



ANNUAL REPORT OMBUDS OFFICER

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**UNIVERSITY
OF TWENTE.**

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1. THE POST OF OMBUDS OFFICER AT THE UNIVERSITY OF TWENTE

Staff and students of the University of Twente (UT) can appeal to the Ombuds Officer if, within the context of their work or studies, they experience problems caused by the conduct of someone acting on behalf of UT. Every year, the Ombuds Officer receives questions on a wide range of topics or reports on issues such as unwanted behaviour, treatment by managers, colleagues or lecturers and on issues such as supervision, appointments, performance/assessments, workload, termination of employment, vocational rehabilitation and switching jobs. The Ombuds Officer offers a listening ear and provides the reporting person with advice and supervision. It might occasionally be necessary to conduct an investigation to explore the problem and, if the reporting person desires this, the Ombuds Officer may act as mediator in arriving at a resolution of the problem in question.

The post of Ombuds Officer complements the services provided by confidential advisors, student counsellors and the complaints committee. In mutual consultation, the position of the Ombuds Officer within the university support structure has been more closely specified. Unlike the complaints committee, the Ombuds Officer does not make judgements in individual cases. However, the Ombuds Officer is expected to expose problems within the organisation to enable the Executive Board and faculty and service department management boards to act in response. Relative to the confidential advisors, the tasks are clearly delineated as well. Confidential advisors offer support to the person reporting an incident or complaint, particularly in relation to unwanted behaviour, while the Ombuds Officer will focus on solving a reported problem. This calls for a neutral and impartial attitude towards all parties involved. To put it differently: the confidential advisor attends to the person reporting an incident or complaint and is on their side, while the impartial Ombuds Officer attends to the problem and the resolution of the problem.

The support structure was further expanded by the introduction of the new university Whistleblower Code in April 2022. This code enables people to report suspected wrongdoings to a dedicated external confidential advisor. This confidential advisor may request that the Whistleblower Officer initiate an external and independent investigation into the alleged wrongdoing. Reporting persons may, if they so wish, also approach the Whistleblower Officer directly. In order not to increase the number of reporting desks, the decision was taken to additionally appoint the Ombuds Officer as the Whistleblower Officer with effect from 15 March 2023. Edith Weijnen has been appointed external confidential advisor for wrongdoings. She is also the Ombuds Officer for Saxion.

This public annual report for the 2022-2023 academic year, which is the fourth one since the introduction of the post of Ombuds Officer, provides insight into the number and type of reports that were made in this period and into the handling of these reports. This insight can be useful in terms of offering a safe working and studying climate at UT.

2. DEALING WITH REPORTS

The Ombuds Officer's main duty is dealing with reports from students and staff. This section describes the reports received during the reporting period and how they were dealt with.

Reports by students

As in the preceding three years, only a limited number of reports were filed by students. Last year there were four reports, and this year there were six. Although the UT website points out that the Ombuds Officer can be contacted directly, most students take a different route, i.e. that of the Complaints Office, the front desk of Student Services at De Vrijhof. They are subsequently referred to the most appropriate body (such as the student adviser, student counsellor/confidential advisor) or procedure (formal objection, appeal). Section 7.59a of the Higher Education and Scientific Research Act expressly stipulates that all universities must set up an accessible and unambiguous facility of that kind for students.

The nature of the reports varied widely, as in preceding years. The route to the Ombuds Officer seems to be taken mainly by students who have become mired in other procedures at UT or if there does not seem to be any other way of dealing with the issue. Of the reports, three were related to treatment within the framework of an assessment by lecturers or a faculty examination board. The other cases concerned inappropriate behaviour, campus facilities offered by UT and treatment during an activity beyond the regular curriculum. One notification came through the faculty board and another through the student adviser.

The confidential advisors for students and the Ombuds Officer hold regular peer consultations, particularly about issues of unwanted behaviour between students or between staff and students. Similar consultations are held with the integral safety manager on the subject of unsafe situations on campus or within the study or student associations. Over the past year there have also been regular meetings with student advisers about matters raised with them.

Reports by staff

There is a slight increase in the number of reports by staff, but the number is reasonably stable. Whereas in the past three years there were 34, 36 and 37 reports respectively, this year there were 38. In addition to these new reports, some 15 dossiers from previous years are still current. A few of these have not only proved to be long lasting, but very time consuming as well, and are still awaiting a satisfactory resolution.

Reports through other UT bodies

A substantial portion of reports are passed on by other UT bodies, such as the university confidential advisors, HR staff, and the faculty and department boards. There are 12 reports in which it has been established that the problem, or part of the problem, was first raised with a confidential advisor and subsequently forwarded to the Ombuds Officer with the explicit purpose of finding a solution.

HR and faculty boards are also increasingly asking advice from the Ombuds Officer to find solutions to problems that are reported to them. This appears to indicate that the post of Ombuds Officer has gained in recognition, both within the university support structure and amongst administrators and managers. This can certainly be regarded as a positive development.

The reporting person

During the first two years the women to men ratio was almost equal when it came to filing reports. Last year the number of women filing reports was slightly higher (22 out of 37), and this is more pronounced this year (26 out of 38). The number of reports by academic staff decreased (from 18 to 13), the number of reports by Administrative and Support Staff remained almost unchanged (from 12 to 13) and the number of reports by PhD candidates increased (from six to 11). One report was filed anonymously and arrived through the external confidential advisor for wrongdoings. Of the reporting persons, 15 had permanent appointments at University of Twente. Of the 38 reporting persons, 20 were Dutch nationals (this figure was 26 last year) and of the non-Dutch reporting persons nine had a non-western nationality (last year this figure was eight).

The workplace of the reporting person/defendant

As expected, the 38 reports came from a diversity of faculties and service departments. This does not necessarily mean that these faculties or service departments were part of the reported problem, but that the reporting person and/or defendant worked there.

	2019-2020	2020-2021	2021-2022	2022-2023
EEMCS	5	5	6	9
ET	7	6	0	1
S&T	4	2	7	9
BMS	9	9	7	13
ITC	0	4	4	4
LISA	3	0	2	0
CFM	4	5	5	0
CES	3	5	3	0
M&C	0	3	1	0
UCT	0	0	2	0
Other	4	0	0	2
	39 (including reports by students)	39 (including reports by students)	37 (excluding reports by students)	38 (excluding reports by students)

Compared with previous years it is interesting to note that there were few reports this year regarding the conduct of support departments within UT. The number of reports from ET remains noticeably low. It is difficult to give clear reasons for this.

Subjects

It goes without saying that the subject of the reports varied from case to case. Some of the reports are related to one another but, contrary to the preceding years, there was no clearly correlated series of reports on a single issue relating to the functioning of a specific working unit.

However, a number of categories could be discerned amongst the topics that were raised. A number of categories are mentioned below, followed by the number of dossiers in which this subject was prominent (the total does not add up to 38 because multiple issues are relevant in some dossiers).

	'19-'20	'20-'21	'21-'22	'22-'23
Disturbed working relationship	12	16	12	11
Equal treatment/exclusion	9	5	6	6
Terms and conditions of employment/end of appointment	6	11	10	12
PhD supervision	5	5	4	4
Cultural differences	4	3	4	2
Coronavirus-related reports	4	2	1	0
Intimidation or sexual harassment	3	5	6	5
Scientific integrity	3	1	2	1
Whistleblower report	2	2	1	1
Public access to information	-	1	2	-
Administrative obstacles	-	-	2	3
Workload				4

Once again, many of the reports concern employment law in some way. There were noticeably many promotion-related issues. The matters concerning high workload are considered separately in the overview this year.

Damaged working relationships are one of the main reasons for approaching the Ombuds Officer. In general, these issues lend themselves to solution by mediation. This holds true for problems relating to supervision of PhD candidates too. However, after receiving advice, people reporting these kinds of issues often choose to try and find a solution themselves.

The number of reports relating to sexual harassment has not increased further. In these kinds of situations the Ombuds Officer is often asked to ensure that the person displaying the unwanted behaviour is called to account by their manager regarding this behaviour, in order for appropriate measures to be taken. This calling to account took place in all of these cases, and in all instances, once the reporting persons had received feedback regarding the result of this meeting, they indicated that as far as they were concerned the matter had been addressed.

Relationship to complaints procedure/scientific integrity

As far as could be ascertained, there were no overlaps with procedures being considered by the complaints committee or the Committee for Scientific Integrity.

Reporting a wrongdoing

One report was received from the external confidential advisor for wrongdoings, but this report did not meet the criteria the Whistleblower Code sets for reporting a wrongdoing. The Ombuds Officer subsequently handled this report as an 'ordinary' report.

One other report to the Ombuds Officer did meet the criteria for the report of a wrongdoing, but it was made for information purposes only pending other reports. The further reports did not materialise, but the issue that was raised is reason enough for this issue to be considered in the following section.

Nature of the services provided: advisory meetings

For almost all the reports, listening-ear support was provided during an appointment in which the alternatives for arriving at a solution to the problem were discussed (procedural advice). Advisory meetings took place on campus or were held remotely by means of Teams. In 14 of the 38 cases multiple discussions or advisory meetings were conducted. This is comparable with previous years.

Nature of the services provided: mediation and investigation

In 16 of the 38 cases (last year this was 14) actual mediation by the Ombuds Officer was necessary, with HR often being involved to arrive at a solution. In other cases, the reporting persons set to work themselves to solve the formulated problem based on the advice given and the discussions, sometimes with the support of third parties.

In two cases, both relating to inappropriate behaviour, further investigation was conducted following the report before further steps could be taken.

Results

In 23 of the 38 cases (comparable with last year), a result was achieved that was satisfactory to the reporting person. This does not mean that the problem was solved or solved entirely, but it did mean that the reporting person could 'move on'. In four cases, a result (whether positive or otherwise) was not reached, and in two situations the problem was only partly solved. Four further dossiers have yet to be finalised and in the remaining cases the result is unknown, for example due to the departure of a person involved or lack of information about the result.

Conclusion

The post of Ombuds Officer for both staff and students has existed at UT since 2019. The annual reports show that it is particularly staff who make use of this facility, as a means of raising and solving problems they experience at work. Year on year, the number of reports made is comparable, namely some 35-40. Reports by students number approximately five per year.

The nature of the reports filed also does not vary very much. The primary categories are damaged working relationships and employment disputes, and often a combination of the two is involved. When this is the case, it is particularly important to establish and distinguish between cause and effect. One in six dossiers involved exclusion/unequal treatment. The same applies to intimidation (including sexual harassment).

Proper alignment of the tasks and responsibilities of confidential advisors and Ombuds Officer means that it has become easier to ensure reports end up in the right place. In this way we avoid having reporting persons fall between the cracks or needing to repeat the matter they are reporting again and again. Although the Whistleblower Code has created yet another point of entry for reports, the risk of fragmentation and cluttering has been addressed through the manner in which these new positions have been structured.

The post of Ombuds Officer has become more embedded in the university support structure and has become more widely known, including at administrative level. Contact with HR in the handling of reports has been considerably improved. Without question, these are positive developments. It does remain important, however, that we keep drawing the attention of staff as well as students to the post of confidential advisor and that of the Ombuds Officer.

3. THE ENTREPRENEURIAL UNIVERSITY

Follow-up to previous annual reports

The 2020-2021 annual report addressed the role and position of HR, in particular in disputes relating to legal status. The report established that in those situations staff do not consider HR to be an ally or independent third-party, and for that reason they do not approach HR.

Both the Executive Board and HR have clearly understood the message and taken energetic action by organising various meetings to scrutinise the role and position of HR. In various contacts with HR during the past academic year, I have experienced an actual change of course within HR, with them aiming to adopt a more independent position, between employer and employee. This is a development I support whole-heartedly.

This course change also affects how conflicts are dealt with, a theme that was covered in the 2021-2022 annual report. That report pointed out how 'panic-driven' UT itself (managers, boards, HR) responded at times when confidential advisors, complaints committee, Committee for Scientific Integrity or Ombuds Officer were engaged, which resulted in a certain 'legal arming' of the university against anyone filing a report.

In this regard, too, I detect a gradual change. Recognising that reporting/complaining belongs in any major international organisation and can actually lead to improvement of the organisation ('a complaint is a bit a free advice'), is an indication of organisational maturity and certainly not a sign of weakness. In many situations, having a good conversation simply proves more effective than emphasising the differences, even when there is a strain on the relationship already.

UT: training and entrepreneurship

The previous section of this report briefly referred to a filed report that might be regarded as a whistleblower report. During the last few years, several reports/signs of this kind have been received, namely from disappointed PhD candidates who had expected more from their time at UT. These reports did not necessarily call for immediate action to be taken to improve the reporting person's own position (they were therefore not registered as individual reports), but to share these persons' discontent and to give a clear signal. To give an indication of the extent of this issue: in the past four years, a signal of this kind has been given in ten cases.

The common denominator in these reports is that the persons involved had expected to receive training in scientific and research practice, but instead of this their experience had been that they were regarded and deployed as an employee of a company. This experience resulted from the fact that the funding of a PhD had been obtained from external resources (commercial funding) and was reinforced when the PhD candidate became part of the thesis supervisor's

'own company' located on campus.

The reports filed enumerated various negative aspects of a situation like this:

- The research question of the research project is adapted to meet a request by the provider of the funds;
- The project is discontinued because the provider of the funds no longer has any interest in the results of the programme of which the project is a part;
- Due to their commercial activities, the thesis supervisor and/or general supervisor have too little time available for the PhD candidate;
- The entry level is too high because the PhD candidate must contribute to the functioning of the company from the start;
- The PhD candidate is not assessed on scientific quality or progress, but on their share in the functioning of the company;
- The use of facilities by external users takes up so much time and space that it is to the detriment of PhD candidates.

In a few of these dossiers, consultation amongst those involved did yield a satisfactory solution that improved the position of the PhD candidate, but this does not mean that the underlying issue has been resolved. Universities in general and universities of technology in particular have a legitimate, and possibly vital, interest in attracting money from the market and also entering the market themselves, yet they must ensure that their primary tasks, such as scientific training of PhD candidates and proper supervision, do not suffer as a result of this. The reports filed in recent years show that this is not always the case.

The UT website is replete with positive messages regarding UT as the most entrepreneurial university in the Netherlands, and this is deserving of the attention it gets. However, one must not lose sight of the fact that there appears to be a flipside to this positive quality. Entrepreneurial spirit and training certainly can go hand in hand, but it is important to find the right balance here. This is not always the case, and this issue merits attention from the responsible administrators and managers.

4. THE POST OF OMBUDS OFFICER IN THE UNIVERSITY SUPPORT STRUCTURE

Positioning within UT

In earlier sections, this report touched on the improved collaboration within the university support structure. The initiative of the secretary of the Executive Board to bring together all the stakeholders of the support structure (including HR) every six months to discuss overarching topics and share information (working practices, experiences) has been very useful in this regard. The four-weekly meeting of General Affairs staff, responsible for matters such as safety and security (social, physical and knowledge), behavioural audit and diversity, equity & inclusion (DE&I), also contributes to improved collaboration.

Contact with other Ombuds Officers

Meetings with fellow Ombuds Officers take place within the VOHO (Dutch Association for Ombudsmen in Higher Education). The VOHO meets about four times a year to discuss matters pertaining to every Ombuds Officer. In the past year, the UT Ombuds Officer attended workshops about the pros and cons of doing independent research into wrongdoings or trends and about the ramifications of the Open Government Act and the General Data Protection Regulation for how they fulfil their duties. In addition, university Ombuds Officers meet regularly for one-to-one peer review.

Universities of The Netherlands (UNL) also facilitates consultation between university Ombuds Officers. UT is participating in an evaluation of the post of Ombuds Officer to be conducted by UNL in 2023-2024. The evaluation relates to the fact that the post of Ombuds Officer may differ in form and content across universities and universities of applied sciences. Differences include the Ombuds Officer's position in the organisation (as an employee or otherwise, under the banner of HR or Executive Board or otherwise). Differences also exist with respect to the target audience: not all universities opt for the post of Ombuds Officer for both staff and students. The job description itself also differs, for example regarding the extent of the investigative role. The question as to whether or not Ombuds Officers should assess complaints or stick to advising and mediating is also approached differently by different institutions.

In closing, we would like to note that in the past year the Ombuds Officer has again been involved in UT and non-UT research on the subject of well-being and social safety.