of Humanities. Despite the fact that this faculty introduced its own code of conduct at the beginning of 2022 and in 2023 invested further in working with the Ombuds Officer’s advice on clearer and better complaint settlement in the faculty, 50 per cent more complaints were still submitted to the Ombuds Officer.

**Recommendation 2:** The Faculty of Humanities will have to explore in more detail an even more targeted approach to “capturing” complaints, reports and sounds of dissatisfaction within its own study programmes and the faculty’s administrative bodies.

**Conclusion 3:** Many complaints in 2023 were found to be situated in a kind of “no one’s land” between study programmes/faculties and central service departments (for example, international study trips and admission).

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³ Letter to Parliament on integrated approach to social safety in higher education and research (Kamerbrief over integrale aanpak sociale veiligheid in hoger onderwijs en wetenschap) 8 June 2023.
- Naomi Ellemers et al., Social Safety in Dutch Academia – From Paper to Practice KNAW 2022.
**Recommendation 3:** It is important that procedures involving both central service departments and faculty service departments are transparent and “easy-to-follow” for students (see, for example, the top of page 25). It is undesirable that students can only realise in retrospect that they should have taken action in order for promises and expectations to be fulfilled.

**Conclusion 4:** The Leiden University Code of Conduct on Standards of Behaviour between Lecturers and Students from 2010 permits sexual behaviour between teaching staff and students that can probably not be regarded as acceptable, according to the standards of society today. Consequently, this code of conduct offers no guidelines for taking sufficient action against situations that are now classed as sexual misconduct within higher education by the Government Commissioner, Mariëtte Hamer. The code of conduct largely disregards the power relationship that exists between teaching staff and students, and creates little confidence in witnesses or victims of sexual misconduct to actually report this or submit a complaint to the university.

**Recommendation 4:** The Leiden University Code of Conduct on Standards of Behaviour between Lecturers and Students urgently needs a new version that fulfils the current societal norms and values and the national trends in the area of social safety and sexual misconduct within higher education. The basic principle should be that a power relationship does indeed exist between teaching staff and students, and that the currently stated principle that “lecturers will observe the necessary detachment in their relations with individual students and will keep these relations on a professional basis” should normally prevent the sexual relationships between teaching staff and students that are generically tolerated by the university.

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4 Code of Conduct on Standards of Behaviour between Lecturers and Students, adopted by the Executive Board on 19 October 2010, following the advice of the University Council on 5 October 2010.

5 Government Commissioner for Sexual Misconduct and Sexual Violence, Mariëtte Hamer: Advice to the demissionary Minister of Education, Culture & Science (OCW) on the approach to sexual misconduct and sexual violence in higher education and research, letter of 24 January 2024.
Appendix 1: Current status of recommendations made in 2022

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

2022 Recommendation 1: The Ombuds Officer would like to emphasise again that complaints and disputes should ideally be handled in the closest possible proximity to where they originated, as far as permitted by their seriousness and desired confidentiality.

Further to the advisory procedures of the Ombuds Officer on complaint services in, among others, Leiden Law School and the Faculty of Humanities, it can be reported that no noteworthy differences have yet been observed during 2023. At Leiden Law School the number of complaints remained the same (16). How has this taken shape within the Law School? As far as observed by the Ombuds Officer, it has not yet concretised in, for example, a faculty-wide code of conduct, as intended.

In the Faculty of Humanities the number of complaints received by the Ombuds Officer has actually increased considerably from 35 (2022) to 52 (2023), while the total number of both students and complaints remained almost the same. However, the Ombuds Officer does not have any information about the number of reports and complaints that were settled by the faculty itself.

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

2022 Recommendation 2: Although the Ombuds Officer is not permitted to give an opinion on the university’s general policy, he wishes to emphatically draw attention to the urgent need for an ongoing focus on the housing problem and shortage among students.

It can be stated, in short, that again in 2023 the housing problems led to various “cries for help” from international students to the Ombuds Officer. The proportion of international students within the student population has risen slightly (20.9 per cent in 2023 vs 20.3 per cent in 2022). The question is therefore how the recently announced national measures to restrict the intake of international students will affect this situation.

2022 Conclusion 3: The Enrolment Protocol introduced as from 14 June 2022 (the MyStudymap system) has created uncertainty and some difficult situations in relation to enrolling for examinations.
**2022 Recommendation 3:** While fully endorsing the interests and legal validity of the new Enrolment Protocol, the Ombuds Officer also emphasises the great importance of its uniform implementation by all faculties, without losing sight of the students’ perspective.

The Ombuds Officer is pleased to report that in 2023 he received only sporadic complaints or reports connected with the recent university-wide introduction of MyStudymap.

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

**2022 Recommendation 4:** It is desirable to have greater coherence and clarity for students with regard to themes such as social safety, well-being, caring universities, mental health, diversity and inclusion, belonging, student journey and legal protection (for students), in the interests of those who want or need to request assistance, advice or support for a variety of reasons.

The fragmentation of the policy theme “social safety” into various related themes within different columns can still be observed. However, national frameworks are now available, which can offer direction for the integrated approach to social safety within higher education.