To the Rector

The annual report for 2013 is submitted as laid down in the Mandate for the ombudsperson for students at the University of Oslo of 5 April 2013. The report gives an account of the activities of the ombudsperson for students in the period 1 February to 31 December.

Chapter 1 describes the activities and tasks of the ombudsperson, as well as the methods of work. Chapter 2 shows statistics on enquiries and cases, and Chapter 3 provides organizational information. The ombudsperson for students scheme is new, and the formulation of roles and routines has constituted a considerable portion of the work in 2013.

In addition to individual enquiries and cases, the work of the ombudsperson for students has also included cases she has taken up on her own initiative as a natural consequence of the mandate. These are described in Chapter 4. Chapter 5 includes examples of interest and is followed by a summary.

As stipulated in the report from the working group established to assess an ombudsperson for students scheme, the report will be submitted to the University Board. The report is public.

Oslo, February 2014

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1 The ombudsperson for students

The ombudsperson for students is an independent support person for the students at the University of Oslo (UiO). The post has been operational since 1 February 2013. The ombudsperson for students at UiO is the first and so far the only post of its kind in Norway. According to a feature in the student newspaper Universitas of 22 February 2012, a proposal to establish an ombudsperson for students was put forward in the Student Parliament in 1958. Rector Ole Petter Ottersen included the establishment of this post in his election platform for the period 2009 to 2013. The Student Parliament has for several years endeavoured to establish the post, and incorporated the establishment in its political platform for the periods 2010/2011 and 2011/2012.

A working group led by Vice-Rector Ragnhild Hennum was set up to assess the organizational placement, mandate, tasks and financing of a possible ombudsperson for students scheme. The group consisted of students and representatives from the Department of Academic Administration and the Student Welfare Organization. UiO’s Learning Environment Committee approved the establishment of the ombudsperson post on 29 March 2012.

The ombudsperson for students offers a free low-threshold service. The purpose is to ensure that no student will feel alone vis-à-vis the university. Students can receive advice and support from an independent body in cases that concern their relationship to the university by virtue of their position as students.

1.1 Tasks of the ombudsperson for students

A fundamental principle is that the ombudsperson for students is to function in a manner that does not take responsibility and tasks from others. The ombudsperson post aims to represent a supplement to other guidance and follow-up systems and routines. The ombudsperson receives enquiries from students and decides whether the enquiry/request is covered by the ombudsperson for students scheme. If this is not the case, the person involved will be given assistance with how to proceed. Contact with the ombudsperson is entirely without obligation, and the ombudsperson is subject to the duty of confidentiality.

The ombudsperson for students does not have decision-making authority. Initially she will help the student to sort out the issue or issues involved in the enquiry and will give advice on what the student can and should do to safeguard his or her interests. If the student consents, and if the ombudsperson deems it appropriate, the ombudsperson will investigate the matter. Should the investigations reveal factors that can contribute to resolving the matter without entering into a formal appeal
process, on agreement with the student the ombudsperson will contact the unit in question.

Any errors or weaknesses in routines will be brought to the notice of the unit so that the matter can be resolved. In some cases the ombudsperson will also conduct tests of reasonableness – for example where there is no rule or routine that regulates the issue or where there is a discrepancy between local and central rules. The fact that this is carried out with the agreement of the student means that the student is aware beforehand of the actions of the ombudsperson in the case. The ombudsperson will ensure that the student is also prepared to complain or appeal, and if appropriate to do this at the same time so that any deadline for appeal will not be exceeded. The student is also kept continuously informed of the development of the case. If a student does not want the ombudsperson to take action in the matter, nothing is done unless the action taken cannot be tracked back to the student’s enquiry. The ombudsperson for students represents no party other than herself vis-à-vis UiO.

In some cases it may be relevant for the ombudsperson to make investigations after the unit has processed the case in order to ensure that the student’s case has been dealt with appropriately and correctly and that his or her rights have been safeguarded. If errors or weaknesses are discovered in the handling of the matter or in the follow-up of the student, the ombudsperson will give her opinion on the case.

In the event of assistance related to whistle-blowing, one objective is to make it easier for students to report matters by offering support and advice. The ombudsperson for students is also an anonymous channel for whistle-blowing for students who wish to report censurable circumstances at UiO. Students can do this anonymously via the ombudsperson in individual cases. Otherwise, the ombudsperson will take repeated feedback into account and will continuously assess whether she should take further action on her own initiative.

A natural consequence of the mandate for the ombudsperson for students is that she can also take matters up on her own initiative, i.e. independently of individual cases. However, she can acquire information on errors or deficiencies via individual cases. Matters that are raised on her own initiative can for instance concern system errors, weaknesses in routines and lack of routines or rules, as well as poor coordination between local and central rules. The objective of this work is to strengthen students’ legal safeguards at UiO.

The ombudsperson for students shall also provide the necessary training for student union representatives on students’ rights and obligations. This is done in collaboration with the Student Parliament working committee.

The mandate states that the ombudsperson shall actively inform students at UiO about her function. Students can contact her by email, telephone and social media or by calling at the office during visiting hours.
1.2 Work performed in 2013

The ombudsperson for students received 102 enquiries in 2013. All the enquiries were answered and were given follow-up/assistance if appropriate. Reference is made to Chapters 2, 4 and 5 for information on the enquiries and follow-up and on matters taken up on the ombudsperson’s initiative.

In addition to working on her own plans and routines, the ombudsperson has conducted extensive information and presentation activities. A brochure on the ombudsperson for students was compiled for the start of the autumn semester in August. The ombudsperson has established a Twitter account and a Facebook page, which among other things are used to post information on students’ rights and obligations. The ombudsperson also has a website that has been translated into English.

The ombudsperson has held approximately 70 presentations, 30 of which have been to units/bodies at UiO, 20 to student bodies/committees/organizations, and 20 to external parties/bodies in Norway and the Nordic countries.

One of the year’s high points was the establishment of a Nordic forum for ombudspersons for students. The ombudsperson at UiO hosted the meeting.

Another important event was participation in the Learning Environment Committee forum in October and a presentation at this forum. The forum is arranged by the organization Universell and is an annual one-day seminar for members of learning environment committees in higher education in Norway. Universell is a national coordinating initiator for universal design, inclusive learning environments and educational institutions’ learning environment committees in higher education. Universell reports to the Ministry of Education and Research.

Another highlight was a presentation to the National Board of the National Union of Students in Norway at the meeting where they addressed a case about the ombudsperson for students. The Student Parliament working committee at UiO presented the case. The National Board approved its opinion that “all students shall have access to an ombudsperson”.
2  Statistics

This chapter will give an account of how the enquiries are distributed throughout the year and among the various faculties. Due to protection of privacy considerations, the enquiries are not classified according to department or institute or according to programme of study.

The statistics report the facts, and it is not possible to draw any conclusion on the overall status in the various faculties from them. However, statistics can be valuable as a supplement to the main investigations.

Repeated feedback from students in the same faculty, or the same department or programme of study, are dealt with separately.

The ombudsperson for students received 102 enquiries in 2013. The primary task of the ombudsperson is to receive enquiries from individual students.
2.1 **Enquiries per faculty**

Enquiries have been received from students in all the faculties at UiO. Enquiries from the Faculty of Law, the Faculty of Theology and the Faculty of Dentistry have been merged due to protection of privacy considerations. There are large differences in the number of enquiries per faculty compared with the number of students.

Students from other educational institutions who have consulted the ombudsperson have in general been aware that the post is for students at UiO. It has not been relevant to initiate measures to clarify the ombudsperson’s affiliation with UiO.

*List of abbreviations:

MED – Faculty of Medicine
HF – Faculty of Humanities
MN – Faculty of Mathematics and Natural Sciences
SV – Faculty of Social Sciences
UV – Faculty of Educational Sciences

Other faculties
Other educational institutions
Applicants for programmes of studies
General
Don’t know
2.2 Enquiries per month

The ombudsperson for students received enquiries in December 2012 and in January 2013, but the post was not operational until 1 February. These enquiries have been added to the figures from February. Far more enquiries were received in the autumn semester than in the spring semester.

The ombudsperson attended selected welcome meetings and lectures to inform students about the service at the start of the autumn semester in August. Printed material was also available from that date. November was the month with most enquiries, and July had fewest.
2.3 Further details on the follow-up of individual enquiries

The enquiries to the ombudsperson for students have varied in scope and complexity. Many of them can be classified into several categories. The ombudsperson has therefore found it most appropriate to describe the number per category, regardless of the number of enquiries.

In 25 of the enquiries the ombudsperson took action vis-à-vis the unit in question at UiO. This has either been in an attempt to resolve the matter at the lowest possible level or to give her opinion on how the unit has treated the student. An offer to take action in the matter was made by the ombudsperson to a further five students, but the offer was refused in each case. The reason given was fear of reprisals or the student’s wish to deal with the matter him/herself.

Of the enquiries received, 14 concerned bodies, agencies or private legal persons that are not part of UiO and that are therefore not included in the ombudsperson for students scheme. These did not include enquiries from students from other educational institutions.

Whistle-blowing on censurable circumstances, or a substantial element of this, was the subject of 20 of the enquiries. Those involved were given information about UiO’s whistle-blowing routines and an offer of assistance from the ombudsperson for students. Two of the cases had already been dealt with by UiO. The ombudsperson is aware that two of the cases were taken further following the contact with her. Ten students were advised to continue their whistle-blowing action, but told the ombudsperson for students that they did not dare to do so through fear of retaliation. The ombudsperson does not know whether or not the students took their whistle-blowing further in the remainder of the enquiries. Students also report fear of retaliation in other situations – for example in connection with appeals against individual decisions and applications for special provisions or specific recognition.

Other cases where assistance has been provided by the ombudsperson include 24 students who were given help to apply for or appeal against individual decisions. Some students ask about the rights they have in a situation, while others need advice on what they must do to make themselves heard.

Lengthy case-processing time was the subject of five of the cases. These were quickly resolved by the ombudsperson for students approaching the unit in question.

The ombudsperson has had 103 arranged meetings with students in the reporting period. Some students come to several meetings while others prefer follow-up via email or telephone.
3 Organization

This chapter will describe the organizational placement of the ombudsperson for students and the parties with whom the ombudsperson collaborates. A prerequisite for the post has been that collaboration must not be entered into at the expense of the ombudsperson’s independence. The ombudsperson has not taken part in any permanent committees/groups/meeting points at the university.

The ombudsperson is organizationally part of the Internal Audit Unit at UiO. This means that the ombudsperson, like the Internal Audit Unit, has an independent position in relation to UiO’s units. The ombudsperson has participated in two internal seminars with the Unit, but the post does not form part of the Unit’s daily activities and the ombudsperson has no special tasks that are related to the organizational placement.

3.1 Internal organization

In the reporting period the post of ombudsperson for students has consisted of one person in a 100% position. The workload has been greater than that of a full-time post.

Although two more 50% positions are included in the budget, it has not so far been appropriate to extend capacity. Several extra tasks have arisen since the post is new and since roles and routines have had to be formulated.

3.2 Collaboration

The ombudsperson for students has been in dialogue with student union representatives, primarily with the Student Parliament working committee. These representatives have played a major role as advisers in the work of mapping what is expected from the ombudsperson for students scheme. It has also been important to consult the student union representatives to acquire input regarding the frameworks and routines that should apply to the ombudsperson’s work. The Student Parliament working committee dealt with enquiries from students, and those concerned therefore have experience of the type of issues that enquiries may address. The ombudsperson has also collaborated with the Student Parliament working committee to find appropriate arenas for the provision of training on students’ rights and obligations, and has spoken on this subject at several of the Student Parliament’s events.

In the reporting period the ombudsperson for students has collaborated with the research ombudsman at the Faculty of Medicine, Oslo University Hospital and Akershus University Hospital. The collaboration resulted in the ombudsperson for
students and the research ombudsperson submitting a joint statement in connection with the proposal of 10 July 2013 from the Ministry of Education and Research on amendments to the Act relating to universities and university colleges. In addition, the definition of cheating and plagiarism has been discussed, and in particular students’ legal safeguards in the various processes that apply to researchers and students suspected of plagiarism.

The ombudsperson for students at UiO has also had a bilateral collaboration with the student ambassador at the University of Copenhagen. The ambassador has a similar position to that of the ombudsperson for students, and the post has been in operation as the first and only one in Denmark from 1 January 2013. The ombudsperson for students had four meetings with the student ambassador during 2013 at which experience was exchanged and the formulation of roles and routines was discussed.

A Nordic network for ombudspersons for students was established in September, at present consisting of the student ambassador mentioned above, the ombudsperson for students at Lund University, the ombudsperson for students at Karlstad University, the ombudspersons for students at the University of Gothenburg and the ombudsperson for students at UiO. There are approximately 15 ombudspersons for students in Sweden. The UiO ombudsperson has also been in contact with one of the ombudspersons at Stockholm University. The Nordic forum will meet once a year and will expand the forum to include more of the Swedish ombudspersons for students.
4 Cases taken up on own initiative

Through individual cases, or in other ways, the ombudsperson for students can become acquainted with unclarified system errors and weaknesses in routines and possibly with fundamental issues related to students’ legal safeguards. These can form the starting point for the ombudsperson taking up a case on her own initiative.

Addressing cases on her own initiative is a secondary activity for the ombudsperson for students.

4.1 Definition of authorized absence at UiO

The ombudsperson for students has reviewed the rules for authorized absence from examinations at UiO. Authorized absence from examinations governs students’ right to defer examinations and is of significance for the number of examination attempts deemed to have been made.

The review showed that there is no jointly compiled rule for authorized absence. There were as many rules as there were faculties, and in addition there is a central rule for authorized absence. It is difficult to find specific reasons why there are differences among the various units.

The ombudsperson’s general opinion is that rules that govern students’ rights should be the same for all students at UiO. Local differences among faculties, departments or institutes and programmes of study should be justified separately – for example on the basis of academic considerations. The ombudsperson drew up a proposal for the Department of Academic Administration on how a central rule for authorized absence from examinations could be compiled, and recommended the introduction of such a rule in order to strengthen students’ legal safeguards. So far no changes have been made as a result of the recommendation from the ombudsperson.

4.2 Information on aptitude assessments

For certain programmes of study it is compulsory for UiO to make regular aptitude assessments of the students. The rules for making such assessments at UiO, as well as the rules for follow-up and processing cases arising from these assessments, are given in the Act relating to universities and university colleges, the regulations on aptitude assessments in higher education and the Public Information Act. If there is justified doubt as to whether a student is suitable for the profession in question, a separate suitability assessment must be made. Students who are the object of such a suitability assessment must receive written notification and will have any lawyer’s fees covered by UiO from a given date. Students can be excluded on grounds of non-suitability.
The Faculty of Medicine has issued *Guidelines for Students’ Behaviour and Demeanour* for those taking the programme of professional study in medicine. The guidelines were used together with the ongoing aptitude assessment and gave the impression that the limit for non-suitality was lower than that given in the relevant laws and regulations. The Faculty of Medicine is not authorized to set stricter rules, and this was drawn to their attention. The website with the guidelines has been changed, and the guidelines are no longer used together with the regular aptitude assessment of the students on the programme of study.

4.3 Admission to master’s degree programmes and closing date for submission of documentation

The *Regulations governing Studies and Examinations at UiO* state that in connection with admission to master’s degree programmes it is not possible to set a later deadline for submission of documentation than the start of the programme. At the Department of Political Science the deadline was set at 1 October. Students were given conditional admission up to this date, i.e. they lost the right to study on the programme if they could not document that they met the admission requirements. Setting the deadline at 1 October could be harmful for students who do not meet the requirements. The closing date for enrolling for examinations in other subjects is 1 September, and it would therefore be too late to enrol for the subjects a student may need to be able to qualify for the next round of admissions. If students on master’s degree programmes lose their place after 1 October, this will also be harmful for students who should have been given a place but who were ranked too low.

The fact that the routines of the Department of Political Science were not in line with the *Regulations governing Studies and Examinations at UiO* was brought to their attention. Notification was quickly received to the effect that the practice would be changed in line with the regulations, and the dialogue that took place was positive.

4.4 Routines for handling suspicion of cheating and attempted cheating

Mandatory factors can govern students’ right to sit examinations. Students at the Department of Informatics must often have a certain number of submitted assignments approved in order to take the examination. These assignments are subject to UiO’s *Routines for handling Suspicion of Cheating and Attempted Cheating*.

The ombudsperson for students was made aware that the Department of Informatics followed a practice whereby students could first have their assignment approved and
then have the approval of the submitted assignment withdrawn after a discussion. At the same time the case could be sent on to the Central Appeals Board at UiO. According to the Act relating to universities and university colleges, it is only the Central Appeals Board, or if relevant the University Board, that has the power to impose sanctions on students suspected of cheating or attempted cheating. The sanction penalties comprise annulment and exclusion. The ombudsperson for students is of the view that withdrawing approval can be regarded as equivalent to annulment.

The department was made aware of the view of the ombudsperson for students. On suspicion of cheating/attempted cheating the assignment must in general be sent to the examiners but the result is kept back. The exception can be to delay judging the assignment, for example in order to hold a dialogue to identify the degree of independence – as the department actually did – and to establish whether a warning is to be given instead of sending the matter to the appeals board.

The department reported that they would ensure that their practice was in agreement with legislation and central routines. The dialogue with the department in this matter was positive.

4.5 Use of personal identity number as a form of identity at examinations

The ombudsperson for students was notified that examination candidates were asked to give their personal identity number (11 digits) as a form of identification for at least one examination in the Faculty of Medicine. The ombudsperson contacted the faculty to investigate the matter more closely. The faculty confirmed that they were aware of one case where students were asked to give their personal identity number. This was not in line with the faculty’s routines, and the ombudsperson was notified that the practice would cease immediately.

The ombudsperson for students was also told that in connection with some examinations and with examinations that are to be re-sat at the Faculty of Medicine, lists of names of the examination candidates were allegedly posted outside the examination premises. For examinations that are to be re-sat such lists could mean that passers-by could acquire knowledge about those who could be thought to have failed the ordinary examination. The ombudsperson for students contacted the Norwegian Data Protection Authority to clarify whether students are entitled to protection in such cases. The Data Protection Authority was of the opinion that this was the case. The ombudsperson contacted the faculty to find out if such lists had been posted outside the examination premises.
The Faculty of Medicine replied to the effect that only lists of names of examination candidates for ordinary examinations had been posted. The faculty nonetheless said that they would change their practice so that the use of lists with full names would not be used for the allocation of rooms for the examination, regardless of whether it was an ordinary examination or an examination that was to be re-sat. The dialogue with the faculty was positive.

The privacy protection ombudsperson at UiO was consulted and was kept informed about the matter.

4.6 Input to the routines of the university’s “speak up” system

The “speak up” system is an online form on which students at UiO can give their opinions on the learning environment, and more specifically notification of serious or censurable circumstances. The system was operational from the mid-September 2013.

The ombudsperson for students has provided input on how the routines associated with following up whistle-blowing notifications can ensure students’ legal protection. She pointed out that it is important that those who receive and handle such whistle-blowing notifications are aware of their own impartiality. Students must be able to feel assured that their whistle blowing – for example about harassment from an individual – will not be handled by a close colleague of the person concerned. In addition the ombudsperson was of the view that it is important to be aware of the parameters for reporting cases to the police.

According to the routines, students who blow the whistle about censurable or serious circumstances must be called in to a meeting. The ombudsperson for students pointed out that the routines concerning how cases are to be handled state clearly that students must be given a draft of the minutes as well as the same opportunity as others present to comment on the content.

The principle of contradiction is fundamental to Norwegian law. The ombudsperson for students also pointed out that in cases that concern the conduct of an individual it is important for students to be told about the response from the person the whistle blowing concerns. In whistle-blowing processes contradiction means that the individual the whistle blowing is directed at has the right to be told about the content of the notification and about who is blowing the whistle. This also means that the whistle blower should be made aware of the content of a response.
5 Examples

Some examples of individual cases are given below. They are given in a way that preserves the student’s anonymity. The examples have been selected on the basis of an assessment of whether the case is sufficiently general to recount and of what is considered to have general interest. This means that cases that are more serious have not been included as examples.

5.1 Lengthy case-processing time

A student had applied for specific recognition of a master’s thesis from another educational institution in order to be made exempt from the master’s thesis requirement on the programme of study he was following at UiO. His application had been rejected, and he appealed against the rejection. The application was dealt with in the course of one week. The closing date for the submission of the title of a master’s thesis was approaching, and the student contacted the ombudsperson for students.

The ombudsperson contacted the unit in question. The unit was made aware that if the time taken to process the appeal was further prolonged, this could lead to delayed access to working life and possibly to a delay in the student’s studies.

The matter was dealt with in the course of a week. The student won his appeal and the thesis was approved. It had taken the unit approximately three months to process the appeal.

Comment:

A case-processing time of three months is not in itself a contravention of the Public Administration Act provided that the student is given a provisional answer. Nonetheless, UiO’s units should be aware of the fact that lengthy case-processing time may have consequences for students.

5.2 Information on the right to defer an examination

A student had failed an examination on a course. A short time after the publication of the grades he received an email from the faculty saying he could enrol to re-sit the examination. In a later email the students were asked to check the course webpage to see whether an offer of re-sitting the examination had been made to those who had failed. This was not clearly indicated on the webpage. The student received confirmation that he was enrolled, and prepared to re-sit the examination. After a while he received an email with the time and place for the examination.
A couple of days before the examination he was told that he could not re-sit, and reference was made to the fact that he had failed and that no offer to re-sit the examination was being made to students who failed the course in question.

The student contacted the ombudsperson for students. The relevant emails were reviewed, and the ombudsperson contacted the faculty. The reason why the student could not enrol to re-sit the examination was that the National Student Database makes no distinction between students with authorized absence from the examination and those who failed. The faculty administration referred the ombudsman to the department in question, which concluded that the information had not been sufficiently clear. An offer to re-sit the examination was made to all the students who had failed the course.

Comment:

The distinctions that a system makes or does not make are not visible to those outside the system. Students should be able to rely on the information that is given, and it is understandable that they assume that communications about examinations are valid when they receive information on the time and place for the examination. Holidays often come in the period between taking the ordinary examination and re-sitting, and clarity on whether a communication on examinations is valid or not may be of significance for whether the student decides to spend the holiday on income-generating work or on preparing for the examination.

5.3 Identical explanations

A student contacted the ombudsperson for students because she and co-students had been given identical explanations for setting exam grades. The form of assessment was pass/fail, and all the students who had requested an explanation had passed the examination.

The ombudsperson assisted the student with the department in question, and made the department aware that students are entitled to an individual explanation regardless of grade and form of assessment. The department apologized for what had happened, and had decided that they would offer automatic explanations to all the students who had taken the examination in question. The ombudsperson regarded this as a good solution in this case, and made the department aware that on later occasions it would be adequate to provide explanations to the students who requested them.

Comment:

Examination candidates have the right to request explanations regardless of grade, form of assessment and the number of credits generated by the examination. The
explanation should account for the general principles that are used as a basis for the judgement of the candidate’s performance.

5.4 Information on the right to appeal

A student contacted the ombudsperson for students in connection with the rejection of an application for an exchange period. She had been told that the decision could not be appealed and wondered if this was correct. The ombudsperson investigated the reason for the rejection and concluded that there was a considerable element of discretionary judgement in the assessment, which indicated right of appeal. The student was advised to appeal, and she was told that it was the first time the faculty had received an appeal of this kind.

Comment:

As an administrative body UiO is obliged to give information on right of appeal. It is serious if students are not provided with this information, and extremely serious if they are given information to the contrary.
6 Summary

The ombudsperson for students has received 102 enquiries from students. Most of these enquiries have been relevant.

In the work of formulating a new role it has been important to be flexible while at the same time ensuring the equal treatment of students who contact the ombudsperson. The success criterion for the post has not been the fact that a case has been resolved in the way the student wanted it to be, but that the student’s rights have been safeguarded and that any follow-up has been conducted in line with the university’s objectives.

The ombudsperson for students must not take tasks or responsibilities from others, and in this context it has been useful to seek information about other bodies – both within and external to UiO. Protecting the independence of the ombudsperson for students has been a major factor in this work.

Even though statistics cannot function as an indicator of the learning environment, they can be valuable as a supplement to the main investigations. The fact that students fear reprisals if they report censurable circumstances is serious in all cases, and the ombudsperson for students will focus on making speaking out more secure.

In conclusion the ombudsperson for students wishes to draw attention to the values that have formed the platform for the work carried out in 2013 and that will continue as the basis of future work: professionalism, integrity and trust.
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