



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

The publication of this annual report for the 2023-2024 academic year – the fifth since the post of Ombuds Officer was introduced at the University of Twente in 2019 – provides insight into the number and type of cases reported during this period and the handling of these cases. Such insight is useful for fostering a safe working and studying climate at UT.

Why do we have an Ombuds Officer?

Staff and students at the University of Twente (UT) can request assistance from 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. Each year, the Ombuds Officer receives a wide range of inquiries and reports of cases from individual members of the university community dealing with such issues as unwanted behaviour; mistreatment by managers, colleagues or lecturers; and concerns about supervision, appointments, performance/assessments, workload, termination of employment, vocational rehabilitation and job reassignment.

The Ombuds Officer listens impartially to these concerns and provides the individual with advice and guidance. The Ombuds Officer may occasionally need to conduct an inquiry to better understand the problem and, if the individual so wishes, the Ombuds Officer may act as mediator in reaching a resolution to the problem. The ultimate goal is to enable the individual to continue their work or studies, which is the heart of the matter. The purpose of having an Ombuds Officer, at least as envisioned by UT, could aptly be called a kind of ‘social roadside assistance’.

The post of Ombuds Officer in the university support structure

The Ombuds Officer complements such services as those provided by confidential advisors on unwanted behaviour, student counsellors and the Complaints Committee. The assignment of tasks to the role of the Ombuds Officer within the university support structure is further specified in consultation with other bodies. Unlike the Complaints Committee, the Ombuds Officer does not make decisions on individual cases. However, the Ombuds Officer is charged with alerting the Executive Board and boards of faculties and service departments of problems within the organisation so that they can take remedial action.

The Ombuds Officer’s tasks are also clearly defined, in contradistinction to those of confidential advisors. Whereas confidential advisors give support to individuals with concerns, particularly those dealing with unwanted behaviour, the Ombuds Officer focuses on solving a reported problem. This calls for a neutral and impartial attitude towards all the parties involved. To put it another way: confidential advisors are there to help the individual member and take their side, while the impartial Ombuds Officer is there to solve a problem by finding an acceptable resolution.

In April 2022, the support structure was further expanded by the introduction of the new university Whistleblower Code. This code enables individuals to report suspected wrongdoings to the dedicated external confidential advisor, Margreet van Dongen. This confidential advisor can ask the Whistleblower Officer to initiate an external, independent inquiry into the alleged wrongdoing. Individuals with concerns may also approach the Whistleblower Officer directly, if they so wish. In order to avoid increasing the number of helpdesks where individuals can go with their concerns, the decision was taken to assign the Ombuds Officer the additional role of Whistleblower Officer.

It is often difficult for individuals with concerns to figure out who to go to with their problem. It is therefore imperative that confidential advisors, the Complaints Committee, the Ombuds Officer and all other offices that together make up the university's support structure know what the others do and what they have to offer. To that end, consultation meetings for all those in the support structure (including HR) held every six months to discuss overarching topics and share information (working practice, experience) prove extremely useful.

Contact with other Ombuds Officers

Consultation meetings with fellow Ombuds Officers take place under the auspices of the Dutch Association for Ombudsmen in Higher Education (VOHO). VOHO meets about four times a year to discuss matters pertaining to all Ombuds Officers. The association also offers educational activities and protects the interests of Ombuds Officers – not only within different educational institutions, but also with regard to the Ministry, for example. In addition, university Ombuds Officers meet regularly for peer coaching.

Evaluation

Universities of the Netherlands (UNL) also facilitates consultation between university ombuds officers. At the end of 2024, UNL will carry out a wide-ranging evaluation of the post of ombuds officer at different Dutch universities. This evaluation will tell us more about the role, tasks and powers of Ombuds Officers, and perhaps also about the results of ombuds work in practice. Negotiation results for the new 2024-2025 Collective labour Agreement (CAO) enshrined the following provision: 'Added to Article E.6 of the CAO is that the introduction of the post of Ombuds Officer at universities will be evaluated in the fall of 2024, with particular attention to protecting the independent position of Ombuds Officers and possibilities for escalation. This evaluation should lead to concrete proposals for improvement.'

The evaluation arises from the fact that the post of Ombuds Officer and the specific tasks associated with it is not uncontroversial at all universities. There is currently little discussion about the post and the specific tasks at the University of Twente. Next year, the first term of the current UT Ombuds Officer's appointment will end. At that time, there will be an evaluation of whether UT wishes to proceed in the current manner. It may be useful to incorporate the outcome of the evaluation in answering this question.

2. DEALING WITH REPORTS

The Ombuds Officer's main duty is dealing with reports from individual students and staff members of the university community. This section reviews the reports received during the period covered by this annual report and how they were dealt with.

Reports by students

As in preceding years, only a limited number of students reported concerns. Last year there were 6 reports and this year 8. Although the university 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 at De Vrijhof. They are subsequently referred to the most appropriate body (such as the student advisor, student counsellor/confidential advisor) or best procedure (formal objection, appeal). Section 7:59(a) of the Higher Education and Research Act expressly stipulates that all universities must set up an accessible and single-purpose facility of this 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 who are not able to find another way of dealing with the issue. Just like last year, of the reports, three concerned mistreatments by lecturers or a faculty examination board within the context of an assessment. Three other cases dealt with inappropriate behaviour. Complaints were brought against staff members and bodies of different faculties, as well as one against HR and one against the Executive Board/General Affairs.

Of the 8 cases, 6 were reported via a student advisor or confidential advisor, likely as a result of regular collegial consultations about the current situation regarding complaints of inappropriate behaviour perpetrated either by other students or by staff members. Similar consultations are also held with the Integral Safety Manager, Erwin Medendorp, on the subject of unsafe situations on campus and within the study or student associations.

Reports by staff

The number of reports by staff can be referred to as stable. Whereas in past years there were 34, 36, 37 and 38 reports respectively, this year there were 35. In addition to these new reports, some reports from previous years are still under review, so that this year 50 reports required attention.

Reports through other UT bodies

A substantial portion of reports are referred by other UT bodies, such as university confidential advisors, HR staff or the boards of faculties and departments. For three reports 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 for the explicit purpose of finding a resolution. This is fewer than last year, but must be weighed against the fact that HR and faculty boards are increasingly requesting advice from the Ombuds Officer on how to find resolutions to problems brought to their attention. This appears to indicate that the post of Ombuds Officer has gained in recognition, not only within the university support structure but also with administrators and managers. Something that can certainly be regarded as a positive development.

The reporting person

In the first two years the male/female ratio was almost equal when it came to reporting cases, and this was also the situation this year. The number of women filing reports was somewhat higher in 2021-22 and 2022-23. The number of reports by academic staff increased from 13 to 21, while the number of reports by administrative and support staff decreased from 13 to 9. The number of reports by PhDs decreased from 11 to 4, although more than one PhD candidate was involved in one of those cases. One case came from outside UT. Of the reporting persons, 22 had permanent appointments at UT, as far as this could be deduced from the file. Of the 35 reporting persons, 22 were Dutch nationals, and of the non-Dutch individuals, 7 came from non-western nations.

The workplace of the reporting person/defendant

As could be expected, the 35 reports concerned a range of different faculties and service departments. This does not necessarily mean that these faculties or service departments were part of the problem reported, but it does mean that the complainant and/or respondent worked there.

	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
EEMCS	5	5	6	9	4
ET	7	6	0	1	5
S&T	4	2	7	9	2
BMS	9	9	7	13	16
ITC	0	4	4	4	1
LISA	3	0	2	0	0
CFM	4	5	5	0	2
CES	3	5	3	0	1
M&C	0	3	1	0	1
UCT	0	0	2	0	3
Other	4	0	0	2	0
	39 (including reports by students)	39 (including reports by students)	37 (excluding reports by students)	38 (excluding reports by students)	35 (excluding reports by students)

One thing that stands out in the figures is the large and increasing number of reports at BMS. Four of the reports were the direct result of a budget cutting measure at the faculty. Fortunately, the concerns raised were amenable to solutions. We could also discern a common denominator between other reports at BMS. This common denominator has been extensively discussed with the dean of the faculty.

Subjects

The subjects of the reports naturally varied from case to case. It was possible, however, to discern a certain amount of overlap between the subjects that were raised. Below is a list of categories followed by the number of cases in which this subject was prominent (the total does not add up to 35 because multiple issues were raised in some cases).

	2019-20	2020-21	2021-22	2022-23	2023-24
Disturbed working relationship	12	16	12	11	15
Equal treatment/exclusion	9	5	6	6	7
Terms and conditions of employment/end of appointment	6	11	10	12	10
PhD supervision	5	5	4	4	2
Cultural differences	4	3	4	2	5
Coronavirus-related reports	4	2	1	0	0
Intimidation or sexual harassment	3	5	6	5	3
(Scientific) integrity	3	1	2	1	8
Whistleblower report	2	2	1	1	2
Public access to information	-	1	2	-	-
Administrative obstacles	-	-	2	3	3
Workload				4	5
Budget cutting measures	-	-	-	-	5

In the last report it was noted that many concerns were raised about promotion. That appears to be the case again this year. The perception of being excluded or treated unfairly arises particularly when taking the next step in one's career. Reason enough to give more attention to this subject in the next section.

This year, I have addressed the issues arising from budget cutting measures separately in the overview. The number of such cases is not particularly high, but it is notable that the financial squeeze is making it more difficult to find solutions to the problems reported. Faculties and service departments are keeping a tight rein on expenses when searching for solutions to problems such as employees who are not or no longer in the right job.

Relationship to complaints procedure/scientific integrity

As far as could be ascertained, only one report was in a parallel procedure before the Complaints Committee. In another case, the complainant was advised to take the grievance to the Disputes Committee in order to force a breakthrough. The large number of integrity issues could predominantly be linked to treatment by managers and administrators; these issues could not be brought before the Scientific Integrity Committee.

Reporting a wrongdoing under the Whistleblower Code

No cases of wrongdoing were reported through the external confidential advisor. Two reports, however, could be characterised as raising certain types of wrongdoing or could be connected with such. One was treated as an 'ordinary' case by the Ombuds Officer, while the other led to an external inquiry set up by a faculty board.

Nature of the services provided: advisory meetings

For almost all the reports, the Ombuds Officer in the first instance provided a sympathetic ear in a conversation where alternatives for finding a solution to the problem were discussed (procedural advising). Advisory meetings took place on campus or were held remotely using Teams.

Nature of the services provided: mediation and investigation

15 of the 35 cases actually proceeded to mediation by the Ombuds Officer, often with the involvement of a supervisor, manager and/or HR in order to find a resolution. This is similar to past years. In other cases, the individuals set to work themselves to solve the formulated problem based on the recommendations and discussions, sometimes with the support of third parties.

Results

In 16 of the 35 cases, advising and/or mediation led to resolution or improvements such that the individual staff member and UT could continue harmoniously. In 8 cases it was not possible to find a solution, but the staff member could continue their work at UT by accepting the situation. In 4 cases a staff member left UT as the result of a reported conflict. A further 4 cases from 2023-24 have not yet been concluded, while in the remaining cases the result is unknown.

3. LESSONS TO BE LEARNED FROM THE REPORTS

Every annual report has thus far included a section containing lessons that can be learned from the reports in past years. In chronological order, the following subjects merited attention:

2019-2020: PhD candidates falling between the cracks due to loss of funding

2020-2021: The role and position of HR

2021-2022: Dealing with socially unsafe situations at UT

2022-2023: The entrepreneurial university, particularly regarding the flipside of success

This year I would like to reflect on a subject that prompted many to report grievances in past years, namely the promotion procedure at UT.

The importance of objectivity in recognition and reward

In 2019, the research institutes and research funding bodies (UNL, KNAW, NFW, ZonMw and NWO) presented the joint position paper 'Room for Everyone's Talent', with the aim of reaching a better balance in the recognition and reward of those in academic positions. Since that time, the organisations have been working together on the national programme 'Recognition and Rewards' to implement the proposals.

On 25 June 2024, HR organised an interesting and well-attended session focusing on this subject for support staff and management staff at UT. In the words of the invitation: 'Over the last four years we have taken positive steps in anchoring the concept of Recognition and Rewards in our university with a focus on academic staff. But Recognition and Rewards should be seen as an exercise in valuing and supporting a wider diversity of career paths, and in that way making space for everyone's talents. We now want to go a step further and gather ideas about what Recognition and Rewards could mean for administrative and support staff.'

At the session, needs were polled and ideas discussed about the further rollout of Recognition and Rewards. Those in administrative and support positions pointed to the need for personalised approaches, tailor-made for the individual employee's situation. These situations can be extremely diverse in both work and private life. The final conclusion of the session was that managers play a crucial role in the process of recognition and reward. After all, it is managers who will have to observe the needs and capacities of employees (employees want recognition), but who will also need resources to be able to provide for those needs. This demands, on the one hand, uniform rules (what you give to one you cannot deny another) and, on the other hand, great care in the application of those rules to each person's unique situation.

In the previous section, it emerged that the promotion procedure, which is an extremely important part of Recognition and Rewards first and foremost for academic staff, also appears to

be the reason for numerous grievances reported to the Ombuds Officer. Often individuals who bring these cases see themselves as having been subjected to exclusion or unfair treatment. They feel excluded because a certain capacity or achievement has not been recognised, and unfairly treated because that capacity or achievement has not been valued as highly as it would have had it been someone else's work.

These grievances also suggest that promotion was made dependent on criteria other than strictly quantitative criteria such as the number of publications, number of teaching/supervision hours or number and value of research grants. The process of recognition and reward actually forces certain issues out into the open, such as the way a staff member behaves or his/her perceived ability to take on a supervisory role. This is, in general, a positive development, but there is a risk that it will also make assessments more subjective. Cases brought to the Ombuds Officer often specifically refer to such subjectivity.

Faculties and service departments try to compensate for such subjectivity by setting up procedures to safeguard objectivity, e.g. by not allowing assessments to depend on one person's views, by providing clear criteria in advance and by assessing applications for promotion in parallel by means of comparison. This helps create transparency, while decisions on whether or not to promote a candidate can be better supported. In other words, procedural fairness also makes it easier to justify the fairness of the decision (considerations). Nonetheless, it must be noted that the structure of these procedures is not uniform across all faculties and service departments, nor are they always consistently followed. With an eye to duty of care and equal treatment, this is not really defensible.

To sum up: the process of recognition and reward is intended to ensure that staff members are recognised for their work and that they also receive – in whatever manner – credit for their work. It is not only quantifiable achievements that should be taken into consideration, but also for example the role a staff member adopts within a group or his/her potential to grow into a supervisory/managerial role. In itself this is a positive development, but those less quantifiable aspects make the process of assessment more subjective. In order to restrict subjectivity as much as possible, it is necessary to set up the assessment procedure in the most objective way possible. To achieve this, it may help to analyse the current procedural differences between faculties and service departments and move towards greater uniformity. This will enhance transparency and prevent arbitrary decisions.