



Regulations Concerning the Ombudsperson

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Definitions

Saxion:	Saxion University of Applied Sciences Foundation
Supervisory Board:	the Saxion Supervisory Board (RvT) has the oversight of the Executive Board as referred to by law;
Executive Board:	the Executive Board of Saxion is the institutional board as referred to in the law;
Ombudsperson:	the independent and impartial officer appointed by the Executive Board as described in these rules;
Report:	submitting a question, dilemma or problem to the Ombudsperson relating to working or studying at Saxion;
Reporter:	the person who submits a question, dilemma or problem relating to working or studying at Saxion to the Ombudsperson;
Staff member (also employee):	a person under any title who works, or performs work for Saxion;
Student	a person registered with Saxion as a student and as such make uses of Saxion's facilities, this includes external exam-candidates and course participants;
Complaint:	a complaint about conduct by Saxion and/or by its current employees. Behaviour in this context includes both acting as well as failing to act;
The employer:	person by the research and educational institution in an employment relationship with the employee and who is entrusted with authority over the employee. The employer may also be an (administrative) body of the employer/educational institution;
Person involved:	someone involved in the problem, other than the reporter;
VOG:	Certificate of Conduct.

1. Introduction

These regulations concern the Ombudsperson. Wherever people work together, frictions or issues arise that are not always easy to resolve by talking to one another. If an organisation is well prepared for reports and handles them professionally, employees and/or students are more likely to break the silence and come forward. For that reason, Saxion has an Ombudsperson. This official can contribute to safeguarding institutional and personal safety through advice, referral, mediation and investigation. The Ombudsperson will try to de-escalate and seek solutions lower down in the organisation. Both staff and students can report a matter to the Ombudsperson.

2. Appointment

Saxion has one Ombudsperson. The Ombudsperson is hired and appointed by the Executive Board on the basis of a one-year contract of services/hiring basis. The Ombudsperson may then be reappointed.

The following requirements apply to appointment as Ombudsperson:

- is approachable and easy to talk to;
- is able to handle information confidentially;
- is able to deal well with contradictions and conflicts;
- has the ability to listen, advise, refer, mediate and investigate;
- is able to provide a Certificate of Conduct;
- has no ancillary positions which may hinder the functioning of the Ombudsperson.

The Executive Board may terminate the appointment prematurely:

- at the Ombudsperson's own request;
- for no longer meeting the requirements for appointment;
- due to dysfunctioning as an ombudsperson;
- for acts or omissions which seriously prejudice the trust to be placed in them.

The Executive Board shall provide the facilities needed for the proper performance of the duties, such as providing a space that guarantees confidentiality and anonymity. The Executive Board also sets an annual training budget for the Ombudsperson.

The Ombudsperson shall be protected from legal costs in the event of a complaint about the Ombudsperson or a conflict involving the Ombudsperson by virtue of their duties.

3. Independence

The Ombudsperson works independently, impartially, autonomously and neutrally when performing their duties. Due to their position, the Ombudsperson shall not be subordinate to any authority.

The position of Ombudsperson is incompatible with other positions within Saxion and with any other activity serving Saxion.

4. Duties

As an independent and impartial body, the Ombudsperson, in consultation with the reporter, shall attempt to find an answer to the question posed and/or a solution to the dilemma or problem. The recommendations of the Ombudsperson are not binding.

To achieve the set objective, the Ombudsperson may use the following means:

1. Advice

- a. The Ombudsperson discusses the question, dilemma or subject of the report with the reporter and gives advice on the steps the reporter can take to work on a solution. If desired, the Ombudsperson can offer the reporter procedural guidance in taking these steps.
- b. If desired, the Ombudsperson can also give substantive advice to the reporter.

2. Referral

- a. The Ombudsperson may refer the reporter to another body or official if that other body or official is specifically authorised to deal with the report or part thereof.
- b. The Ombudsperson may also refer the reporter to a body that is more appropriate to deal with the report or better able to assist the reporter.

3. Mediation

- a. If the reporter finds it desirable, the Ombudsperson can be called in to work on the resolution of the report in consultation with the reporter and the person(s) concerned.
- b. If the option of mediation is used, the Ombudsperson will discuss with the reporter, how the confidentiality of the report will be handled in the follow-up process.
- c. Insofar as the mediation between reporter and others involved does not take place in each other's presence, the Ombudsperson will provide feedback on conversations held and information exchanged.
- d. If the mediation does not lead to a solution, the Ombudsperson will discuss options for further progress with the reporter, and if possible with the person(s) concerned, and will give advice if necessary.

4. Investigation

- a. On the basis of the report, the Ombudsperson may establish an investigation into the circumstances surrounding the report. The Ombudsperson will discuss with the aims of the investigation with the reporter along with the steps to be taken in the investigation.
- b. The Ombudsperson shall share the findings of the investigation with the reporter and the person(s) concerned.
- c. As a result of other signs outwith the report, the Ombudsperson may also conduct a (further) investigation into problems related to working or studying at Saxion based on the conduct of Saxion or a Saxion staff member.

5. Procedure for handling reports

1. The Ombudsperson's working methods are characterised by confidentiality and a respectful approach to all parties concerned.
2. Any steps to be taken by the Ombudsperson will only be taken after consultation with the reporter. When taking steps, the Ombudsperson takes into account the possibilities and reasonable wishes of the reporter. If third parties are involved, this will be done with the reporter's consent.
3. Complaints about the Ombudsperson can be lodged with the Executive Board, or with the Supervisory Board, when a complaint originates from the Executive Board or concerns (a member/members of) the Executive Board.

6. Admissibility

1. The report must be submitted orally or in writing, in Dutch or English.
2. The report must contain at least:
 - a. the name and address of the reporter;
 - b. the date of submission;
 - c. a description of the conduct which the report relates to and who it is about.
3. In the event of a written report, the Ombudsperson shall acknowledge receipt.
4. The Ombudsperson only deals with reports involving Saxion staff or students.
5. The Ombudsperson does not deal with reports that are reported anonymously.
6. The report will not be processed if it relates to conduct:
 - a. that has been previously referred to the Ombudsperson;
 - b. which has been brought (or previously brought) with another complaint, objection, or appeal body;
 - c. which has been brought (or previously brought) as a legal dispute;
 - d. which has been filed (or previously filed) as a lawsuit;
 - e. which occurred more than five years before the complaint was lodged.

7. Confidentiality

The Ombudsperson has a duty of confidentiality for everything that has become known to them in that capacity, even after the activities as ombudsperson for Saxion have been terminated. This may only be deviated from with the express permission of the reporter or due to legal requirements. The data recorded by the Ombudsperson relating to cases shall be deleted from the Ombudsperson's archives after a period of three years.

8. Responsibility

The Ombudsperson shall keep an anonymous record of the nature and extent of the cases dealt with. The Ombudsperson reports their activities to the Executive Board in an annual anonymised report as part of the Saxion Annual Report. The report shall report in general terms on the cases dealt with and the activities carried out. The reporting must not be traceable to individual persons.

Consultation between the Executive Board and the Ombudsperson shall take place at least once a year on the basis of the annual report.

9. Final provisions

These rules can be cited as Regulations for the Ombudsperson 2023.

These rules were adopted by the Executive Board on 5 July 2023.

These rules come into force on 1 September 2023.

Two years after coming into force these rules shall be reviewed by the confidential intermediaries, the Ombudsperson and the HRM and OSS Directors and adjusted as necessary.