

Radboud University Ombudsperson Regulations *version 22/02/2023*
Amendments adopted by the Executive Board on

PREAMBLE

Based on collective labour agreements, the Radboud University Staff Ombudsperson Regulations have been in force since 1 December 2021. The aim of these regulations is to contribute to the improvement of a healthy and safe working environment and to the university's learning capacity.

Because a healthy and safe study environment is equally important, students can now also appeal to an ombudsperson if they feel they have been treated unfairly by a staff member or an organisational unit of the university (this does not include a fellow student).

There are two ombudspersons: one for staff members and one for students, who can replace each other if necessary in case of absence. The ombudsperson is an independent officer appointed by the Executive Board who is able, in response to reports or complaints from staff/students or of their own accord, to investigate whether an organisational unit (referred to below as 'university body') or university staff member has conducted or is conducting themselves with propriety in a certain matter. In this context, 'proper conduct' includes conduct that is:

- Open and clear
- Respectful
- Committed and solution-oriented
- Honest and reliable¹

The university ombudsperson will strive as far as possible to make assessments against the standards of proper conduct. This concerns, for example, formal standards of conduct to which staff members are bound, as well as moral standards that are part of good employment practices, leadership and (informal) influence. In addition, it concerns standards of proper conduct that are appropriate in the relationship between the institution and the student. The rules of conduct applicable within the faculty are included in the Education and Examination Regulations. Personal data is handled with care as described in Article 23 of these regulations.

ESSENCE OF THE OMBUDSPERSON REGULATIONS

Powers of the ombudsperson

The ombudsperson has a role in identifying possible structural problems in staff or student policy and/or the implementation thereof and in the case of bottlenecks and abuses at the university on the basis of the reports/complaints submitted to the ombudsperson. The ombudsperson links up proactively and organises cooperation with other actors in the network aimed at further improving a safe work and study environment.

The ombudsperson can make recommendations, refer, mediate, investigate and take decisions. The ombudsperson is independent, impartial and has the authority to conduct investigations.

A staff member / student or former staff member / student can turn to the ombudsperson with a report or a question about the conduct of a university body or staff member, irrespective of the subject to which the conduct refers. The ombudsperson can initiate a consultation, provide information,

¹ These standards of conduct have been taken from the standards for proper action by the state drawn up by the National Ombudsperson.

possibly refer the matter on, or mediate, and in this way make a significant contribution to problem-solving in an informal way and enhancing the learning capacity of the organisation and its staff. A question may be put or a problem submitted to the ombudsperson for them to consider the best way to resolve it. If this informal approach does not lead to a satisfactory solution, a formal (complaints) procedure or a complaint investigation by the ombudsperson is often possible.

The ombudsperson is not authorised to act in a matter that is before the courts or on which a court ruling has been handed down.

The ombudsperson may only conduct a complaint investigation if the staff member / student does not have the option of lodging their complaint through another procedure. The ombudsperson is also not authorised if the staff member / student could have used a different procedure but did not do so. The ombudsperson will in that case refer the staff member / student to the correct contact person.

Consultation on a report

Staff members or students who make a report or ask a question to the ombudsperson receive information and confidential and informal advice. At a meeting with the reporter, the ombudsperson will investigate whether it is possible for the reporter to resolve the issue themselves through talking to the person immediately involved. The meeting with the ombudsperson is confidential. The report will only be shared with third parties with the consent of the reporter. The reason for the report is recorded.

Mediation by the ombudsperson

In certain cases, the ombudsperson can, with the consent of those involved, strive to reach an amicable solution through mediation, if it turns out that the staff member / student cannot resolve the matter on their own following the consultation.

Handling a complaint

Handling a complaint by the ombudsperson will lead to an investigation, a report and a decision in accordance with the Ombudsperson Regulations. The ombudsperson cannot take binding decisions. In this situation as well, the ombudsperson will continue to investigate whether the issue at the centre of the complaint can possibly be resolved in the meantime through mediation, for example.

Autonomous investigation

The ombudsperson can also conduct an investigation of their own accord into larger trends of possible systematic shortcomings in regulations or problematic patterns in the organisation. An investigation of this kind concludes with a report, whether or not accompanied by recommendations. The ombudsperson cannot take binding decisions.

Demarcation between ombudsperson and confidential advisor

The confidential advisor supports the reporter in tackling the problem. The ombudsperson is impartial, can conduct investigations and can play a mediating role between a reporter and the organisation. A confidential advisor focuses on the individual reporter, whereas the ombud role by contrast takes a broader view and makes recommendations on underlying improvements that go beyond the individual report.

These roles are complementary. It is not the case that where someone has turned to a confidential advisor, the ombudsperson cannot (any longer) take up their role and vice versa.

The ombudsperson can be approached for a report or a question about the conduct of a university body or staff member, irrespective of the subject to which the conduct refers. The confidential advisors

have been appointed for support in specific areas (*[Link naar pagina vertrouwenspersonen opnemen](#)*). Often a staff member / student has a question or a problem where it is not immediately clear whether it concerns one particular subject. It does not matter whether the staff member / student first approaches a confidential advisor or the ombudsperson. If necessary, they will refer to each other or involve each other in consultation with the staff member / student.

DEFINITIONS

Article 1 Definitions

1. University body:
 - a. the Supervisory Board, the Executive Board, the secretary of the Executive Board, the Radboud Services director, the faculty's Executive Board, a dean, the directors of the Donders Institute and Radboud Teachers Academy and
 - b. a unit of the organisation of Radboud University that is tasked with a specific function by virtue of a regulation or other decision, such as a disputes committee.
2. Staff member: a person who works or performs work at Radboud University, in whatever capacity, or has done so in the past.
3. Student: a person who is or was a student, prospective student, former student, external student, prospective external student or former external student of Radboud University.
4. Report: a report or question (in whatever form) on the conduct of a body of Radboud University and/or staff members of Radboud University.
5. Conduct: an act or omission as well as treatment, behaviour or attitude.
6. Complaint: a formal complaint about the conduct of a Radboud University body and/or about staff members of Radboud University.
7. Complainant: the person who submits a complaint pursuant to Article 6.
8. Parties involved: the reporter/complainant and the person or university body against whom the report/complaint is made.
9. Ombudsperson: the person referred to in Article 2, who has been appointed as such by the Executive Board.

THE OMBUDSPERSON

Article 2 The Ombudsperson

1. Radboud University has appointed a staff ombudsperson and a student ombudsperson. Both are hereinafter referred to as 'the ombudsperson'.
2. The University Joint Assembly has right of consent in the establishment and termination of the staff ombud role as such and will be involved in recruiting the ombudsperson.
3. The ombudsperson carries out their duties independently and impartially. The role of the ombudsperson is incompatible with that of other roles at Radboud University (with the exception of the role of staff or student ombudsperson) or with other work that is in conflict with the role of ombudsperson.
4. The performance of the duties of the ombudsperson as referred to in these regulations cannot result in the ombudsperson suffering any disadvantage whatsoever, either directly or indirectly, unless the ombudsperson has not acted in good faith. The executive board will ensure this to the best of its ability.
5. The performance of the ombudsperson role is in any event evaluated annually by the Executive Board and the ombudsperson.
6. The ombudsperson will be relieved of his position at his own request. The employer can prematurely remove the ombudsperson from his or her position if his or her own actions or

omissions have seriously damaged the trust to be placed in the ombudsperson and/or the independence of the ombudsperson is at stake.

7. The ombudsperson will report annually in the annual report on the work to the Executive Board and the Works Council or the University Student Council.
8. The Executive Board will provide the ombudsperson with the resources necessary for the proper performance of the ombud role, such as the availability of a room that guarantees confidentiality and adequate anonymity.
9. Complaints about the ombudsperson can be submitted to the Executive Board or alternatively to the Supervisory Board, if the complaint originates from the Executive Board or concerns (a member/members of) the Executive Board.

Article 3 Powers and duties of the ombudsperson

The ombudsperson has the following powers and duties:

1. Staff members / students can contact the ombudsperson for a consultation, to make a report, for mediation and/or to submit a complaint.
2. The ombudsperson handles reports and complaints from staff members / students about the conduct of university bodies and/or Radboud University staff members, and can conduct a complaint investigation in response.
3. The ombudsperson will identify any systematic shortcomings in the regulations or problematic patterns in the organisation to the Executive Board. The Executive Board will immediately inform the body concerned of any serious issue that has been identified, so that the university body itself has the opportunity to tackle the problems identified first. If the issue identified concerns (a member of) the Executive Board, the ombudsperson will approach the Supervisory Board.
4. The ombudsperson can of their own accord investigate trends of systematic shortcomings in regulations or problematic patterns in the organisation.
5. The ombudsperson is authorised to call in experts, if this is thought necessary for the purpose of the investigation, whether in response to a complaint or at the ombudsperson's own initiative.
6. The ombudsperson will actively establish links and seek cooperation with other actors in the network with regard to a safe work and study environment, for example confidential advisors. In this context, a contact person at the Human Resources Division has also been designated for the staff ombudsperson, and one at the Academic Affairs Division for the student ombudsperson.
7. The ombudsperson will provide statistical information on the extent to which and purpose for which the services are used, in conjunction with Article 21 (annual report).

Article 4 Information

1. The ombudsperson is authorised to request information or documents from university bodies and staff members, and inspect such, which pertain to a matter to which a report or complaint relates.
2. University bodies and staff members are obliged to provide the requested explanations and the information and/or documents referred to within a reasonable period specified by the ombudsperson.
3. University bodies and staff members are not authorised to provide information and/or documents that are subject to a duty of confidentiality. Their supervisor may stipulate that information and/or documents, in respect of which in their view confidentiality is required for good cause, may only be provided under condition that their confidential nature is respected and maintained by the ombudsperson. Access to personal data is only possible with the written consent of the person concerned.

4. The ombudsperson informs the reporter or complainant and the university body or staff member referred to in the report or complaint about a request as referred to in the first paragraph, and also about the outcome thereof. If applicable, the third paragraph of this article will be taken into account.

CONSULTATION, REPORTING AND MEDIATION

Article 5 Consultation on report

Making a report or putting a question to the ombudsperson will lead to advice and information. At a meeting with the reporter, the ombudsperson will investigate whether it is possible for the reporter to properly resolve the issue themselves through talking to persons from the immediate working or study environment, such as the (next senior) supervisor or their own HR department, or an academic counsellor and/or the Student Support manager. At that meeting, the ombudsperson will also investigate, in response to the report or question, whether they are authorised to handle any complaint. This conversation is confidential and anonymous. The report will only be shared with third parties with the consent of the reporter. The ombudsperson will maintain a record of reports with a view to identifying possible structural problems, bottlenecks or abuses.

Article 6 Mediation by the ombudsperson

1. If the staff member / student is unable to reach a solution on their own after the consultation and wishes the report to be followed up, the ombudsperson can strive to reach an amicable solution through mediation.
2. The ombudsperson will inform the person whose conduct the report relates to about the report. If both parties consent to mediation by the ombudsperson, they will then take the necessary steps.
3. There can be no mediation by the ombudsperson if a legal procedure or an internal complaints, objections or appeals procedure is pending, or if a decision has previously been made on the matter.

COMPLAINT INVESTIGATION

Article 7 General

1. Any Radboud University staff member / student can submit a complaint to the ombudsperson about the way in which a university body or staff member has behaved towards the relevant staff member / student in a particular matter.
2. If with respect to the same behaviour another complaints, objections or appeals procedure has already been started or a decision has already been made in such procedure, the complainant must immediately inform the ombudsperson of this. If the behaviour is the subject of legal proceedings or if the court has already ruled on the behaviour, the complainant must also report this immediately. In the cases referred to above in this paragraph, the ombudsperson will declare the complaint inadmissible.
3. The ombudsperson will maintain a record of complaints with a view to identifying possible structural problems, bottlenecks or abuses.

Article 8 The complaint

1. The complaint must be submitted in writing and must contain at least:
 - a. The name and address of the complainant;
 - b. The date;
 - c. A description of the behaviour to which the complaint relates and the communication of which body or which employee has thus entered

- behave and, if necessary, where and towards whom this behaviour took place;
- d. The reason why the complainant has complained about the conduct;
- e. The complainant's signature. If the complaint is received by email, this requirement lapses.
2. The complaint may be stated in Dutch or in English. When the complaint is handled, the reporting will be in Dutch. A translation into English (by an external party) will be made available by the ombudsperson if the complaint was submitted in English.
 3. Receipt of the complaint will be confirmed in writing within 10 working days.
 4. If the confirmation of receipt shows that the complaint does not meet the conditions as referred to in this article, the complainant will be offered the opportunity to comply with their obligations within two weeks.

Article 9 Withdrawal of complaint

The complaint can be withdrawn at any time. The ombudsperson will nevertheless at all stages of any investigation look into options for resolving the complaint fully or in part, or to resolve it in another way, whether through advice and/or referral or through recommendations to those involved.

Article 10 Termination of the complaint investigation by the ombudsperson

The ombudsperson can terminate the handling of the complaint if the complaint has been resolved in the meantime.

CONDITIONS FOR A COMPLAINT INVESTIGATION

Article 11 Accepting a complaint

The complaint will be accepted for handling if:

- a. The complaint was lodged by a person who meets the definition of the term staff member or student, as set out in Article 1 of these regulations;
- b. The complaint was submitted within a reasonable period, in the judgement of the ombudsperson, after the conduct to which the complaint relates took place;
- c. The complaint meets the conditions referred to in Article 8, Paragraphs 1 and 2;

Article 12 Complaint not handled

1. The ombudsperson is not authorised to handle a complaint if:
 - a. The complaint does not meet the requirements referred to in Article 8, Paragraphs 1 and 2;
 - b. The complaint has been settled amicably;
 - c. The complaint is manifestly unfounded;
 - d. The interests of the complainant or the seriousness of the conduct are manifestly insufficient, in the view of the ombudsperson;
 - e. The ombudsperson has previously taken a decision on this complaint;
 - f. The complainant is not the person who was the subject of the conduct;
 - g. A complaint can be submitted to the relevant committee with regard to conduct on the basis of the complaints procedure for undesirable conduct at Radboud University;
 - h. With regard to conduct on the basis of the law or a regulation at Radboud University, another complaints, objections or appeals procedure has been lodged or could be lodged, and the complainant has not made use of this, or a ruling has previously been handed down in one of the aforementioned procedures;
 - i. The conduct is the subject of a dispute that is before a court or on which a court ruling has been handed down;
 - j. The matter is part of the general policy of Radboud University or the university body.

2. a. If the ombudsperson decides, on the basis of the provisions of Paragraph 1, not to handle the complaint, he or she will, as soon as possible, inform the complainant in writing, stating the reasons, as well as the university body or the staff member concerned, if they have already been informed of the complaint.
b. If the complaint is not handled because a different procedure is open to the complainant, the complainant is informed about this.
3. No objection or appeal can be lodged against the decision of the ombudsperson as referred to in the second paragraph. In general a complaint about the ombudsperson may be submitted to the Executive Board or alternatively the Supervisory Board (see Article 2, Paragraph 9 above).

PROCEDURE FOR COMPLAINT INVESTIGATION

Article 13 General

The ombudsperson will, when accepting a complaint for handling and at all stages of any complaint investigation, look into options for resolving the complaint fully or in part, or to resolve it in another way, either by advice and/or referral, or by making recommendations to those involved.

Article 14 Positions and statements

1. It is possible that searching for options as referred to in Article 13 is not considered useful or an attempt to this end has not led to an amicable settlement of the complaint. In those cases, the ombudsperson will give the university body or staff member to whose behaviour the request relates, as well as the complainant, the opportunity to explain their positions orally or in writing. Whether an oral explanation is given in each other's presence is at the discretion of the ombudsperson.
2. If the ombudsperson deems this necessary for the assessment of the complaint, he or she may also inform others about the complaint. The ombudsperson will request that oral or written statements be made regarding the complaint.

The ombudsperson will ensure that a copy of written positions and statements, as referred to in the first or second paragraph, is provided to the complainant as soon as possible after receipt. If there is an oral position or an oral statement as referred to in the first or second paragraph, a report is drawn up that is sent by the ombudsperson to both parties.

Article 15 Experts and inspection

If the ombudsperson considers it necessary for the purposes of the complaint investigation, they are authorised to call in experts and to enter without seeking permission all the locations where the university body or staff member named in the complaint does their work.

DECISION

Article 16 Decision

The ombudsperson will issue the decision on whether or not the university body or staff member has conducted themselves with propriety in the matter investigated by the ombudsperson according to the following standards of proper conduct:

- Open and clear
- Respectful
- Committed and solution-oriented
- Honest and reliable.

REPORT

Article 17 Report

1. Following completion of the investigation, the ombudsperson will prepare a report, setting out the findings and decision, as well as the considerations on which this decision relies. The ombudsperson's decision is not binding.
2. In the report, the ombudsperson can make recommendations that he or she sees as useful. These recommendations may relate to the specific conduct regarding which the complaint was submitted, or to more general aspects revealed during the course of the investigation.
3. The ombudsperson will in any case send the report to the complainant, to the university body or staff member named in the complaint and to the Executive Board. If the university body named in the complaint is the Executive Board, the ombudsperson will send the report to the Supervisory Board.
4. The staff ombudsperson will send a copy of the report to the Human Resources Divisional Director. The student ombudsperson will send a copy of the report to the Academic Affairs Divisional Director.
5. The person who is authorised to follow up on the recommendations referred to in the second paragraph shall notify the ombudsperson within four weeks of receipt of the report whether, and if so, how, they will be followed up. If a recommendation is not to be followed up, this will be justified with reasons. The ombudsperson will immediately inform the complainant and the Executive Board in writing of whether or not the recommendations are followed up.

AUTONOMOUS INVESTIGATION

Article 18 Investigation into a larger trend

1. The ombudsperson can also launch an investigation on their own initiative, whether or not in response to one or more reports, into larger trends of possible systematic shortcomings in regulations or problematic patterns in the organisation.
2. If an investigation is launched in response to one or more reports, the ombudsperson may guarantee the anonymity of the reporter(s) if so desired.
3. The ombudsperson will give the Executive Board the opportunity to express or explain its position in writing and orally.
4. Articles 4 and 15 apply as far as possible to the investigation of a larger trend.
5. Following completion of the investigation, the ombudsperson will prepare a report for the Executive Board, setting out the findings and decision, as well as the considerations on which this decision relies. The ombudsperson's decision is not binding. If the investigation concerned the Executive Board, the ombudsperson will send the report to the Supervisory Board.
6. In the report, the ombudsperson can make recommendations that he or she sees as useful.
7. The person who is authorised to follow up on the recommendations referred to in the second paragraph shall notify the ombudsperson within four weeks of receipt of the report whether, and if so, how, they will be followed up. If a recommendation is not to be followed up, this will be justified with reasons.
8. The staff ombudsperson will send a copy of the report to the Human Resources Divisional Director. The student ombudsperson will send a copy of the report to the Academic Affairs Divisional Director.

OBJECTION OR APPEAL

Article 19 Objection or appeal

No objection or appeal can be made against the ombudsperson's report, including the findings, the decision and any recommendations.

CONFIDENTIALITY

Article 20 Confidentiality

1. The ombudsperson is obliged to maintain confidentiality with regard to anything that comes to their attention in the performance of their duties, insofar as this results from the nature of the case, with due regard for Article 4, third paragraph, second sentence. This obligation also applies to all those working for the ombudsperson.
2. Within Radboud University, the ombudsperson has the right of non-disclosure with regard to anything that has come to their knowledge.
3. The staff members / students who turn to the ombudsperson, as well as other staff members / students who are subsequently involved in the case, also have a duty of confidentiality with regard to what they have become aware of because of their involvement.

ANNUAL REPORT

Article 21 Annual report

1. The ombudsperson will publish an annual report on the work. The report will in any case contain the number of cases dealt with and an anonymised summary of them. Any description of the cases dealt with will be such that the privacy of the staff members / students concerned is fully protected. The ombudsperson will send the annual report in any case to the Executive Board, the Supervisory Board, the Council of Deans, the Human Resources Divisional Director or the Academic Affairs Divisional Director and to the Works Council or the University Student Council. The annual report is published on the publicly accessible part of the university's website.
2. If the ombudsperson has on their own initiative conducted an investigation into trends within the meaning of Article 3, Paragraph 4 of these regulations, the findings are included in the annual report. The trend(s), the position of the Executive Board thereon and if any recommendations from the ombudsperson have been followed up are, in any case, included in the report.
3. The annual report will be discussed in a personal meeting between the ombudsperson and the Executive Board.
4. If in the annual report, a complaint against or an investigation into (a member of) the Executive Board is included and a report on this was made to the Supervisory Board pursuant to Article 17, Paragraph 3 or Article 18, Paragraph 5, the annual report will also be discussed at a personal meeting between the ombudsperson and the Supervisory Board.

PROTECTION

Article 22 Protection

Complainants who act in good faith, with due observance of the provisions of the Ombudsperson Regulations, who have contacted the ombudsperson or have submitted a report, shall not be disadvantaged in their position in any way insofar as that disadvantage is the sole result of their contacting or submitting a complaint to the ombudsperson. Staff members who cooperate in investigations – by providing information, for example – are also protected and may not suffer any adverse consequences as a result of their actions.

Article 23 Protection of personal data

1. All personal data collected by the ombudsperson will be processed with due observance of the General Data Protection Regulation (Implementing Decree) ((I)GDPR).
2. The collected data will only be processed for the intended and clearly defined purpose and will not be processed for longer than the purpose justifies. The ombudsperson always has an updated version of a privacy statement on the website, containing in a transparent manner

information about the careful processing of personal data and at least the requirements of Articles 13 and 14 of the GDPR.

3. The reporter and the subject of the report have rights with regard to their personal data. Information about the rights of the persons is given in the manner specified in Article 23, paragraph 2. For questions regarding the handling of personal data, the ombudsperson refers to the designated data protection officer, who can be contacted at fg@ru.nl. To invoke the privacy rights, the ombudsperson refers the person to mijnprivacy@ru.nl.
4. In accordance with Article 14 of the GDPR, the ombudsperson will notify the person as soon as possible, but no later than within one month, if data about them has been obtained from a third party and not from them personally. If the chances of investigating the alleged facts or gathering the necessary evidence are significantly reduced by that notification, it may be postponed until the risk is no longer present. The ombudsperson will make restrictive use of this exception on a case-by-case basis, taking into account the greater interests at stake. The ombudsperson weighs up the interests per case in writing and adds this to the relevant file. When using this exception, the ombudsperson must seek advice from the privacy officer of his or her own organisational unit or the data protection officer.

OFFICIAL TITLE AND ENTRY INTO FORCE

Article 24 Official title and entry into force

1. These regulations can be cited as 'Radboud University Ombudsperson Regulations'.
2. These regulations have been adopted by the Executive Board with the consent of the Works Council and after discussion with the University Student Council and go into effect from