

Annual Report of the Austrian Student Ombudsman 2019/20

Executive Summary

The Austrian Student Ombudsman (SO) at the Ministry for Education, Science and Research (BMBWF) is required by Paragraph 31 Subsection 7 of the Austrian Act on Quality Assurance in Higher Education (HS_QSG) as amended to submit its annual report (AR) for the previous academic year to the Minister and to Parliament each 15 December.

Subject of Report and General Statistics:

The subject of the report is the Student Ombudsman's observations regarding the issues submitted to it during the reporting period under its statutory remit relating to courses, teaching, exams, services and administration at institutions of higher education in the Austrian Higher Education Area and at other institutions that deal with student issues.

These institutions of higher education comprise all Austrian public universities, private universities, universities of applied sciences, public and private teacher training universities, the Danube University Krems, the Diplomatic Academy of Vienna, the Institute of Science and Technology Austria and what are known as § 27 HS-QSG Institutions (i.e. cross-border study programmes).

Other institutions concerned with student issues include the Student Financial Aid Authority, the Student Financial Aid Offices, and immigration authorities etc..

The issues addressed were submitted to the Ombudsman by individuals from Austria and abroad who are applying to or who are interested in courses of study at such institutions, by current students and by former students.

The **number of students** at all institutions of higher education in the Austrian Higher Education Area (with varying cut-off dates) totals **395,808** in the 2019/20 academic year.

The number of **applicants for study programmes**, insofar as can be ascertained, totalled

- **55,239** at universities of applied sciences (**21,590** who had been awarded a place, multiple applications possible!)
- there are no online figures available for applicants at public universities and teacher training universities
- there are also no online figures available for the private university sector.

As in previous years, there was an increase in the number of issues submitted to the Ombudsman as deadlines laid down by law, regulations and institutional rules approached, i.e. in September (when admissions of new students to public universities end and the final results of the selection procedures are announced at the universities of applied sciences), in November (when the extended deadline ends at public universities) and also around the closing date for applications for support schemes and grants.

Issues by Gender: **332** of cases were brought by men, **473** by women

At the time the report went to press **744** of **805** issues had been resolved (cut-off date 30.09.2020). This is more issues than ever before. **15%** of issues were resolved by the SO for the party submitting the case in the latter's favour, in **64%** of issues information was given; in **4%** of cases, investigation showed that the SO has no jurisdiction to deal with the issue, in **10%** of cases the party raising the issue did not give permission for the SO to pursue the matter further making it impossible to deal with the issue. In **7%** of cases, it was not possible to find a solution.

Distribution of Issues According to the Type of Institution:

Public universities: 376 (46.7%)

Other institutions: 118 (14.7%)

Institutions not named / not known: 66 (8.2%)

Universities of applied sciences: 77 (9.6%)

Student Financial Aid Authority: 73 (9.1%)

Halls of Residence 31 (3.8%)

Teacher training universities: 28 (3.5%)

Private universities: 22 (2.7%)

Issues by Topic

The ten most frequently raised issues were:

259 conditions relating to courses of study (32.2%)

125 admission to a course of study (15.5%)

117 other issues (14.5%)

73 student financial aid (9.1%)

55 recognition / accreditation of examinations and course work (6.8%)

44 tuition fees (5.5%)

32 halls of residence (3.9%)

27 academic degrees (3.3%)

13 grants (1.6%)

12 bullying / discrimination (1.5%)

Comparison and recognition of qualifications obtained abroad: 12 (1.5%)

Disability, illness: 11 (1.4%)

Cancellation of admission/exclusion from study programme 11 (1.4%)

Mobility programmes: 7 (0.9%)

Academic work 7 (0.9%)

The frequency with which issues were raised varied according to the type of institution.

Description of Issues

As in previous reports, detailed accounts of cases were presented in the Annual Report 2019/20 and reports on the results were provided. The laws which have to be considered are each presented at the beginning of the case studies. A total of 27 issues is described in the report concerning the following topics:

- Non-payment of course fee as admission requirements for the university course were not met
- Reputational damage due to the announcement to all members of a public university that a ban on entering the premises had been imposed
- Extension of the deadline for completion of a diploma course in education
- Adjustment of the period in which tuition fees do not have to be paid following an extension of the minimum period of study for a PhD programme
- Admission procedure at a public university
- Refund of tuition fees as the study programme could not be continued due to failure to successfully complete the orientation courses before the beginning of the winter semester
- Compulsory attendance at a part-time university course at a public university
- Readmission following expiry of admission to a degree programme at a public university (pursuant to § 68 (1) 8 Universities Act-UG)
- Mismatch between the distribution of ECTS points and the actual work involved
- Admission to supplementary study programme
- Recognition of examinations required for the recognition of a qualification obtained abroad when changing university
- Proof of Special University Entrance Qualification
- Deviating methods of examination at entrance exam due to dyslexia
- Entry to Austria of Georgian students
- Equivalence of examinations with different reading lists
- Conflict between student and head of the programme, respectively supervision at a university of applied sciences
- Refund of tuition fees as student was unable to make use of the academic programme
- Disenrollment from a university of applied sciences due to failure to provide proof of the higher education entrance qualification
- Lateral entry at universities of applied sciences
- Acceptance of applicants on non-degree programmes at a university of applied sciences in a course without a specific financing agreement
- Delayed recording of grades from the summer semester

- Lateral entry at a private university
- Penalty for withdrawal from an education contract
- Risk of mistaken identity during a university entrance qualification examination
- Recognition of previous periods of study
- Unclear responsibility for re-issuing a diploma supplement

Proposals Made to the Governing Bodies and Members of Institutions of Higher Education and to Lawmakers

A total of 15 suggestions were made to lawmakers and to the governing bodies or members of higher education institutions. Ten suggestions were made to lawmakers

- Readmission (§ 63 (7) UG, § 66 (4) UG)
- Protective purpose of the legal norm § 68 (1) 8 UG in conjunction with § 63 (7) UG
- Special University Entrance Qualification (§ 65 Universities Act-UG)
- Deviating methods of examination for disabled students during admission procedures
- Recognition of exams § 78 Universities Act-UG, § 56 Higher Education Act-HG, § 12 Universities of Applied Sciences Studies Act-FHStG
- Clarification of the possibility of legal protection pursuant to § 79 UG following a negative assessment in the last possible repetition of an exam at public universities
- Ghost-writing (without reference to any specific legislation)
- Determination of the method of conducting courses as well as the examination dates and the examination method at the beginning of the semester at public universities pursuant to § 76 UG
- Recognition of examinations within the framework of procedures for the recognition of qualifications obtained abroad (§ 78 (1) and (9) UG) at public universities
- Studiability – Validation of ECTS credits
- Deviating methods of examination for admission procedures § 11 in conjunction with § 13 (2) FHStG
- Publication of the statutes (§ 5 (1) Product Liability Act-PHG)
- Additional statutory provisions on deviating methods of examination and tuition fees (§ 12 (1) PHG)
- Entrenchment of a deviating method of examination for students with disabilities
- Renaming of the "Studienberechtigungsprüfung" for colleges (§ 8c School Organisation Act)

Eight suggestions were made to the governing bodies and members of the higher education institutions and other institutions that deal with student issues.

- Right to view electronic exam papers (§ 79 (5) UG, § 11 (1) 4 C-UHV)

- Lateral entry to universities of applied sciences
- Legal protection in connection with exams (§ 21 FHStG/FHG)
- Clarification of the consequences under study law of the dissolution of the contractual relationship between students and non-university private legal entities (§ 2 (2a) FHG)
- Greater transparency of applications for courses and programmes
- AQ Austria should have oversight of the market communication and public relations activities of foreign educational institutions (pursuant to §27 HS-QSG)
- Continued functioning of administrative bodies etc. at higher education institutions during lockdowns
- Implementation of Erasmus+ student mobility during the COVID-19 pandemic

COVID-19 pandemic and associated measures at higher education institutions

From March 2020 onward there were a total of 230 COVID-19 related issues (28.5 %).

Issues in connection with the COVID-19 pandemic

- Conditions relating to a course of study
- Digital teaching and electronic examinations
- Shift to digital teaching for language courses
- Plagiarism/cheating during online exams
- Technical problems I
- Technical problems II
- Recording of exams – privacy and data protection
- Right to view exam papers during the COVID-19 pandemic
- Making allowance for care obligations/deviating exam methods
- Online teaching
- Holding exams and classes that require personal attendance in summer semester 2020
- Internships
- Student is supposed to spend a semester abroad but wants to stay in Austria
- Student is supposed to stay in Austria but wishes to spend a semester abroad
- No nomination for Erasmus+ by a university in countries for which there is a travel warning
- Instruction by a university to break off a work placement abroad
- Financial aid
- Proof of academic progress
- Proof of academic progress submitted too late
- Entitlement to student financial aid
- Additional income limit
- Additional income limit for recipients of student financial aid in connection with system-relevant activities during the COVID-19 pandemic

- Student halls of residence
- Rent reduction and premature termination of the tenancy agreement due to COVID-19
- Type of student hall of residence and termination of tenancy agreement on the grounds of social hardship or § 1117 ABGB
- Termination of tenancy agreement on the grounds of social hardship
- Termination of tenancy agreement for international students who were unable to enter Austria
- Termination of tenancy agreement due to caring for close family members
- Tuition fees
- No exemption from payment of tuition fees as classes are (not) being held online
- Tuition fee and leave of absence
- Tuition fees in the 2020/21 winter semester
- Family assistance payments/orphan's benefit
- Entitlement to family assistance payment in connection with COVID-19
- Orphan's benefit and proof of academic progress in connection with COVID-19
- Admission/Admission tests
- Digital admission
- Residence permit and entry to Austria
- Entering Austria
- Participation in admission tests for international students not possible due to COVID-19 entry restrictions
- Visa extension
- Financial hardship
- Support in cases of financial hardship
- Degrees
- Withdrawal of a conservatory's status as an entity under public law
- Compulsory military service/alternative civilian service
- Call-up for military service
- Online teaching and exams

Outlook:

Work in 2021 will **focus on the following areas:**

- Further development of the working methods of the ombudsmen in the Austrian Higher Education Area
- Further roll-out of ombudspersons in all areas of higher education
- International development to further anchor ombudsmen (in the higher education sector)

The following **events** will be held jointly with various cooperation partners in 2021:

- Symposium "Recruiting International Potential for Austrian Higher Education Institutions: Obstacles and Opportunities", spring 2021, Vienna
- Special seminar: Taking up and processing of issues / complaints, spring 2021, Vienna
- "Dialogue Students – Higher Education Institutions", early summer 2021, Salzburg
- "Do teacher training universities need an ombudswoman/ombudsman?", early autumn 2021, Innsbruck
- Loss of relationships due to electronic communication: Is a re-personalisation of 'administrative offices' needed?" Autumn 2021, Vaduz, Liechtenstein

International developments to further anchor ombudsmen (in the higher education sector)

The (virtual) Conference of Bologna Ministers of Education took place on 18 and 19 November 2020 in Rome. For the first time, representatives of 49 member states of the Council of Europe and beyond took part. During the conference the Rome Communiqué was adopted.

- *"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)."*

This was the first time that a high-level European document has recommended the establishment of easy to access, independent student ombudspersons to provide improved legal protection and advice and support for any personal conflicts.