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Student-centred learning in EHEA: Students' perspective

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Conflict resolution – Bologna commitments

- Until 2020, no direct reference to such topic, however it could be put broader under social dimension issues (equitable, fair system) or student participation issues (fostering student rights)
- In 2020 – reference in the Rome Communiqué, under the section of ‘An inclusive EHEA’ but linked to student rights:

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

- In the Principles and Guidelines to Strengthen the Social Dimension (PAGs), adopted in Rome, there is the following reference, under the principle related to Counselling and Guidance:

*Public authorities should also consider **setting up ombudsperson-type institutions that will have the capacity and knowledge to mediate any conflicts, particularly related to equity issues that may arise during accessing or participating in higher education, or conflicts that hinder the completion of studies.***

Conflict resolution – indicator from the WG on SD

- In the current cycle, the WG on SD proposed an indicator and a descriptor specifically related to conflict resolution in HE

Indicator:

Existence of impartial bodies with a formal role in conflict resolution and in mediating conflicts related to the social dimension in higher education

Descriptor:

Public authorities should ensure that an impartial body is mandated for issues related to conflict resolution and mediation based on social dimension issues. Access to an external body that would conduct the process if requested should be required. Students and staff should have access to discrimination counselling services, as well as legal services

Conflict resolution in HE

- From conflict resolution as a wider topic, the focus of today is on matters related specifically to conflict resolution in social dimension of HE
- Two main categories of conflicts: related to discrimination and violence (in the broadest way) and related to equity
- Premises related to lack of effective remedy that need to be considered when designing the system:
 - Lack of information about procedures
 - Lack of knowledge to identify misconduct
 - Additional mental burden/stress for (already vulnerable) victim related to procedure, duration
 - Fear of reprisal because of authority or public image/reputation/bullying
 - Lack of capacity/support to collect evidence and go along the procedural journey
 - Financial costs, especially if attorney needed
 - Lack of (some of) support mechanisms: informal support network/buddies, formal support centre etc

Conflict resolution in HE

Key considerations from students:

- Establishing clear, comprehensive **Code of Conducts** and policies in cooperation with student representatives (23 systems have national guidelines, only in 12 students were involved)
- First and foremostly there is the need to ensure the **safety of the victim**
- Focusing on **prevention**
- **Training** to ensure staff and students recognise harassment and discrimination – BWSE: still uncommon (6 system compulsory, 10 optional): support for staff to be able to themselves support students in this area
- **Victim-centred** approach to reporting (first gate) and then entire process, including support in the procedural process
- Clear and determined **timelines** and possible **outcomes**
- Possibility for anonymous/secret reporting, informal/formal, online/in person
- Possibility to employ an **independent third party**
- Available **data** to ensure transparency and improvement
- Role of **student unions** in the process
- Flexibility of procedure based on victim needs (e.g. no ‘forced’ mediation)
- Access to **services**: psychological counselling (BWSE: free – 19 systems, accessible – 17 systems, timely – 13 systems), legal and other counselling
- Support to **report to judicial authorities** if needed

Role of Ombuds in HE

One of the options in building a fair, accessible, supportive conflict resolution system, if applied properly.

Framework conditions for ensuring that Ombuds can fulfil their role, both in terms of prevention and conflict resolution:

- Issues related to ensuring **independence** and fostering **trust**: how are they named? What is the procedure? Is 'appointed by rector' (most common) the right way?
- Is the system appropriately designed based on the **background/expected qualification** of the Ombuds? Are they an external expert/administrative staff/academic staff/student?
- What are the **functional relations** with other internal bodies of HEIs, student unions, other institutions (ministry, civil society)?
- Clarifying (potential) overlapping role with **student unions**: expertise function vs representative function, mediation/prosecution vs advocacy
- Powers to **investigate** but ensuring no decision-making power
- **Flexibility** of procedure (e.g. capacity for the individual to waive any type of mediation) and **individual-centred approach**
- **Resources** to fulfil tasks
- **Delimitation and specialisation** of the topics tackled

OMBUDSMAN MODELS

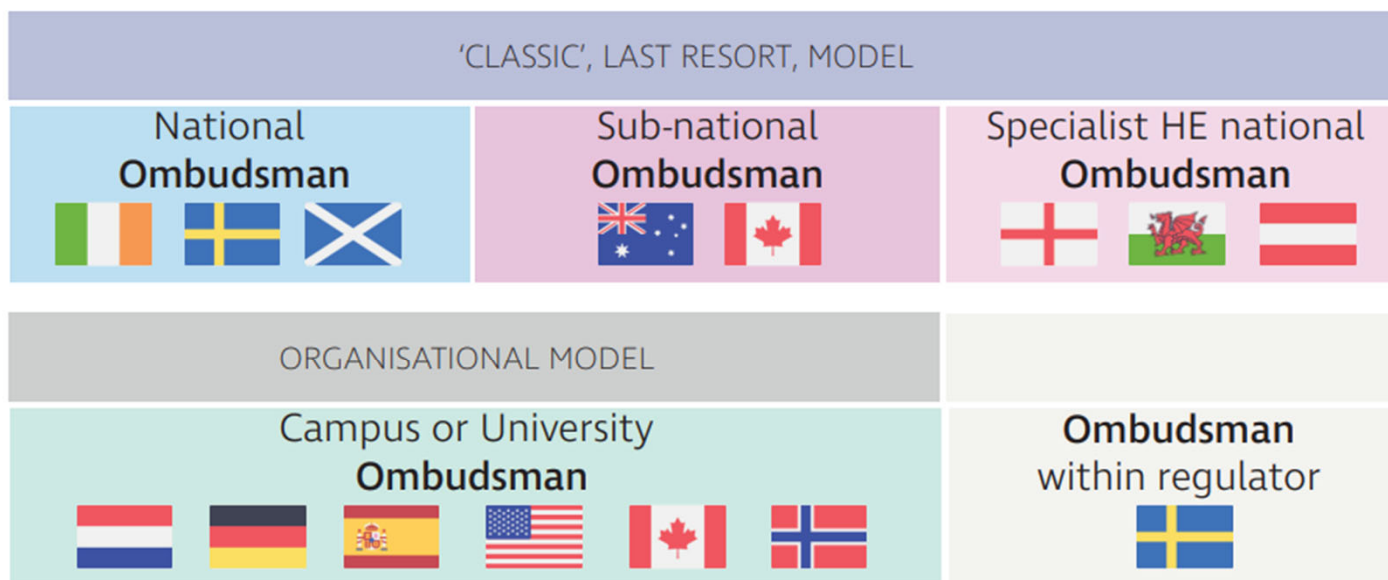


FIGURE 1



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