CASE REPORT 2017/18
Doctoral student grievances at Lund University

DOMB
Doctoral Student Ombudsman
at Lund Doctoral Student Union
Case Report 2017/18 • Årenderaapport 2017/18

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This is the last case report that I deliver, as I am now leaving after almost ten years as the Doctoral Student Ombudsman (DOMB) at Lund University. What my experiences during this time have shown is that although much has been done to increase the quality of doctoral education and to uphold the rules and regulations, there is still always going to be room for improvement, which will provide work for the next DOMB, the student unions, LUS and the University. My hope is that this report will prove to be useful for this work towards ever-evolving adaptation to the physical and socio-legal challenges that the future will bring on the route to excellence.

Lund 2018-12-11

Aleksandra Popovic
Doctoral student ombudsman (DOMB)
Lund Doctoral Student Union (LDK)
SAMMANFATTNING


Under 2017/18 registrerades 49 nya ärenden. Att flest ärenden är registrerade under kategorin Administration & information (47%) är ett tecken på att många problem hade kunnat undvikas om universitetet uppfylde sina administrativa skyldigheter, som exempelvis att planera, dokumentera och följa gällande handläggningsordning när beslut fattas. Under 2017/18 var frågor rörande doktorandernas rätt till ledighet från studierna samt frågor rörande handledares vetenskapliga oredlighet mest framträdande i denna kategori. Kategorin Arbetsmiljö och diskriminering kom på andra plats (29%). Dessa klagomål handlar oftast om trakasserier och repressalier. På tredje plats kom kategorin Tillgång till resurser (12%). Mest framträdande här var att internationella doktorander hindrats från att tillgodogöra sig resurser på grund av problem med uppehållstillstånd samt att det saknats disputerade handledare inom ämnet. Några andra siffror som står ut under innevarande år är att trenden från förra året med att en ovanligt stor andel av de som klagade var kvinnor (69%) håller i sig och att andelen klagomål som rör den samhällsvetenskapliga fakulteten fortsätter att minska (19%) från att ha gått upp till en ovanligt hög nivå under 2015/16 (30%).
<table>
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<tr>
<td>DOMB</td>
<td>Doctoral Student Ombudsman (Doktorandombudsman)</td>
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<tr>
<td>HEA</td>
<td>Higher Education Act (<em>Högskolelag 1992:1434</em>)</td>
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<td>HEO</td>
<td>Higher Education Ordinance (<em>Högskoleförordning 1993:100</em>)</td>
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<tr>
<td>HTE</td>
<td>Full-time Equivalent (Heltidsekvivalent)</td>
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<tr>
<td>ISP</td>
<td>Individual Study Plan (Individuell studieplan)</td>
</tr>
<tr>
<td>LDK</td>
<td>Lund Doctoral Student Union (Lunds Doktorandkår)</td>
</tr>
<tr>
<td>LUS</td>
<td>Lund University Student Union Association (Lunds universitets studentkårer)</td>
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<tr>
<td>TLTH</td>
<td>Student Union at the Faculty of Engineering (Teknologkåren vid Lunds Tekniska Högskola)</td>
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1 INTRODUCTION

1.1 About the doctoral student ombudsman (DOMB) and this report

This report gives an account of the complaints that were received by the Office of the Doctoral Student Ombudsman (DOMB) during the academic year 2017/18. The DOMB staff consists of an ombudsman who is appointed by the Governing Assembly of the Lund Doctoral Student Union. This position is currently held by Aleksandra Popovic. Although the DOMB is a branch of the Doctoral Student Union (LDK), it is mainly financed by Lund University. The financial support from the University and an agreement between the two student unions that organise doctoral students (LDK and TLTH) allows the Ombudsman to offer her services to all doctoral students at Lund University. The main task of the DOMB is to receive, process and make accounts of complaints from doctoral students concerning their student rights.

1.2 ABOUT THE CASES

A case before the DOMB is initiated when one or several doctoral students report either a breach of rules that apply within the doctoral education to the ombudsman, or are put through a process by the University which initiates need for legal advice, e.g. a disciplinary procedure, and they contact the DOMB. The initial report can come in various forms, but the most common way for doctoral students to file a report is to e-mail their complaints. The initial complaint is often followed by one or several meetings between the ombudsman and the complainant to clarify the details and to get more information about the rules that apply and how the cases are processed. Complaints that turn out to not concern student rights are not accounted for in this case report. Instead, these cases are referred to other channels, e.g. the trade unions or governmental bodies. Sometimes the doctoral students have complaints that concern their student rights as well as other issues, and in those cases the DOMB may coordinate with other organisations, most often the trade unions, in order to ensure that the different actions do not impose on or overlap each other.
Complaints that have been brought before the ombudsman by someone else on behalf of a doctoral student are also not accounted for in this case report. In these situations, the informant is instead advised to give the doctoral student the contact information to the DOMB.

Group complaints are filed as one single case. The number of doctoral students who have felt mistreated by Lund University may thus be higher than the number of cases. However, the same doctoral student can sometimes raise more than one case as another complaint may be filed after the university has already decided to take measures for resolving the initial case and the new complaint then becomes registered as a new case. The exact extent of this discrepancy between the number of cases and the number of doctoral students involved is not accounted for in this report.

After the initiation of a case, the doctoral students are advised of the rules that their complaints invoke and how they can be redressed. As the information that the complainants give is handled with confidentiality and placed at the discretion of the complainants themselves and as the DOMB does not have any executive powers, a case may be put on hold, sometimes for years, while the alleged breaches that are reported accumulate because the doctoral student does not allow for any information to be disclosed to the university or does not give the ombudsman the permission to disclose involvement in the case. It is quite worrying that almost all doctoral students who turn to the DOMB report fear of repercussions or having faced actual reprisals for both complaining in general and for informing the ombudsman of the conditions of their education in the specific.

As the numbers do not mirror the full complexity of the problems that doctoral students at Lund University face, this report also contains qualitative and legal analyses.

1.3 ABOUT THE PROCEDURE

There is no set standard procedure for how to proceed with a case *inter alia* because there is no unified standard procedure for how to redress complaints within the University, but
different bodies at the university are responsible for different issues.\(^1\) If the doctoral student gives permission, the decision-making body at the University which is deemed appropriate is contacted, often by e-mail. After this initial contact with the University, the further processing of the case requires in almost all cases one or more meetings with the University representatives and the doctoral student, separately or jointly.

In this context, the role of the ombudsman is to support the doctoral students through the procedure with legal advice and facilitate the communication between the University and the doctoral student to ensure that the University abides by the rule of law. If all parties agree the ombudsman can act as a mediator to facilitate a common understanding. The DOMB does not act on behalf of the individual doctoral student. The doctoral students are instead given the help they need to be able to represent their own experiences themselves. The approach that the ombudsman has towards the situation of the doctoral student is that even if the doctoral students’ grievances in the end do not always translate into proven legal claims, the doctoral students always have the right to make their experiences seen, heard, taken seriously and considered by the University with the help of the ombudsman.

Furthermore, the DOMB is not endowed with executive powers. The parties therefore have the choice to take the ombudsman’s recommendations or disregard them. The aim of the processing of the claims is to clarify what rules are applicable, for the purpose of aiding the implementation of these rules as well as the remedying of violations. Most complaints translate into allegations of several different student rights and the number of alleged breaches is thus higher than the number of cases that are reported here.

Very few decisions by the University may be appealed, but if an appeal is possible the ombudsman will help the doctoral student with the appeal. Furthermore, both the individual doctoral students and the student unions have the right to complain to the Office of the University Chancellor at the National Authority on Higher Education

\(^1\) See the *Guidelines for student complaints at Lund university* (Riktlinjer för hantering av klagomål från studenter rörande utbildning på grundnivå, avancerad nivå och forskarnivå vid Lunds universitet, STYR 2014/169), available online at the Lund University staff pages, see https://www.staff.lu.se/sites/staff.lu.se/files/guidelines-on-handling-complaints-from-students-concerning-first-second-and-third-cycle-studies-at-lund-university.pdf (2018-12-06).
(Universitetskanslersämbetet, UKÄ). If they choose to do so, the DOMB services include advice in the process of filing such complaints. Specific types of cases may also raise other possibilities of redress of which the doctoral students are informed when the situation is brought on.

1.4 SOME KEY DEFINITIONS

The term ‘doctoral education’ refers to third cycle studies (utbildning på forskarnivå). The term ‘doctoral student’ here refers to someone:

A. Who is admitted to and follows the studies within the framework of a doctoral education (doktorand), or
B. Who is not formally admitted to the doctoral education, but follows the studies as if they are, i.e. a so-called ‘shadow PhD-student’ (skuggdoktorand),
C. Who has applied to the doctoral education at Lund University, and complain about how they were treated during the admission procedure, or
D. Who claims to have once been admitted to the doctoral education and then wrongly unenrolled by the university.

Another term that perhaps needs some explanation is the term ‘international doctoral student’. This is a term which is used in official statistics. As is the case with the term ‘doctoral

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3 See Chapter 1 Section 4 ibid.

4 Gröjer et al., Doktorandspegel 2016, p. 41 with further references; for a full reference and link to the text see FN 10 infra.

student’, the term ‘international doctoral student’ is used more loosely compared to how it is used in the official statistics. Any complainant who prefers to communicate in another language than Swedish or in other ways indicates having come to Sweden from another country to study here has been categorised as an international doctoral student.

Finally, some words should be said about the fact that the statistics contain a binary division of gender between female and male doctoral students, while the Swedish law in the area of anti-discrimination also protects gender transgressing identities and expressions. The dichotomisation of gender however follows the division found in the official statistics and in public administration. The categorisation into the two categories has been based on how the doctoral students present themselves to the Ombudsman. So far, no complainants have expressly raised problems that relate to gender transgressing identities or expressions.

In sum, it could be remarked that this report does not purport to give exact and valid statistical analyses. The cases are too few and the definitions too vague. Instead, the focus in this report is to try to provide a more qualitative understanding of the challenges that doctoral students face during their studies at Lund University through the experiences that are revealed by the complainants during the processing of the complaints.

1.5 AIM AND PURPOSE

The aim of this report is to give an account of the problems that have been brought before the DOMB during the academic year 2017/18 for the purpose of mapping structural problems and providing a platform for discussions concerning how to improve the implementation of the rules that apply within the context of doctoral education and how to assure the quality of the doctoral education at Lund University.

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6 See Chapter 1 Section 5 Paragraph 2 of the Discrimination Act (Diskrimineringslagen (2008:567)), available online at the official site of the Equality Ombudsman (Diskrimineringsombudsmanen, DO), see https://www.do.se/other-languages/english/discrimination-act/ (2018-12-07).
1.6 OUTLINE AND DELIMITATIONS

Chapters 2-4 describe the cases based on category, the concerned faculty and features concerning the individual complainants, respectively. Chapter 5 contains some reflections over the cases.

Unlike the case reports by the LUS Studentombud, the DOMB case reports do not contain information about complaints that are processed by the Student Unions themselves. The reason for this is that the DOMB is the very branch of the Lund Doctoral Student Union (LDK) which is designated to handle the complaints of the doctoral students within this student union’s area of activity and this task has been extended by agreement between LDK and the Student Union at the Faculty of Engineering (TLTH) to include complaints from the latter student union’s doctoral students as well. The DOMB is thus the student union body designated to receive complaints from doctoral students within all areas of doctoral activity at Lund University. The benefit of this system of referring all cases to the DOMB is that all cases can be given the same level of scrutiny consistently over time, when all other student union representatives are elected on a yearly basis. The challenge for the ombudsman is however to gain and maintain necessary and relevant knowledge about all levels of activity at Lund University despite not being directly involved in the actual activities. For this reason, the ombudsman tries to keep contacts with not only student union representatives at all levels of doctoral activity, including LDK’s faculty councils and TLTH’s doctoral section, but also with the academic and administrative staff.

Although, no other student union body is specifically designated to receive individual complaints from doctoral students it is entirely possible that the student union representatives do receive complaints that are handled locally and never become reported to the DOMB. It is also likely the case that some doctoral students complain directly to the staff and get the causes of their complaints remedied without any further reporting. Furthermore, not all doctoral students who have experienced mistreatment report their complaints at all. Despite the possibility of hidden numbers, there are good reasons to believe that the cases analysed in this report are not only valuable as examples of singular events, but are also representative of general challenges that are encountered in the doctoral education.
As was already mentioned each case may contain allegations of several breaches of student rights and claims from several students, but is here reported as a single case. Each case is categorised under one of six headings: 1) Admission etc., 2) Administration and information, 3) Disciplinary measures, 4) Access to resources, 5) Equality and work environment, and 6) Examination. The choice of category depends on which alleged violation seems most central to the complainant(s). New reports of breaches that come in during the processing of an active case do not give rise to new cases. This means that the full extent of complaints and the complexity of the cases is not adequately shown. It may also make it difficult to compare to the Studentombud’s cases as the undergraduate students who have multiple complaints with a high degree of probability give rise to several cases due to the fact that the students’ progress over time takes them through new distinguishable learning activities, examinations and courses during their studies. In comparison, the doctoral education is less structured and doctoral students often “get stuck” and cannot move on to the next step in the education until all problems are solved.
2 THE CASE CATEGORIES

2.1 GENERAL OVERVIEW

As was previously mentioned the cases are divided into six categories based on the main concern of the complainant(s). Before we go on to look at each of the categories separately, to which the following subsections of this chapter are devoted, this subsection provides with an overview of the new cases that were registered during the academic year 2017/18.

The total amount of new cases decreased by seven cases (49) compared to the previous year (56), ending an increasing trend which started 2014/15 (52, from 28 the year before). The increase is mainly and most consistently in the category of admin & info.

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<td>Access to resources</td>
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<td>Examination</td>
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</tr>
<tr>
<td>Total</td>
<td>49</td>
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2.2 ADMISSION ETC

The bulk of the Swedish rules on admission are found in Chapter 7 of the Higher Education Ordinance (HEO). The national rules are implemented through local rules which set the framework for admission to the doctoral education at Lund University. Within this framework, each faculty has set its own routines for admission. The procedures for admission are thus organised in different ways and these differences may create different types of challenges.

Four of the new cases that were registered during 2017/18 concerned admission-related issues. These issues were raised at the faculties of medicine and engineering.

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7 See FN 2 supra for a full reference and link to the instrument.

8 Antagningsordning för utbildning på forskarnivå vid Lunds universitet STYR 2017/409. An English translation is available online at the official site of Lund University, see https://www.staff.lu.se/research-and-education/research-support/doctoral-education (2018-12-11).

9 Links to the routines of the faculties are posted on the Lund University site, see https://www.staff.lu.se/research-and-education/research-support/third-cycle-studies/admission-to-research-studies (2018-12-04).
Three of the cases, spanning over both faculties, were initiated by international doctoral students who were suffering negative consequences concerning their residence permits because they originally arrived at Lund University as so-called shadow PhD-students (skuggdoktorander). Shadow PhD-students are individuals who start their doctoral studies without being formally admitted.\(^\text{10}\) That this type of problem in the admission process is a particular challenge within the disciplines of medicine and engineering is reflected in the latest national survey over the doctoral education where more than half of the doctoral students in medicine and more than a third of the engineering students answered that they had started their education before they were formally admitted.\(^\text{11}\) It may seem as a kind gesture to let individuals try out the doctoral education within other formal frameworks, e.g. by inviting them as guest researchers, exchange students, master students or employing them as project assistants in anticipation of formal admission and enrolment, but this may actually create negative consequences for the individuals as the Swedish administrative systems are not designed to deal with such trial periods in doctoral studies – and it is especially problematic for international students who have to go back to their home countries to apply for the correct residence permits after they do get formally admitted and enrolled.\(^\text{12}\)

The fourth admission related case concerned a doctoral student financed by employment within another organisation, which had come into financial problems and had to consider the need to lay people off. According to Section 3.1 of the local rules on admission, Lund University


\(^{11}\) Ibid.

\(^{12}\) Increased importance of this problem may be anticipated due to the MIG 2016:18 judgment in which the Migration Court of Appeals outlined a more restrictive interpretation of the exception to the rule that an application for a residence permit has to be made before the entry. A summary in Swedish and a link to the judgement is available in the Lifos database, see https://lifos.migrationsverket.se/dokument?documentSummaryId=38092 (2018-12-04).
takes on the responsibility of employing the doctoral student if the financing ends before it is supposed to due to reasons that are not within the control of the doctoral student.\textsuperscript{13}

2.3 ADMINISTRATION AND INFORMATION

With its 23 registered cases, spread over all eight faculties, the category of complaints that concern administration and information is the largest category and accounts for almost half of the cases. The legal framework relevant within this category applies to Lund University as a governmental body which is under the obligation to follow the rule of law. This means \textit{inter alia} to treat equal cases equally and to allow for predictability in its decision making and actions. The main rules are found in the Administrative Procedure Act\textsuperscript{14}, the Higher Education Act\textsuperscript{15} (HEA) and the Higher Education Ordinance\textsuperscript{16} (HEO).

It is difficult to describe the cases that have been registered under this heading because the alleged violations of the university are often multiple and cover several aspects of the obligations that the university has concerning administration and information. Instead of focusing on the cases the following description will instead report some aspects that were raised in the 23 cases.

One of the most important aspects of public administration is that the decisions are made and measures are taken by individuals in functions that have been endowed with the power and

\textsuperscript{13} See footnote 8 supra for full reference and link to the applicable instrument.

\textsuperscript{14} Förvaltningslag 1986:223, An English translation available at the official site of the Swedish Prison and Probations Service (Kriminalvården) see https://www.kriminalvarden.se/om-kriminalvarden/styrning-och-regelverk/lagar-forordningar-och-foreskrifter/ (2018-12-06); a new act Förvaltningslag 2017:900 came into force after this academic year on July 1\textsuperscript{st} 2018, available in Swedish at for instance lagen.nu, see https://lagen.nu/2017-900 (2018-12-06).


\textsuperscript{16} Högskoleförordning 1993:100; for a full reference and link to the text see FN 2 supra.
competence to make the decision or take the particular measure and that the decision-making procedure is predictable. The cases reflect an organisation of the doctoral education in which it is unclear who is responsible for deciding and doing what. Especially the role of the main supervisor is often conflated with other official functions, such as the function of employer, director of studies or decision-maker en par with the head of department, the faculty board or the vice-chancellor. In one case the supervisor even claimed to have the right to fire the doctoral students and terminate their studies. A supervisor does not have the power to terminate the studies of a doctoral student. The students can terminate their own studies before completion, so called ‘studieavbrott’ in Swedish.\textsuperscript{17} The university can only terminate doctoral studies in two ways. First, according to Chapter 6 Section 30 and Section 36 of the HEO, only the vice-chancellor may withdraw a doctoral student’s supervision and other resources. Decisions concerning withdrawal of resources are registered in the category of access to resources and not in this category. Second, according to Chapter 4 Sections 6-7 of the HEA, a special board called the Higher Education Expulsions Board (Högskolans avskiljandenämnd, HAN) has the power to hear matters regarding the expulsion of students when there is a clear risk that the student will harm another person or cause substantial damage to property during the course of his or her studies and the student suffers from a mental disorder, abuses substances or has been found guilty of a serious crime.\textsuperscript{18} Expulsion cases are registered in the category of disciplinary measures.

In the category of administration and information, many cases reflected concern over the issue of leave of absence and prolongation. Especially scholarship students seem to have reasons to be concerned over these matters. Although, Chapter 1 Section 11 C of the HEO\textsuperscript{19} requires the universities to insure doctoral students who are on stipends so that they get financial compensation for leave of absence which is due to illness or parental responsibilities, it has been unclear how and when that compensation can be applied for and whether it can

\textsuperscript{17} More information about the routines concerning non-completion of third cycle studies can be found on the Lund University site, see https://www.staff.lu.se/research-and-education/education-support/study-administration/study-administration-systems/ladok/ladok-for-third-cycle-studies (2018-12-07).

\textsuperscript{18} For more information on expulsion see the official site of HAN www.HAN.se (2018-12-07).

\textsuperscript{19} See FN 2 supra.
be used to extend the financing to cover the prolongation of the studies. Lund University provides with information on the staff pages.\textsuperscript{20} However, even doctoral students employed by the university raise concerns over this issue. This may be due to that the administrative systems for dealing with leave of absence that are in place at the University are designed to deal with employees in general, rather than doctoral students.\textsuperscript{21} Doctoral students tend to fall between the cracks when it comes to administrative routines, which often are designed either for employees or for under-graduate students.

The relevant rules concerning leave of absence and prolongation for doctoral students are that according to Chapter 6 Section 29 of the HEO, the individual study plan (isp) should be changed when this is necessary. If we read this Section against the backdrop of the general principles of Swedish higher education, the travaux préparatoires and previous versions of the HEO, necessity of change is determined by what is needed to ensure the effectiveness of the plan and a high quality of the education. The change may entail a prolongation of the studies (6:29 HEO) and of the employment (5:7 HEO), respectively, when it is due to special reasons, for example sick leave, parental leave or student union activities\textsuperscript{22}. The exemplification is not all encompassing. Other reasons may also qualify, e.g. situations when time is lost due to a move of the Department from one Faculty to another or from one physical space to another and this has affected the doctoral student’s education, or when a change of supervisors has held the doctoral student back in her or his studies.

Another set of issues that are prominent within this category concern the individual study plan (isp). The cases feature situations that include that there is no isp, that the isp has not been

\textsuperscript{20} See https://www.staff.lu.se/employment/for-international-staff/insurance-for-international-staff/insurance-for-scholarship-holders (2018-12-07), with further links.

\textsuperscript{21} See information available at the Lund University staff pages https://www.staff.lu.se/employment/annual-leave-leave-of-absence-and-sick-leave (2018-12-07) and further information is also usually provided at the Faculty pages.

\textsuperscript{22} There are university wide guidelines for extension of doctoral employment due to student union activities available online in English translation in the rules and regulations database at the official site of Lund University under the section on education, see https://www.staff.lu.se/organisation-and-governance/rules-and-decisions/rules-and-regulations/education-first-second-and-third-cycle (2018-12-09)
followed up, the isp is entirely written by the doctoral student and no one else seems to have looked at it, as well as that fundamental disagreements over the plan have not been officially resolved by the competent authority. It is clear, based on the text of Section 29 of Chapter 6 HEO, that every doctoral student should have an isp and that it should be followed up regularly (at least once a year according to the local rules on doctoral education)\textsuperscript{23}, that the responsibility to decide rests on the university as an education provider, which means that the doctoral student union representatives should be involved in the decision making process, and that the doctoral student and the supervisors have to be heard before the decision is made and that disagreements over the plan have to be resolved by the decision of the competent authority. More reflections over the isp are provided in Subsection 5 below.

Before we move on to the next category, let us finish off with a third set of problems which exemplifies aspects that complicate the resolution of cases registered in this category, i.e. issues that relate to doctoral students’ enjoyment of intellectual property rights. Concerns are particularly often raised among doctoral students who work in research groups, financed by external grants, and deliver results to profit-based companies, in which sometimes supervisors and other senior researchers have private economic interests. The kind of legal complications and webs of conflicting interests that can occur in these situations is too complex to fully describe here, but the challenges for the university include manoeuvring a territory where public law meets private law, where the legal obligation to respect the academic freedom of researchers meets the legal responsibilities of being a publicly financed education provider and where the employer responsibilities of labour law meet the responsibilities of ensuring the doctoral students an effectively planned education which is of high quality according to the standards set up in the Swedish and European law of higher education.

\textsuperscript{23} See Section 7.3 of the Regulations for doctoral education available online in the Lund University rules and regulations of education section of the staff pages see https://www.staff.lu.se/sites/staff.lu.se/files/foreskrifter_for_utbildning_pa_forskarniva_eng_2018.pdf (2018-12-09).
2.4 DISCIPLINARY MEASURES

There are two types of disciplinary procedures that students in general could be put through:

1. According to Chapter 10 of the HEO, students can be brought before the university disciplinary board if they harass, cheat on exams or disrupt.²⁴

2. According to Chapter 4 Sections 6-7 of the HEA, the Higher Education Expulsions Board (Högskolans avskiljandenämnd, HAN) has the power to hear matters regarding the expulsion of students when there is a clear risk that the student will harm another person or cause substantial damage to property during the course of his or her studies and the student suffers from a mental disorder, abuses substances or has been found guilty of a serious crime.²⁵

Lund University has furthermore explicitly opened for doctoral students to be put before the Research Misconduct Review Board.²⁶ In fact the one case registered in this category during 2017/18 concerns a doctoral student who was brought before this particular board by the previous supervisors after they had been replaced. In addition, this setup of accusation of misconduct as reprisals from previous supervisors after they have been replaced also occurred at the same faculty, the Faculty of Medicine, in a case that is registered in the administration and information category. Similar situations have also been reported before. This pattern raises the importance of ensuring that doctoral students can change supervisors without risking reprisals, in general, and of ensuring mechanism for taking the vulnerability of doctoral students in relation to their supervisors and senior researchers into account when accused of misconduct by these very individuals on whose professionalism they depend, in the specific.

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²⁴ For more information on the procedures for disciplinary measures at Lund University see https://www.staff.lu.se/research-and-education/education-support/disciplinary-matters.

²⁵ For more information on expulsion see the official site of HAN www.HAN.se (2018-12-07).

²⁶ See Section 5 of the Regulations on the handling of matters relating to suspected misconduct in research, artistic research or development work at Lund University (STYR 2018/760).
2.5 ACCESS TO RESOURCES

According to Ch. 7 Section 34 HEO, the number of doctoral students admitted to third-cycle courses and study programmes may not exceed the number that can be offered supervision and otherwise acceptable conditions for study and whose studies are funded pursuant to Section 36. This requirement includes having the resources to appoint a minimum of two supervisors for each doctoral student (6:28 HEO) and that all students are provided with study and career guidance (6:3 HEO). According to Section 8 of the Regulations for doctoral education at Lund University (STYR 2018/562), the Faculty Board shall decide what further conditions shall apply for doctoral students in order for acceptable conditions of study in accordance with Ch. 7 Section 34 HEO to be considered to be met. This category also includes cases of withdrawal of educational resources (6:30 HEO) and the restoration of resources (6:31 HEO).

Six new cases were filed under this category during the academic year 2017/18. They span over four faculties (ART, MED, LTH and SOC). The issues raised include:

- having one’s supervisor fired due to scientific misconduct,
- not having supervisors that have formal competence within the specific field of study,
- not being able to access resources, e.g. courses, conferences and supervision meetings, that require travels due to delays in the Migration Board’s processing of residence permit applications,
- having been denied supervision and other resources when the employment ended, and
- not having any study and career guidance.

2.6 EQUALITY AND WORK ENVIRONMENT

The reasons why equality and work environment issues are reported under the same heading are twofold. The first reason is that the central legislation within the two fields is based on similar ideas. Both the Discrimination Act (Diskrimineringslag 2008:567) and the Work Environment Act (Arbetsmiljölag 1977:1160) are based on the idea that the purposes behind the legislation (i.e. equality and a good working environment, respectively) can be fulfilled if
those who are involved in activities work systematically on improving the conditions within which they interact. The second reason for having them under the same heading is that the applicability of the two sets of legislation partially overlap. As an example, bullying (negativ särbehandling), which is unacceptable behaviour according to the work environment legislation, can also constitute discrimination or harassment of the kind which is prohibited according to the anti-discrimination legislation if the behaviour is prompted by one of the seven discrimination grounds, e.g. gender and ethnicity. It is in that case important that the university properly investigates these additional aspects in accordance with the special requirements that apply according to the anti-discrimination legislation.

In the 14 new cases registered in this category during 2017/18 span over five faculties (HTF, LAW, LTH, MED, and SOC) could be divided into three sub-categories:

- Bullying,
- Sexual harassment, and
- Unresolved conflicts that cause negative stress that is felt to impede on the work or even have led to sick leave.

In almost all of the cases, the main supervisor is claimed to either cause the problems or support those who are causing the problems.

Only one case explicitly refers to sexual harassment. However, female doctoral students more generally report feeling that they are being treated differently than their male doctoral colleagues and they also often describe having to have strategies for avoiding or dealing with inappropriate behaviour in ways that impede on the quality of their education. Furthermore, the harassment case raised issues concerning what competence a company hired to make the inquiry should have. The university is currently working on specifying such criteria in view of the public procurement of these services.

References to working environment or discrimination issues are also common in cases that are registered under other categories and thus as a problem-category it in effect spans over all faculties. Exclusion from social interaction, being made to feel worthless and invisible, and being subjected to irrational, incompetent and capricious micromanagement, degrading statements – *inter alia* with reference to gender – and yelling is commonly described.
What is even more problematic is that doctoral students report both fear of reprisals and actual reprisals for raising issues. Reprisals are forbidden both according to the working environment legislation and according to the anti-discrimination legislation.

2.7 EXAMINATIONS

The main rules concerning examinations of doctoral students are found in Ch. 6 Sections 32-35 HEO. The most important type of examination in doctoral education is the doctoral student’s defence of the doctoral thesis, i.e. the viva (*disputation*). Only one case was registered in this category in 2017/18 and it was brought on by a doctoral student at the Medical Faculty who, during the pre-screening by members of the grading committee, got an unexpected forewarning of problems with the thesis concerning aspects that the doctoral student claimed had been done by instruction from the main supervisor. The doctoral student was helped to re-plan and given a chance to make the needed adjustments before the viva.
3 DISTRIBUTION OVER FACULTIES

3.1 GENERAL OVERVIEW

Of the 49 cases two concern the Faculty of Fine and Performing Arts (ART), three the School of Economics and management (EHL), two The Faculty of the Humanities and Theology (HTF), two the Faculty of Law (LAW), eight the Faculty of Engineering (LTH), eighteen the Faculty of medicine (MED), five the Faculty of Science (NAT), and nine the Faculty of social sciences (SOC).
3.2 THE FACULTY OF FINE AND PERFORMING ARTS (ART)

The two cases were registered in the category of administration and information and the category of access to resources, respectively. One issue that comes up consistently is the issue of access to competent supervision within the field of studies and another issue is unclear or multiple affiliations making planning difficult.

3.3 THE SCHOOL OF ECONOMICS AND MANAGEMENT (EHL)

The three cases at EHL were all registered in the category of administration and information. Two of the cases concerned doctoral students who were arbitrarily burdened with extra work and departmental duties. One case concerned the absence of routines for appointing new supervisors when the old supervisors leave the university. In one case the doctoral student had been explicitly warned against contacting the DOMB.
3.4 THE FACULTY OF THE HUMANITIES AND THEOLOGY (HTF)

In the administration and information case, there were no routines for ensuring that international doctoral students finish on time or prepare them with information and administrative support to ensure that they are given the opportunity to reside in Sweden for the time it takes to finish. In the other case, several doctoral students raised similar issues that all fall under the category of equality and work environment problems.

3.5 THE FACULTY OF LAW (LAW)

The two cases at the faculty of law concerned one doctoral student who did not have an individual study plan (admin & info) and a doctoral student who had a conflict with the supervisors (equality and work environment).

3.6 THE FACULTY OF ENGINEERING (LTH)

There were eight cases at LTH. One case concerned an international doctoral student who was suffering the consequences of having arrived in Sweden as a shadow PhD-student on a visiting scholar visa two years prior to formal admission (admission etc.). In the four admin & info cases, one doctoral student did not get extension for sick leave, one doctoral student did not have any follow ups on the isp, one did not get any credits for a course and one was misinformed of that the main supervisor has the right to fire the student. Out of the two equality & work environment cases, one concerned bullying and the other negative stress caused by unresolved conflicts of interests. In the last case, the doctoral student was cut off from necessary resources during a move of the department from USV to LTH.

3.7 THE FACULTY OF MEDICINE (MED)

The Faculty of Medicine is the only faculty represented in all the categories. The majority of cases (8/18) belong in the Equality and Work Environment category. Behaviours such as yelling, demeaning statements, shaming, fickle attitudes and decision-making and micromanagement or isolation are described to be common among the supervisors in these cases.
and conflicting interests between supervisors and doctoral students are also common. In the four admin & info cases one doctoral student was denied information of and opportunity to apply for leave of absence, another one was misinformed that the supervisors have the general right to forbid the student to have certain activities unrelated to the studies in the spear time after work, the third had an individual study plan which was based on fundamental conflicts of interests and in the final case, the doctoral student accused one of the supervisors of scientific misconduct. Three cases were registered in the admission etc. category and two of those featured international doctoral students that were suffering the consequences of having arrived in Sweden before they were formally admitted, while the last case was about a doctoral student who was financed through employment at another organisation which had to lay people off. In the final three cases, one doctoral student employed at another university complained over not having adequate resources (access to resources), one was accused of scientific misconduct, according to the student as a reprisal for having requested change of supervisors (disciplinary measures) and one faced an unexpected red light warning shortly before the viva (examination).

3.8 THE FACULTY OF (NATURAL) SCIENCE (NAT)

All of the five cases at the Faculty of sciences were registered as admin & info cases. Three cases concerned failures in the routines at the Faculty for informing of and deciding on leave of absence. In one case, the doctoral student complained of having a main supervisor who could not be relied on executing any of the administrative tasks that the Faculty apparently expects the main supervisors to do. In the fifth case a scholarship student was suffering the consequences of not having finished the studies when the scholarship ended.

3.9 THE FACULTY OF SOCIAL SCIENCES (SOC)

For the second year in a row the cases at the Faculty of Social Sciences have decreased after having increased to an unusually high number in 2015/16. Almost half of the cases (4/9) were registered in the admin & info category. Half of those cases concerned problems in the routines for handling doctoral students’ sick leave and the other half concerned problems with
the routines for individual study plans. Three cases related to issues concerning access to resources – relating to failure to automatically appoint a new main supervisor when the old one left the university after having been found guilty of scientific misconduct, leaving the doctoral student behind with only one supervisor, not having routines for making necessary changes to the individual study plan of an international doctoral student who has been cut off from the possibility to access resources due to problems with the residence permit and thus not ensuring effective use of resources, and not offering study and career guidance. Out of the two equality and work environment cases, one was a case of conflict between doctoral student and supervisors and the other was a sexual harassment case. The harassment case raised issues concerning what competence a company hired to make the inquiry should have.

The university is currently working on specifying such criteria for the public procurement of these services.
4.1 GENERAL OVERVIEW

The purpose of this chapter is to look at the composition of the population of the doctoral students who have complained.

4.2 FEMALE DOCTORAL STUDENTS

The female doctoral students compose 69% of those who initiated the complaints. This means that there is an overrepresentation of female doctoral students in the population of complainants compared to the composition of the general population of doctoral students at Lund University.\(^\text{27}\)

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\text{Gender}
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<tr>
<td>FEMALE</td>
<td>34</td>
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<td>MALE</td>
<td>15</td>
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<td>TOTAL</td>
<td>49</td>
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\(^\text{27}\) 49% of the newly admitted doctoral students in 2017 were female, see the Annual Report 2017 p. 2, available online at the official site of Lund University


(2018-12-09).
Although the proportions have varied somewhat over the years, the female doctoral students consistently have initiated more complaints than the male students.

4.3 INTERNATIONAL DOCTORAL STUDENTS

In 2017/18 international students initiated 27 of the 49 cases (55%). This means that the number of international complainants exceeds the number of Swedish complainants for the second year in a row.

<table>
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<tr>
<th>INTERNATIONAL</th>
<th>27</th>
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<tr>
<td>SWEDISH</td>
<td>22</td>
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<td>TOTAL</td>
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* INTERNATIONAL

* SWEDISH
The category of administration and information is still the most frequent problem category. This indicates that structural changes, which ought to be quite easy to make, e.g. concerning routines for individual study plans, could resolve many problems but are not fully implemented. That these seemingly easy changes have been proven difficult to implement and complaints instead often result in strained relationships and polarised interests is however disheartening. For this reason, I would like to end this report with some reflections that I have made during my work as the doctoral student ombudsman.

One challenge that I have seen manifests itself in the cases is that legislative efforts to increase the rule of law (i.e. *inter alia* predictability and equality before the law) by for instance the requirement of providing doctoral students with individual study plans, often become exercises in empty bureaucracy at the level of implementation. For instance, when the word ‘individual study plan’ is mentioned it is generally associated with the form or the digital technology provided by the different faculties or departments and not with the legal requirement of providing predictability, equality, an effective plan and a high-quality education for the individual student. Thus, at the stage of implementation, the means conceptually become ends in themselves.

It therefore seems appropriate to end this report with the reminder that it is the university as education provider that has the obligation to ensure that every individual doctoral student has an effective plan for the entirety of her or his studies and that the plan corresponds to an education of high quality (the assurance of which the student body should be involved in\(^\text{28}\), and which does not happen where the plan is decided by a single individual, e.g. the head of department, as is very frequently the case). The main rules concerning individual study plans are found in Chapter 6 Section 29 of the Higher Education Ordinance (HEO). The Section states *inter alia* that every doctoral student has the right to attend a hearing (*samråd*) before any such plan is decided for her or him. Furthermore, the rules require that the plan is regularly followed up to ensure its purpose. A contextual interpretation of the purpose leads to the

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\(^{28}\) see Ch. 1 Section 4-4a HEA.
conclusion that it is meant to provide effectivity and high quality. It is also a tool for ensuring predictability and equality before the law. Whenever needed to ensure its purpose the plan must be changed, but before the plan is decided the university has to hear *inter alia* the doctoral student.

My final reflection concerns how the routines conflate several different concepts, e.g. the plan itself, the planning process, the doctoral student’s acknowledgment of having received a copy of the plan, the follow up process, the evaluation of the plan, the documentation of the execution of the plan, the examination of the doctoral student’s learning outcomes (*examensmål*), and the decision on whether or not the plan has been followed. It is very important to distinguish these different concepts *inter alia* because they relate to different kinds of decisions that ought to be decided by different authorities and involve different procedures. For instance, some information generated ought to be public and other information should not. The fact that all of this is today amalgamated into the same document is inherently problematic. Needless to say, my conclusion is that there is still ample of room for improvement when it comes to how the rules concerning the individual study plans are implemented.
NATIONAL RULES AND REGULATIONS

Administrative Procedure Act [Förvaltningslag (1986:223)], An English translation available at the official site of the Swedish Prison and Probations Service (Kriminalvården) see https://www.kriminalvarden.se/om-kriminalvarden/styrning-och-regelverk/lagar-forordningar-och-foreskrifter/ (2018-12-06);

Now replaced by Förvaltningslag 2017:900, which came into force after the reported academic year on July 1st 2018, available in Swedish at for instance lagen.nu, see https://lagen.nu/2017:900 (2018-12-06).


LOCAL RULES AND REGULATIONS

Admission rules for third-cycle education (Antagningsordning för utbildning på forskarnivå vid Lunds universitet STYR 2017/409). An English translation is available online at the official site of Lund University, see https://www.staff.lu.se/research-and-education/research-support/doctoral-education (2018-12-11).


Regulations for doctoral education (Föreskrifter för utbildning på forskarnivå STYR 2018/562), available online at the Lund University official site, see

Regulations on the handling of matters relating to suspected misconduct in research, artistic research or development work at Lund University (Föreskrifter om handläggning av ärenden om misstänkt oredlighet i forskning, konstnärligt utvecklingsarbete eller annat utvecklingsarbete vid Lunds universitet STYR 2018/760), available at the Lund University official site, see

OFFICIAL REPORTS


Lund University, Annual Report 2017, available online at the official site of Lund University


COURT CASES

Swedish Migration Court of Appeals, Judgment of 1st of September 2016, case no. UM 8434-15 (MIG 2016:18), A summary in Swedish and a link to the judgement is available in the Lifos database, see https://lifos.migrationsverket.se/dokument?documentSummaryId=38092 (2018-12-04).