

# **Ombudsperson report**

September 2021 - March 2022

Wageningen  
University & Research

DATE  
6 March 2022

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## **1 Objective and structure**

This report relates to the period from 12 September 2021 to 1 March 2022 and is the first in a series of biannual reports. The aim is to gain insight into the ombudsperson's field of expertise and to adjust agreements and work methods as necessary. Chapter 2 contains a timeline of the last period, including the start-up phase and key events. Chapter 3 describes the day-to-day work of the ombudsperson, including the nature of reports, the profile of the complainants, and the measures taken by the ombudsperson. Chapter 4 is about the ombudsperson's initial observations based on several themes.

## **2 Timeline: 13 September 2021 - 1 March 2022**

The ombudsperson started work on 13 September. The ombudsperson was initially appointed as quartermaster for 24 hours per week. The activities consisted of setting up the workplace (accessibility by e-mail and phone, Nexus), scheduling introductory meetings, and drafting messages to introduce and explain the new ombudsperson position. Employees had the opportunity to meet the new ombudsperson at a 'meet and greet' on 5 October 2021 during Diversity Week. The ombudsperson's 'office' officially opened on 23 September 2020 and the first complaint was filed on 28 September. An explanation of the job (WUR ombudsperson: an implementation plan) and the associated regulations were made available before the arrival of the ombudsperson.

### ***Introductory meetings***

Introductory meetings were held between the managing directors and directors of operations for the science groups and services and the confidential counsellors, PhD advisors and heads of HR. An introductory meeting and first impression session was also held with the WUR council. This introductory period is still ongoing and the introductory meetings are extremely valuable. They help familiarise the ombudsperson with the different science groups and the culture and procedures at WUR. These meetings were the first step in establishing a relationship and helping the ombudsperson determine who to consult when a science group or service received a complaint.

### ***The quartermaster role***

From the very beginning, the ombudsperson was part of the integrity and undesirable behaviour project group, which had the following tasks:

1. Formulate a concrete proposal for a central hotline or central reporting system for all complaints, which (i) is easily accessible, (ii) allows for anonymous filing, and (iii) offers insight into all complaints, irrespective of their origin, so that it becomes clear what is going on and where action on policy is required.
2. Organise a solid triage and referral system within the support structure. In this context, make sure that the support structure is reliable, transparent, easy to find, and simple, and allows for decisive action. Include ideas for further strengthening/professionalising the existing support structure. Make sure that it is clear who does what when it comes to social safety and integrity, with attention for the adequate handling of complaints about undesirable behaviour and follow-up care after incidents. Also include the current complaints regulations and make suggestions for adjustments where necessary.
3. Clarify minimum thresholds for undesirable behaviour (violations/reports/complaints/abuses) with clear descriptions. Based on a concrete vision on conduct within WUR, with topics such as relationships in the workplace, bullying, discrimination, sexual and other harassment, etc., outline a proposal for modifying existing regulations or formulating a new code of conduct.

The ombudsperson played both an advisory and executive role in drafting advise, particularly with regard to describing behavioural boundaries as part of a code of conduct.

### ***COVID-19***

The first introductory meetings were held in-person. From October 2020 to mid-February 2021, all meetings were held online in compliance with the applicable COVID-19 measures. Exceptions were only made in very specific cases.

### ***WUR contact***

The ombudsperson maintains contact with WUR in several ways:

- Structural meetings with the aim of sharing information and coordinating activities:
  - Participating in the integrity and undesirable behaviour project group
- Meetings aimed at exchanging information and/or organising activities:
  - Attending regular meetings with the Diversity & Inclusion contact person
  - Attending regular meetings with the head of Student Services
  - Attending regular meetings with the Rector Magnificus
  - Attending regular meetings with the Supervisory Board portfolio holders
- Meetings with the representative advisory bodies about structurally embedding the ombudsperson
- By invitation:

- Meeting with the heads of the Staff Department and the faculties (group)
- Heads of HR and individual advisors (science groups only)
- Confidential counsellors for undesirable behaviour (personal, per science group)
- Confidential counsellors for scientific integrity
- Head of PhD office
- Contribution to Meet & Greet Diversity Week, October 2020
- DARE.
- External:
  - Meeting with VOHO (Association of Higher Education Ombudsmen)
- Conferences and meetings:
  - Masterclass ombudsmen Utrecht University (September 2020)
  - Online contribution (February 2022) on ombudswork for EFEE (European Federation of Education Employers)

### 3 Filing complaints with the ombudsperson

#### 3.1 Ombudsperson reporting process

**See Appendix 1 for a list of definitions.**

The first contact between the complainant and the ombudsperson takes place by phone or e-mail. This step always involves a conversation either in person, by phone or online. In some cases, a direct referral is made, after which no further action is required other than transferring the case to another official or office (internal or, incidentally, external). All complaints are registered (name, position, science group/service, nature of complaint). There were no anonymous complaints where no name of a reporter is known at all.

During the personal meeting, the ombudsperson decides on the appropriate follow-up steps in consultation with and with the consent of the complainant. These steps consist of approaching other informants, submitting written documentation drafted by the complainant or third parties and contacting relevant officials within the science group or service. The complainant is kept informed of all case developments. The complainant is contacted one to six times to discuss the case. The ombudsperson then decides on an appropriate intervention, which can range from issuing advice to the complainant, faculty or service, starting a mediation process or launching an investigation. During the intervention, the ombudsperson maintains contact with all involved parties.

#### 3.2 Number of complaints filed

This report pertains to the complaints filed between 13 September 2021 and 1 March 2022. During this period there were **25** complaints filed by **50** complainants. A complaint may be submitted by more than one person, which is why the number of complainants is higher than the number of complaints. There were **17** cases<sup>1</sup> for which an intervention was necessary. For one complaint it is not yet clear whether an intervention is necessary.

#### 3.3 Origin of complaints (25)

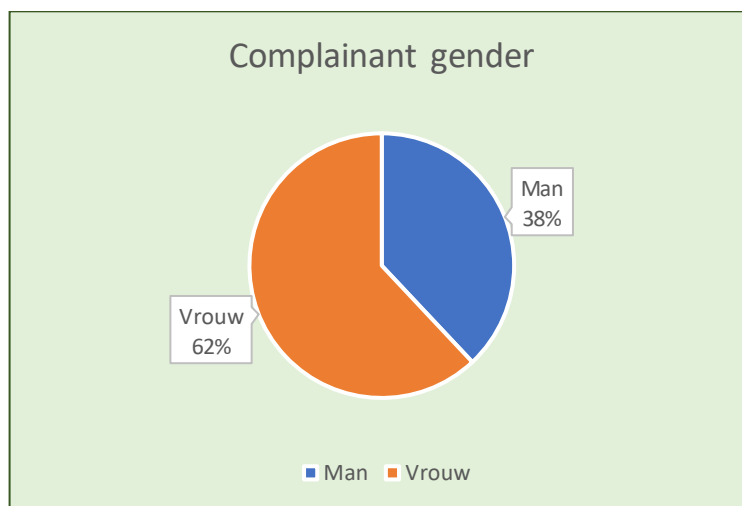
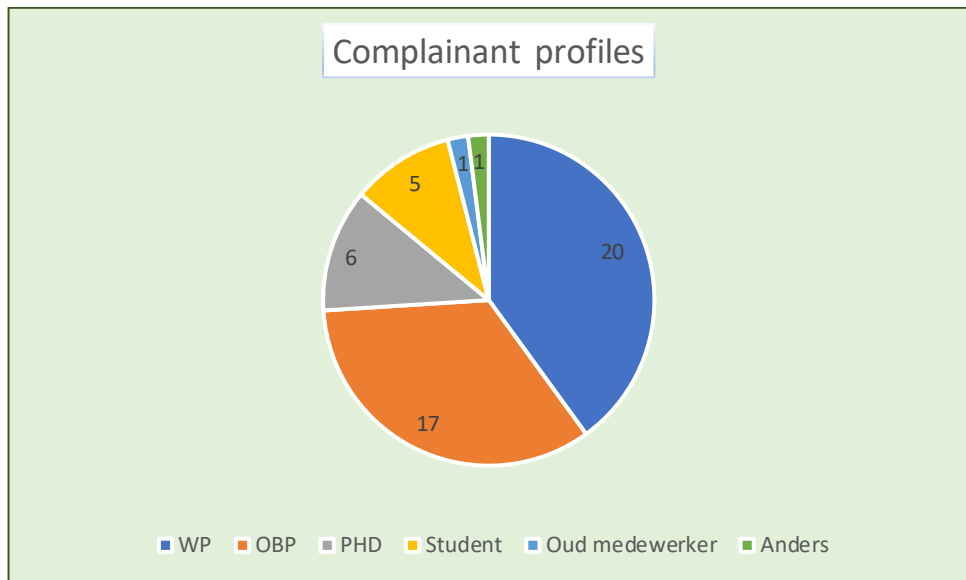
The complaints have been assigned to the relevant science group or service. The 'N/A' category is for complaints filed by third parties. In 23 cases, the complainant was directly involved in the issue and in 4 cases the complainant filed the complaint in the role of a bystander.

Science group/service	Number of complaints filed
AFSG	6
ASG	7
Corporate Staff+ (CS+)	2
ESG	0
Facilities and Services (FB)	2
PSG	3
SSG	1
WFSR	3
N/A	1
<b>Total</b>	<b>25</b>

<sup>1</sup> See also: the definitions in the appendix. A complaint for which personal advice or a referral suffices does not qualify as a case. These complaints are often resolved after a single contact.



### 3.4 Complainant profiles (50)



Half of the complaints were filed by academic staff members or PhD students. Only 10% of complaints were filed by students. Women make up the majority of complainants.

### 3.5 Nature of the complaints (25)

In some cases the complaint pertains to multiple issues. This explains why there are more than 25 complaints in the table.

<b>Nature of complaint</b>	<b>Number of complaints filed</b>
<b>Harassment</b>	10
<b>Workplace dispute</b>	4
<b>Bullying</b>	4
<b>Collaborative dispute</b>	3
<b>Discrimination</b>	2
<b>Sexual harassment</b>	2
<b>Academic integrity</b>	1
<b>Problems with HR rules</b>	2
<b>(Structural) problems with guidance and assistance of students</b>	1
<b>Threats</b>	1

### 3.6 Interventions

Which actions did the ombudsperson take to resolve the issue?

<b>Intervention</b>	<b>Number</b>
<b>Personal advice</b>	6
<b>Advice to manager/management board</b>	7
<b>Mediation</b>	3
<b>Referral (usually to confidential counsellor)</b>	3
<b>Investigation</b>	2
<b>Unknown</b>	4
<b>Registration (no further action)</b>	2

#### *Explanation: advice*

Personal advice is sometimes issued to a complainant after one or two meetings. In most cases, however, more information is needed to fully understand the issue, which is why meetings may also be arranged with students, staff or advisors (e.g. legal advisors at WUR or managers). This is always done with the approval of the complainant. While these meetings may be intensive and time-consuming, they cannot be classified as investigative or mediative in nature.

#### *Explanation: mediation*

Mediation is offered in the form of facilitative counselling. This informal type of support is usually offered in conflict situations and when two parties are unable to reach an agreement. The purpose is to define the problem and arrive at a solution. In some cases, facilitative counselling is the first step towards mediation. Mediation is defined as the process where an impartial third party assists the disputing parties in resolving the conflict and achieving the desired results. It often involves negotiation techniques and fixed procedures that result in concrete agreements. The ombudsperson is rarely involved in the mediation process.

#### *Explanation: investigation*

An investigation is a formal inquiry to determine the facts and circumstances of a complaint and to resolve or improve something. In some cases, the culture of the department and the interpersonal dynamics among employees and between employees and managers may also be examined. Ideally, the manager or the management board of the organisational component serves as the commissioning party of the investigation, which is usually carried out by a specialised external research firm. The commissioning party involves the ombudsperson in formulating the research question, choosing a research firm, determining the research method and following up on the recommendations. This is only possible if the ombudsperson has sufficient confidence in the commissioning role of the organisational component's management board. This is influenced by the extent to which the problem is recognised and acknowledged and whether there is sufficient motivation to reach a solution. The ombudsperson can also carry out the investigation him/herself or serve as the commissioning party.

### **3.7 Requests for advice**

The ombudsperson was contacted **12** times by managers, HR advisors, Occupational Social Work and confidential counsellors for advice on specific cases. This included questions such as:

- I have reason to believe some of the members of my team engaged in undesirable behaviour. What do I do?
- How do we set up a process to improve behaviour?
- We want to launch an investigation. Can you put us in touch with a reputable firm?
- We want to discuss sexual harassment in our team. What is the best way to address this issue?

### **3.8 Interpretation of the figures**

The figures shed light on relevant issues during the first half of the year, which means caution must be exercised when interpreting them. Six months is too short to draw far-reaching conclusions, interpretations or analyses. The number of complaints within an organisational component says nothing about the social safety of that component. WUR considers the fact that complaints were being filed to be a positive thing. Moreover, this position is new at WUR, which means there are no baseline measurements or materials from which to draw comparisons.

#### *Structural and individual complaints*

The ombudsperson is intended to be contacted for structural wrongdoings rather than individual complaints (disputes or conflicts between the complainant and another party). Most complaints (65%) pertain to structural patterns of social injustice or other abuses experienced by the complainant. Individual complaints are also submitted to the ombudsperson. The following should be noted with respect to such complaints:

- An individual can file a complaint regarding a structural problem that affects numerous people. In this case, the complaint is the first in a series.
- Most individual complainants have already met with a confidential counsellor and feel additional action must be taken. In some cases, the confidential counsellor and the complainant approach the ombudsperson together. Filing a complaint may not be desirable for individual complainants for several reasons: the complaints procedure is disproportionate to the nature of the complaint, the complainant does not want to start complaint proceedings, the complainant does not expect the procedure to achieve the desired result, or the complainant is afraid there will be repercussions to submitting a complaint. The ombudsperson is seen as the next step (and in some cases only step) to achieving the desired result. This makes the ombudsperson the ideal alternative if an intervention is necessary and the informal route is the most suitable and/or desirable.

#### *Nature of the complaints*

At the university level, the majority of complaints relate to social safety, but many also concern other issues, such as legal status, work conflicts, collaborative conflicts, and issues pertaining to rules and regulations. Many employees also experience undesirable behaviour in combination with work disputes. Surprisingly, no complaints were filed by students for 'bureaucracy' reasons.

#### *Interventions*

A third of the complaints could be resolved with personal advice, whereby the complainant is given the tools to take further action him or herself or to take no action. A third of the complaints required the intervention of a science group, service or the Executive Board (one case). Most of these issues were resolved through an informal discussion. Larger, more sensitive and more complex issues called for written reports and recommendations. In most cases, investigations were commissioned by the science group or service following advice from the ombudsperson, and were conducted by an external firm. With regard to mediation, the ombudsperson served as the discussion leader in one or more facilitative meetings. The ombudsman did not serve as a mediator in the formal sense, as described in section 3.6 above. There were, however, several cases in which mediation was advised.

## 4 Observations

### ***Involved and proud university***

Of note is that WUR students and staff are generally positive about the university. They are proud of the WUR's way of working and of the campus, and feel involved with the university.

### ***Professionals embedded in employee support structure***

Occupational social workers, in-house medical officers, PhD advisors and confidential counsellors are all deeply embedded in the WUR organisation. They collaborate well with each other and with the ombudsperson. Student-specific professionals such as study advisers and psychologists do not collaborate with the ombudsperson as often. This can largely be explained by the fact that few complaints are filed by students.

### ***Few student complaints***

Students do not contact the ombudsman as often. This is a common pattern. Not enough has been done to improve communication with students. The guideline that was recently drafted for students is a good first step, as is the appointment of confidential contacts and an external confidential counsellor for students.

### ***Addressing behaviour is difficult***

Issues should be resolved at the right level. In practice this usually means that the chair holder, the director, or the director of operations is responsible for processing complaints in consultation with the managing director or the Executive Board.

Formal advice issued by the ombudsperson to the director or chair holder is generally followed, sometimes with great diligence. Of note is that many managers tend to find it difficult to address undesirable and inappropriate behaviour. As a result, problems that could have been resolved earlier persist unnecessarily.

### ***Role of HR and lack of support for labour law issues***

According to the HR service model, the HR advisor bridges the gap between management and staff and is therefore available to both 'managers and employees'. However, employees do not always experience it this way. In labour conflicts, they do not receive the support they are entitled to from the HR advisor. Confidential counsellors do not consider themselves capable of intervening in work conflicts. Employees therefore lack support from the organisation and are forced to seek out external legal support, which may lead to unnecessary legal proceedings. The ombudsperson will soon attend a meeting on the role of HR in labour law issues.

### ***Filing a complaint: a big step***

The ombudsperson does not handle formal complaints. That is the job of the internal and external complaints committees. Complainants are often asked why they did not submit a formal complaint. Many of them indicate that filing a complaint is almost impossible for fear of repercussions or a worsening of the conflict after the complaint has been settled, regardless of the outcome. While many complainants believe the issue should be addressed, they see filing a complaint as an extreme step and disproportionate to the matter at hand. On a positive note, complainants are offered the opportunity to be heard separately from the accused to avoid a face-to-face confrontation. The complaints procedure may also be perceived by complainants as intimidating, as all informal avenues must be explored first before a complaint can be filed. This suggests that the complaints system is very much aimed at preventing complaints.

## **Appendix: definitions pertaining to the ombudsperson's method of working**

### *Complaint*

A complaint is a notification of an event, an observation or a fact. Complaints can be filed in person, in writing, by e-mail, by phone, or online. Some complaints are exploratory in nature: 'This is the situation, what can I do about it?' All complaints filed with the ombudsperson are registered<sup>2</sup>. Additional action may be taken depending on the nature of the complaint, such as a referral, a follow-up meeting, a recommendation or an investigation.

### *Complainant*

The complainant is the person who contacts the ombudsperson to report an issue or occurrence. The complainant may be directly involved in the issue ('victim') or may be a bystander (someone who witnessed but was not directly involved in the situation). Bystanders are often fellow students, colleagues or professionals (supervisors/counsellors or managers).

### *Case*

A complaint filed with the ombudsperson may develop into a case if it involves a problem or an issue that is difficult for the complainant to resolve alone. A complaint is considered a case when the ombudsperson is required to intervene (i.e. through mediation or advice). Many complaints lead to phone or e-mail contact with the ombudsperson, after which the complainant either continues the process on his or her own or is referred to someone else (with transfer of information to the other service provider or office and such that the relationship between the complainant and the other party is actually established). A complaint that results in a referral or simple advice is not considered a case. Case management is important and involves guiding and monitoring the process to ensure a smooth and efficient process. The ombudsperson supervises the cases under his or her management.

### *Anonymity*

Anonymity in this context means that the identity of the complainant and/or the person/people to which the complaint pertains is known only to the ombudsperson. Should follow-up steps be necessary, the identity of the complainant will not be disclosed.

Anonymity may also refer to an anonymous complaint whereby the complainant's identity is not known by the ombudsperson. These types of complaints are registered but not processed.

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<sup>2</sup> The following details are always registered: full name, contact information, sex, target group (student, graduate, employee, former employee, PhD candidate or otherwise, science group, service, job title, involvement, nature of complaint.