

## **General**

The Ombudsperson Students is meant as a provision for students and groups of students for problems which have come about within the degree programmes and which can result in questions, dilemmas or conflicts, in order to provide a fitting option for independent and impartial advice, mediation, referral within the help structure, an investigation or the initiating of an investigation. It is about situations in which a student believes that – from their point of view – there is unjust or unfair treatment by persons or institutions at Utrecht University. Every student at Utrecht University can file a complaint with the Ombudsperson Students on the way in which an institution, a governing institution or a staff member behaved on a certain occasion.

The Ombudsperson Students is not an additional institution on top of the existing complaint, objection and appeal possibilities, but can take on an individual case if a student did not come to a solution at faculty level or with the complaints coordinator for the service departments. This is an escalating role. As long as a complaint has not been dealt with in line with the regular (legal) procedures on faculty or university levels, it cannot be presented to the ombudsperson. This option to discuss individual cases does not include the option to present complaints about the curriculum, supervision or the implementation of education. This would result in duplication with the existing structures.

The goal of the ombudsposition for students at UU is to notice bigger trends in the field of organisational and social safety, and to advise on them.

At UU, the ombudspersons for staff members and students are organised separately. There is a separate protocol for the Ombudsperson Staff. This protocol is about the ombudsperson for students, and aims to establish the tasks and authorities of the Ombudsperson Students.

The Ombudsperson Students is - an independent - part of the social and societal infrastructures of Utrecht University as an educational institution. The ombudsperson has the task to support individual students or groups in analysing and solving complaints and grievances regarding student matters during those moments in which consultation on these matters within the current organisation stagnates or jams and/or to adequately refer them to the proper institutions within or outside Utrecht University.

The Ombudsperson Students is an independent and impartial party who can mediate between parties and who can expose ineffective patterns in the culture of the educational organisation or parts thereof regarding organisational or social safety. In regards to the mediating role of the ombudsposition, this means that the ombudsperson can act as an independent conversation leader with the goal to clarify problems, or to mediate and to get the parties to talk to each other again.

The Ombudsperson Students maintains contact with the complaints coordinators at faculty level and the complaints coordinator for the university service departments to showcase trends and signals. This especially involves signals and trends regarding a healthy and safe learning climate. At the same time, the ombudsposition can bring about exchange/peer-review on how to deal with complaints.

The Ombudsperson Students is not a referee or primary advocate to one of the parties. The Ombudsperson Students can be contacted for questions, dilemmas or conflicts regarding degree programmes, without requiring formalities. The ombudsperson always aims to find out whether or not there are possibilities to solve issues. If there is an investigation, the ombudsperson writes a report on it, which may or may not include recommendations. The Ombudsperson Students cannot make legally binding rulings.

The Ombudsperson Students does not take on the role and function of existing actors and commissions in the help structure, but the ombudsperson can, if there are reports on certain situations, take the initiative to start an investigation themselves.

The function of the Ombudsperson Students falls under the responsibility of the President of the Executive Board, to ensure independence of action and judgement. Hierarchically, the Ombudsperson Students is a part of the office of the University Secretary. If a case requires it, there is a functional line of communication with the Rector Magnificus.

## **1. Definitions**

a) Governing institution: the Executive Board, a Director of a Service Department.

- b) Institution: a part of the organisation of Utrecht University tasked with a specific function in line with regulations or other decisions, such as an objections committee.
- c) Staff member: a person who works at or does work for Utrecht University under any title.
- d) Students: all persons who study at Utrecht University and as such use its facilities.
- e) Complaint: a complaint about one or more Utrecht University staff members' behaviour. In this regard, behaviour can refer to both action and inaction.
- f) Involved parties: the person filing the complaint and the person the complaint is about.
- g) Ombudsperson Students: the person Utrecht University appointed to this position as an independent person who deals with complaints by students about actions or inactions of Utrecht University staff members.

## **2. Authorities**

- a) The Ombudsperson Students deals with complaints, reports or grievances students have on treatments they view as unjust or unfair at the hands of persons or institutions at the university.
- b) The complaint can be about a measure, decision or behaviour towards the individual complaining party as well as a measure, decision or behaviour on behalf of the involved party which the authorised institution explicitly or implicitly refuses to take.
- c) The Ombudsperson Students accesses the backgrounds and the factual cause of the case. For this purpose, the Ombudsperson Students maintains contact with the existing organisation as much as necessary and as much as desired. Institutions and staff members are required to provide the requested information and access to the documents.
- d) Depending on the conclusions, the Ombudsperson Students can try to bring a solution within the authority and responsibility structures closer by means of referral, mediation or advising.
- e) The Ombudsperson Students can conduct investigations, at their own initiative or otherwise, and make recommendations based on it.
- f) Complaints or requests for mediation can be brought to the attention of the Ombudsperson Students by the Executive Board, the local management of faculties or service departments, other institutions and individual students. Before accepting a request for mediation, the Ombudsperson Students will verify whether or not the request is within the frameworks of their position and this protocol.
- g) Complaints by individual students regarding the content of university policy or the local policy of a service department or faculty regarding students which are not as intended in Section 2b will not be accepted.

## **3. Appointment**

The Ombudsperson Students is appointed by the Executive Board for a term of two years. The appointment can be extended for a term of two more years only once.

## **4. Confidentiality and legal protection**

- a) The Ombudsperson Students is held to confidentiality on what becomes known to him or her while carrying out his or her task, to the degree that this information has to do with the nature of the case. This duty also applies to all persons working under him or her and to the persons who are or were involved in a specific case, including the complaining party or parties. The duty of confidentiality of the Ombudsperson Students can be suspended if the safety of staff members, students and the Ombudsperson Students is at risk.
- b) The Ombudsperson Students has legal protection. The Ombudsperson Students cannot and may not experience negative legal consequences as a result of his or her advice and mediation.
- c) Involved parties who contacted or filed complaints with the Ombudsperson Students in good faith, in line with the Ombudsperson Students Regulations, will not be disadvantaged in their positions in any way to the degree that this disadvantage can only be the result of contacting or filing a complaint with the Ombudsperson Students.

## **5. Annual Interview/A&D**

The Executive Board, the University Secretary and the Ombudsperson Students have an annual meeting in which the ombudsperson's work is discussed and evaluated. The Ombudsperson Students can gather any feedback from the university participation body before this meeting.

The Ombudsperson Students can be relieved from the position before the end of the term by the Executive Board at the ombudsperson's own request or if the ombudsperson's own actions or inactions have resulted in serious damage to the trust he or she had.

## **6. Work Method**

- a) In the first phase of contact with the objecting party or parties, the Ombudsperson

- Students forms a judgement on the problem as experienced by the complaining person or persons, as well as the background and factual cause of the matter.
- b) The Ombudsperson Students assesses whether or not the complaint or grievance has already been filed by the objecting party under the regular protocol.
  - c) If it turns out that the appropriate procedures have been followed but are stagnated or jammed, the ombudsperson accesses insight into the broader context of the problem by investigating and analysing the documents and other involved parties' opinions.
  - d) Considering all relevant aspects, the Ombudsperson Students determines the course of action for the rest of the investigation. The decisive factor in this consideration is a balanced approach to the complaining party's personal well-being, and the interests of the organisation and/or the degree programme.
  - e) The Ombudsperson Students observes the progress of the issue under review, also if the Ombudsperson Students has referred the complaining party, and reports to the questioning party and involved institutions where required from the perspective of prevention or in the service of finding a solution where this is useful and necessary.
  - f) If the Ombudsperson Students' intervention does not lead to a satisfactory result, the Ombudsperson Students takes on their own position, and presents it to the mandatory in question with the involved party's knowledge and, if required, consent.

## **7. Handling Times**

- a) The term within which persons and institutions are to answer the ombudsperson's questions is no more than 30 calendar days.
- b) If the application of matters requires it, the Ombudsperson Students contacts the Executive Board.

## **8. Methods**

When determining the way in which the Ombudsperson Students will address the complaint, the Ombudsperson Students considers the following matters:

- The nature of the problem;
- The consideration of the interests held by the complainer, other involved parties and the organisation;
- The division of responsibilities and authorities within UU, including pre-existing procedures for complaints and objections.

The Ombudsperson Students chooses from the following options:

### *a) Not dealing with the complaint*

The Ombudsperson Students will not deal with complaints filed by persons who do not meet the definition of students described in Section 1.

The Ombudsperson Students will not deal with complaints which are filed anonymously as well as complaints which have already been excluded from consideration as described before. The Ombudsperson Students does not intervene in ongoing appeal or objection procedures.

If the complaining party files his or her complaint with the District Court during the mediation, the Ombudsperson Students will end his or her mediation.

The complaint refers to behaviour which took place longer than one year ago. If the student is no longer a student at Utrecht University but the complaint refers to behaviour which took place less than one year ago, the complaint will be dealt with.

The Ombudsperson Students will not deal with complaints on matters regarding the general policy of Utrecht University or the executive institution.

The Ombudsperson Students will not deal with complaints the Ombudsperson Students has spoken on before.

### *b) Referring*

If requested by the complaining party, the Ombudsperson Students will refer the complaint to the most appropriate institution. This will also occur if the complaining party has not yet consulted the proper institutions and these institutions have to deal with the complaint first.

### *c) Mediation between two or more parties*

The Ombudsperson Students can try to mediate between the complaining party and the party the complaint is about in order to make it possible (again) to deal with the complaint within the normal hierarchical structure. If the opportunity occurs, the Ombudsperson Students can make

suggestions to the parties and/or propose compromises to solve the complaint.

*d) Process consultation and help for mediators*

If the parties in conflict cannot be united or have committed to such incompatible positions that a solution is not feasible, the Ombudsperson Students can try to improve the conditions by means of specific intervention to the separate parties. The ombudsperson can also provide support to the appropriate institutions if they are trying to solve a problem.

*e) Calling on third parties*

If the Ombudsperson Students' help is requested by parties other than the complaining parties or the parties in conflict themselves, the investigation or mediation attempt will always be preceded by a phase in which the Ombudsperson reviews whether or not the conditions to work within the boundaries of the position have been met sufficiently.

In this case, the goal is to transfer the responsibility to deal with this complaint to the proper institutions as soon as possible.

*f) Advising*

Based on generally common complaints and marginal assessments of measures or within the framework of general policy, the Ombudsperson Students can present their opinion or advice to persons or institutions within the university. This will be done in consultation with the involved local management of a faculty or service department. If the complaint is about the local management, this will be done in consultation with the Executive Board.

## **9. Investigations**

- a) The Ombudsperson Students can start an investigation based on signals and trends for the purpose of exposing ineffective patterns in the culture of the organisation or parts thereof regarding organisational or social safety. This is not an individual case in the field of social safety, other than matters relevant to the mediation in question.
- b) This is always done in consultation with the Executive Board.
- c) The Ombudsperson Students presents an analysis and advice with recommendations following the investigation.
- d) The Executive Board will provide substantiated notification to the Ombudsperson Students within one month after receiving the report on whether or not the recommendations will be or have been carried out, and how if this is the case. The recommendations do not have to be implemented if they go against general policy.
- e) If the Executive Board has serious reasons to consider not carrying out the conclusions or recommendations, it notifies the Ombudsperson Students in writing and with stated reasons.
- f) There is no option to object to or appeal the findings (conclusions and recommendations) of the Ombudsperson Students.
- g) The Ombudsperson Students provides a copy of the report to the Director of the Student & Academic Affairs Office.

## **10. Resources**

The Ombudsperson Students is provided with the resources required to properly carry out the duties of the position, such as an available room which guarantees confidentiality and anonymity, and required IT facilities.

## **11. Reporting**

- a) The Ombudsperson Students will report to the President of the Executive Board by means of interviews at least three times per year.
- b) At the start of the calendar year, the Ombudsperson Students will publish an annual report. The Ombudsperson Students will report annually to the management institutions of the departments the Ombudsperson Students had interactions with regarding students' complaints or grievances within these departments.

## **12. Complaints about the ombudsperson**

Students or institutions who have complaints about the actions or inactions of the Ombudsperson Students are to present the complaints in writing to the Ombudsperson Students first. If discussing these objections does not lead to a result which satisfies the complainer, the complainer can present them to the Executive Board in writing.

## **13. Retention Period**

The data kept by the Ombudsperson Students will be removed from the archive of the Ombudsperson Students after a period of three years.

## **14. Reference Title, Implementation**

These regulations can be referenced as 'Ombudsperson Students Regulations Utrecht University' and

came into effect on 10 October 2023.

This has been determined in the Executive Board Meeting held on 10 October 2023.