



ANNUAL REPORT OMBUDS OFFICER

Period 1 September 2021 - 31 August 2022

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**UNIVERSITY
OF TWENTE.**

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1. THE POSITION OF OMBUDSPERSON AT UNIVERSITY OF TWENTE

Pursuant to CAO agreements, every Dutch university must have an ombuds official in place by 1 July 2021. As a participant in the ombudsperson pilot project, University of Twente has fulfilled the criteria of this assignment since October 2019. University of Twente opted to appoint one Ombuds Officer for both staff and students.

The post of ombudsperson complements the existing services provided by confidential advisors, student counsellors, student psychologists, student advisers and the complaints committee. The Ombuds Officer is an impartial and independent negotiating partner who is approachable for those who work and study at University of Twente. People can turn to the Ombuds Officer in confidence with questions on a wide range of topics or to report issues such as inappropriate behaviour, complaints handling, appointments, performance/assessments, workload, termination of employment, vocational rehabilitation and switching jobs. The Ombuds Officer's primary role is to lend a sympathetic ear, and to provide advice, guidance and mediation services. If necessary, the Ombuds Officer can refer people to the appropriate authority, or the Officer may decide to investigate the matter personally.

In consultation with the confidential advisors and the complaints committee, more precise arrangements were made for the duties of the Ombuds Officer. Confidential advisors primarily offer support to the person reporting an incident or complaint, particularly in relation to inappropriate behaviour, while the Ombuds Officer will focus on solving a reported problem. This calls for a neutral and impartial attitude towards all parties involved. Unlike the complaints committee, the Ombuds Officer does not make judgements in individual cases. However, they are expected to expose problems within the organisation to enable the Executive Board to act in response. This public Annual Report aims to support that role for the period of September 2021 - August 2022.

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 two years, only a few reports were filed by students (4 reports). Although the University's website points out that the Ombuds Officer can be contacted directly, most students take a different route, i.e. that of the Complaints Desk, the front desk of Student Services in de Vrijhof, where they are 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 clear facility' of that kind for students.

A significant change and improvement compared with preceding years is that the confidential advisors for students and the Ombuds Officer hold regular peer consultations, particularly about issues of inappropriate behaviour between students or between staff and students. Similar consultations are held with the integral safety manager. These cases should be considered an exchange of advice instead of a formal report to the Ombuds Officer. Over the past year there have also been regular meetings with student advisers about matters raised there.

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 University of Twente.

Reports by staff

Covid-19 impacted the 2021-2022 academic year but did not have much effect on the number or nature of the reports. The number of reports by staff in the two pilot years was 34 and 36 respectively, while this year 37 reports were filed by staff. In addition to these new reports, four dossiers from the 1st pilot year ran through into the current academic year and a further nine from the 2nd pilot year, bringing the total to 50 as the number of reports made by present and former staff that require attention.

Reports through other UT-forums

A substantial portion of reports are passed on by the university confidential advisors, HR staff, Twente Graduate school and by the faculty and department boards. There are 15 reports in which it has been established that the problem, or part of the problem, was first raised with a different body and subsequently forwarded to the Ombuds Officer with the explicit purpose of finding a solution. These forums are also increasingly asking advice from the Ombuds Officer to find a solution. That appears to indicate that the Ombudsperson position has gained in recognition, both within the university support structure and among administrators and managers.

Conversely, the Ombuds Officer pointed several reporting persons to the option of seeking or continuing support from a confidential advisor, the TGS or HR. In some of these situations, agreements had already been made up front to be able to offer support while respecting each other's tasks and responsibilities.

The reporting person

Over the past two years the women to men ratio of the reports has been almost equal. This year the number of women filing reports was slightly higher (22 out of 37). In terms of job type, the number of reports by academic staff increased slightly (18), the number of reports by Administrative and Support Staff remained more or less the same (12) and the number of reports by PhD students decreased slightly (6). One reporting person was not from any of those categories. Of the reporting persons, over 30% had a permanent appointment at University of Twente. 26 reporting persons were Dutch nationals and of the non-Dutch reporting persons 8 had a non-western nationality.

The workplace of the reporting person/defendant

As expected, the 37 reports came from across the faculties and service departments. This does not necessarily mean that these faculties or service departments were part of the reported problem, but it does mean that the reporting person and/or defendant worked there.

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

Compared with previous years it is interesting to note that there has not been a single report from the faculty of ET. It is hard to say with any certainty why that is.

The reports at UCT are related to a report made a year before but which at the time was attributed to ITC. These reports affected the measures taken by the Executive Board as regards the organisation of UCT.

The previous annual report listed a series of similar reports relating to one specific faculty. The number and particularly the nature of the reports from that faculty in the current reporting year suggest that the measures taken have had a positive effect on the working relationships.

Topics

It goes without saying that the topic of the reports varied from case to case. However, several categories could be discerned about the topics that were raised. A number of categories are mentioned below, followed by the number of dossiers in which this topic was prominent (the total does not add up to 37 because multiple issues are relevant in some dossiers).

	2019-2020	2020-2021	2021-2022
Troubled (individual) working relationship	12	16	12
Equal treatment / exclusion	9	5	6
Terms and conditions of employment / end of appointment	6	11	10
PhD supervision	5	5	4
Cultural differences	4	3	4
Coronavirus-related reports	4	2	1
Intimidation or sexual harassment	3	5	6
Scientific integrity	3	1	2
Whistleblower report	2	2	1
Public access to information	-	1	2
Administrative obstacles	-	-	2

The overview shows that damaged working relationships are the main reason for approaching the Ombuds Officer. Those issues generally lend themselves well for mediation, as do problems about supervision of PhD students. It should be noted that the number of reports in this area is relatively low, at least those made to the Ombuds Officer. PhD candidates appear primarily to turn to TGS (Twente Graduate school) and P-NUT (PhD Network of the University of Twente) with their problems. Covid-19 and the measures taken in response hardly played any role in the reports.

Where the 2019-2020 annual report highlighted the plight of PhD students who were adversely affected by the departure of their thesis supervisor or other adviser (and in consequence by the termination of the project's funding), there have not been any new reports of this kind in the past two reporting years.

Many of the reports concern employment law in some way. A quarter is primarily employment-law related, i.e. concerns terms and conditions of employment or the termination of an appointment.) Two reports that stand out concern a failure to respect granted parental leave.

The number of reports relating to sexual harassment is increasing gradually. In those situations the Ombuds Officer will generally be asked to investigate and ensure that the person behaving inappropriately is called to account.

Relationship to complaints procedure / scientific integrity

Two matters that had been reported to the Ombuds Officer and handled in previous years were submitted to the Complaints committee in 2021-2022. The Committee has issued a decision in one of those cases, while in the other proceedings are still ongoing.

There has also been concurrence of procedures at the Committee for Scientific Integrity (CWI). That was a matter that was being handled by the Ombuds Officer since the spring of 2020 and a second more recent report. The Ombuds Officer remained involved in other aspects of the reports (damaged relationships) and handling the outcomes of the CWI procedures.

Nature of the services: advisory meetings

For almost all the reports, listening ear support was provided during an appointment in which the alternatives to reaching a solution to the problem were discussed (procedural advice). Many of those advisory meetings held this year used Teams. More than one consultation or advisory meeting was held in 15 of the 37 cases, a similar number to last year.

Many of the meetings were primarily aimed at determining the problem for which a solution was being sought. In a large number of the reports, problems with official aspects (e.g. decisions) ran parallel with informal aspects (e.g. conduct). In some cases there was also a concurrence of circumstances with other legal or semi legal procedures, as indicated above.

Nature of the services provided: mediation and investigation

In 14 of the 37 cases (last year this was 11) mediation by the Ombuds Officer was necessary. Mediation mainly took place for breakdowns in the relationship between an employee and their manager, often with the involvement of HR, and in the relationship between PhD students and their thesis supervisor, usually in consultation with TGS. 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. Despite the Covid-19 measures, nearly all mediation consultations took place on Campus.

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

Results

In 23 of the 37 cases, a result was achieved that was satisfactory to the reporting person. This does not mean that the problem was solved or solved partly, but it did mean that the reporting person could 'move on'. In five cases, there was no (positive) result. Five further dossiers have not yet been 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 third ombuds year has not seen any major shift in the number of reports compared with previous years. Nor has the nature of the reports changed substantially, although the number of reports about inappropriate behaviour is increasing gradually. In those situations the Ombuds Officer will be expected to take a different approach than in the case of damaged working relationships, employment disputes or issues concerning supervision of PhD candidates, where often much can be achieved with procedural advice and/or mediation. In the case of inappropriate behaviour, however, lending a sympathetic ear is important, as is conducting an investigation into that behaviour so that the person behaving inappropriately can be called to account.

University of Twente wishes to provide a safe work and study environment for its staff and students. To achieve that it is essential that those compromising that safety are held to account for their behaviour. In that respect it is encouraging that University of Twente is continuing its efforts to provide training activities such as Active Bystander, Mindlab and has initiated a Social Safety website and a Bubbles and Boundaries Campaign. The slogan (Respect each other's space. Talk about it and act on it) reveals where progress can still be made.

The post of ombuds officer has become more embedded in the university support structure and has become more widely known, including at administrative level. However, further efforts will be required to ensure that more staff and students know how to find their way to the confidential advisors and Ombuds Officer. There is still much to be gained in that area and this will be discussed in more detail in the following section.

3. DEALING WITH SOCIALLY UNSAFE SITUATIONS

Follow-up of the previous annual report

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 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. Whether that will lead to a genuine difference in positioning remains to be seen.

New developments

In the summer of 2022, the Royal Netherlands Academy of Arts and Sciences published its report 'Social safety in the Dutch academic world, From paper to practice' (Elleemers report). That report looked at the specific elements of a university by linking three elements:

- The structure of the organisation
- The culture of the workplace
- The system for reporting and reappraisal.

The analyses in the report are invaluable to developing the post of ombudsperson and are used below to put the experiences gained over the past years in a broader context.

The structure of the organisation

The report has several striking observations about the university's structure. Most significant is the dependency of scientists – both young and more senior – on their manager. University of Twente may be characterised by relatively casual and informal dealings between staff of whatever level (informal, non-hierarchical), but where their further career development is concerned, staff are highly dependent on the performance assessments made by their manager (formal, highly hierarchical).

That performance is mainly rated on quantifiable results such as the number of publications and obtained funding, despite UNL programmes such as Recognition and Rewards which propagates a different method of value and reward. Less quantifiable output, such as the quality of education or social work and other skills, still appears to be of secondary importance to the career.

Many of the reports relate to the fact that employees feel they are being called to account only on that quantifiable aspect of their work, while, in their view, the less quantifiable aspects of their performance or their specific circumstances are hardly acknowledged. Managers undoubtedly do their best to be sensitive to the employee's position, but it is no surprise they find that very hard, given the difference in age, experience and/or job. The social skills that are required for that aspect deserve to be given more attention, not only when managers are recruited but also during their further development.

One factor that is not specifically addressed in the report as an issue of structure (but of culture) is the fact that a university is an international community. English is the working language at the university (and many observe that norm) and there is a great deal of emphasis on inclusion and diversity. Nonetheless the differences in background, in terms of language and culture, could contribute to the perceived feelings of being misunderstood by colleagues and managers. Many of the reports hint at a sense of being misunderstood although the reporting persons do not always say so explicitly. Here also, empathy is key to prevent avoidable disputes from occurring.

Culture regarding complaints and procedures

The above is connected to the fact that University of Twente does not have a culture of complaining, at least not through formal channels. The number of reports made to the confidential advisors, the Ombuds Officer, the Complaints Committee or the Scientific Integrity Committee is low, certainly when compared with some sister universities.

What is especially striking is the rather alarmed response from accused persons and managers, as well as those at administrative level, if the Ombuds Officer is called in or if formal proceedings are initiated, such as a complaints procedure or a procedure relating to academic integrity. Recognising that a large and complex organisation such as a university can and will always have issues relating to social safety and integrity could help to take a more level-headed approach to those problems. In other words, reporting and complaining comes with the territory.

As a consequence of that alarmed response, there is a tendency to take a distinctly legal approach whereby the accused person (sometimes the manager, sometimes the organisation in the capacity of an administrative forum or HR) is put on the defensive. Although that tendency is understandable, it is important, even in formal procedures, to keep the lines of communication open and see how both parties can continue the working relationship. Foremost should be the realisation that both parties will have to work together again after the decision. Internal complaints procedures are an excellent means of exchanging ideas about differences of opinion in an organised setting. Much can be learned from decisions taken by complaints committees, for future situations as well.

In other words, it would be wise to see reports and complaints not as an attack against which to arm and defend oneself, but as a means to challenge differences of opinion in an orderly setting if that proves impossible in other ways. As stated earlier, that goes for University of Twente as a whole, not just the person being held to account. Interventions by an Ombuds Officer or decisions by a complaints committee are, first and foremost, contributions to solving an identified problem and not a condemnation of the person being held to account for the problem occurring. That change in mind-set will 'normalise' the use of the support structure at University of Twente.

4. THE POSITION OF OMBUDSPERSON IN THE UNIVERSITY SUPPORT STRUCTURE

Position in University of Twente

It was decided at the start of the pilot project to place the Ombuds Officer under General Affairs, specifically the secretariat of the Executive Board. That situation was expressly confirmed when the role of ombudsperson was made permanent. The Ombuds Officer and the secretary of the Executive Board meet every six weeks to discuss matters concerning the post of ombudsperson (evaluation, reporting, accessibility) and policy developments that are important for the post of ombudsperson. This frequent and low-threshold contact makes it possible to pass on observations to the Executive Board effectively and in a timely manner. Individual cases are confidential and are not discussed with the secretary or the Executive Board, unless with approval of the parties involved.

In 2021 the secretary of the Executive Board took the initiative 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). An additional effect of those meetings is that the parties are able to find out in what ways each of them can be meaningful to those looking for help and support, making it easier to refer a reporting person to the most appropriate official or committee.

The Ombuds Officer also joins the four-weekly meeting of employees at the General Affairs department responsible for matters such as safety and security (social, physical and knowledge), behavioural audit and diversity, equity & Inclusion (DE&I). They also discuss issues that are relevant at UT in these areas at policy level. The employees concerned (including the Ombuds Officer) moved to the low-rise building of the Spiegel building near the lecture halls in spring 2021. Since the move, the Ombuds Officer can be found in room C107 and is easy to reach there, anonymously if preferred.

Following new European legislation an update is being prepared of the Whistleblower Code. Those regulations introduce new positions, such as an external confidential advisor for misconduct, an independent whistleblower official and a misconduct committee headed by an external chairperson. For reasons of efficiency and to prevent helpdesks mushrooming, other options are being explored such as creating dual positions and collaborating with other universities and universities of applied sciences. An obvious solution, from the perspective of accessibility and given the role and job description of both the Ombuds Officer and the Whistleblower Officer, is to combine these two jobs.

Contact with other ombudspersons

Meetings with fellow Ombuds Officers take place within the VOHO (Dutch Association for Ombudsmen in Higher Education). The Association meets about four times a year to discuss matters pertaining to every Ombuds Officer. In addition, university Ombuds Officers meet regularly for one-to-one peer supervision. The UT Ombuds Officer was approached in November 2021 by Erasmus University (one of the four participants of the pilot) to help evaluate their post of ombudsperson.

Late September 2021, Utrecht University organised a 5-day master class entitled “A broad perspective on the role of Ombuds Officer”, which the Ombuds Officer at University of Twente attended, along with a further 25 Ombuds Officers, HR staff and confidential advisors from educational institutions and other organisations. In addition to the interesting lectures by experts in that subject area, the participants worked on specific assignments to further professionalise the job.

It appears that the role of ombudsperson 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 otherwise). Differences also exist with respect to the target audience: not all universities opt for an ombudsperson for both employees and students. The job description itself also differs. Not every university has an Ombuds Officer alongside a complaints committee; in those situations the Ombuds Officer is not only responsible for advising and mediating between the parties but also for taking decisions in a dispute.

Finally, it is worth mentioning the involvement of the Ombuds Officer in investigations that took place both at UT and outside the university relating to social and institutional security. In that regard, contributions were made to various studies, including those by the Royal Netherlands Academy of Arts and Sciences (KNAW), Sofokles, PhD Network of the University of Twente (P-NUT) and shaping expert group SEG Inclusion.