

REGULATIONS ON OMBUDS OFFICER

For employees

November 2024

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Consent of the University Council (HSR) on 17 January 2024



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PREAMBLE

- The Ombuds Officer is a highly accessible facility for employees seeking advice, especially in the area of labour relations.
- The Ombuds Officer can advise, mediate, investigate and adjudicate.
- The Ombuds Officer can identify structural bottlenecks within the organisation and advise the management and the Executive Board on these.
- The Ombuds Officer makes recommendations after identifying bottlenecks within the organisation.
- The Ombuds Officer provides solicited and unsolicited advice. The aim of this advice is for those involved to reach a solution for the identified bottlenecks by themselves.
- The Ombuds Officer may proceed to report to the Executive Board if information, advice or mediation repeatedly fail to address identified bottlenecks. The Ombuds Officer notifies the person(s) involved immediately, before the Ombuds Officer proceeds to do so. The Ombuds Officer cannot issue binding opinions.

1. DEFINITIONS

Article 1. Definitions

1. **Governing body:** Separate part of the organisation of HU University of Applied Sciences Utrecht (HU) that is charged with administrative tasks under the law, the Management and Governance Regulations or any other decision, including, for example, the Executive Board, a director or head of an institute, research centre or department.
2. **Executive Board of the HU:** Governance body of the university of applied sciences and the university board of the Hogeschool Utrecht Foundation, in accordance with Section 10.8 of the 'WHW' (Higher Education and Research Act), tasked with duties and powers as laid down in the charter of the Hogeschool Utrecht Foundation. Hereinafter: CvB (College van Bestuur).
3. **Employee:** A person who is performing or has performed work for the HU under an employment contract, or a person who is performing work for the HU in a manner other than under an employment contract (e.g.: applicants, secondees, doctoral candidates, students doing their work placement, hired workers, volunteers);
4. **Ombuds Officer:** Independent officer appointed by the CvB who, in response to complaints or signals from employees or on his or her own initiative, investigates whether a (governing) body or an HU employee has behaved as stipulated in the regulations in matters concerning employment relations. In doing so, the Ombuds Officer also considers whether a complaint can be resolved by advice, referral or recommendations to the parties.
5. **Regulations:** These HU Regulations on Ombuds Officers.
6. **Regulations for Reporting Suspected Integrity Violations:** HU regulation, which can be found on [ÉÉN HU](#).
7. **Regulations for Reporting Suspected Misconduct:** HU regulation, which can be found on [ÉÉN HU](#).
8. **Regulations for Inappropriate Conduct:** HU regulation, which can be found on [ÉÉN HU](#).
9. **Confidential Advisor:** Confidential advisor appointed by the CvB to act in this capacity for the HU.

2. GENERAL PROVISIONS

Article 1. Appointment

The Ombuds Officer is appointed by the CvB.

Article 2 . Position

1. The Ombuds Officer is not subordinate to any governing body within HU University of Applied Sciences Utrecht (HU) in the performance of their duties.
2. The position of Ombuds Officer is incompatible with any other position within the HU, or membership of any body of which the HU is a member.
3. The CvB shall ensure that the Ombuds Officer is not disadvantaged in the position of Ombuds Officer as a result of their work.
4. The appointment of the Ombuds Officer ends:
 - a) if a review gives cause for the CvB to terminate cooperation with the Ombuds Officer;
 - b) at the request of the relevant Ombuds Officer;
 - c) upon dismissal or other termination of employment or cooperation;
 - d) if, by acts or failure to act, the trust established has been seriously damaged.

Article 3. Replacement

1. The CvB appoints a deputy to the Ombuds Officer as soon as it can be expected that the Ombuds Officer will be unable to perform the duties for a longer period of time.
2. The Deputy Ombuds Officer takes office at a time to be determined by the CvB.
3. The Deputy Ombuds Officer shall remain in office until the Ombuds Officer resumes duties or a new Ombuds Officer takes office.

Article 4. Facilities

The CvB shall provide the Ombuds Officer with the facilities necessary for the proper performance of the role as Ombuds Officer:

- a. a reasonable workload and appropriate working environment, as well as ICT facilities for the performance of confidential work;
- b. adequate in-service training and attendance of peer review meetings.

3. THE REQUEST

Article 7. Requestor

1. Every HU employee has the right to seek advice and/or file a complaint with the Ombuds Officer and to request the Ombuds Officer to investigate the conduct of a (governing) body or an HU employee towards the employee in matters of labour relations.
2. Conduct includes both acts and failure to act.
3. In case a complaint, objection or appeal procedure is available against the conduct and the requestor makes use of this procedure, the requestor is obliged to notify the Ombuds Officer of this immediately.
4. If the Ombuds Officer finds that the employee should submit the request for advice or the complaint not to the Ombuds Officer but to a confidential advisor, the Ombuds Officer shall refer the employee to the confidential advisor.
5. Upon request, the Ombuds Officer can support an employee in filing a report as part of the complaint, objection or appeal procedure. The Ombuds Officer may also decide to file a report of suspected misconduct or a suspected integrity violation themselves if this concerns labour relations.

Article 8. Request

1. The request should be in writing and should include at least:
 - a. the name and address of the requestor;
 - b. the date;
 - c. a description of the conduct to which the request relates, and information as to which body or person conducted themselves in this way;
 - d. the reason why the requestor objects to the conduct;
 - e. the signature of the requestor.
2. If the request does not meet with the conditions referred to in this article, the requestor shall be given the opportunity to remedy this within two weeks.
3. The request may be withdrawn at any time, in which case these regulations shall not apply any further and the Ombuds Officer shall inform those involved (to the extent necessary).

Article 9 . Acknowledgement of receipt

The Ombuds Officer shall acknowledge receipt of the request, in writing and within three working days.

Article 10. Reasons for rejection

1. The Ombuds Officer is not obliged to initiate or continue an investigation under Article 7 if:
 - a) the request does not meet the requirements of Article 8(1) and (2);
 - b) more than one year has elapsed since the conduct, in response to which the complaint was made, took place. This period may be deviated from if the Ombuds Officer is of the opinion that the conduct is so serious that the complaint or report should still be processed. The Ombuds Officer shall provide proper justification for the decision;
 - c) the request is manifestly unfounded;
 - d) the interest of the requestor or the weight of the conduct is manifestly insufficient;
 - e) the requestor is a person other than the person against whom the conduct took place.

2. The Ombuds Officer will not initiate or continue an investigation under Article 7 if:
 - a) a complaint, objection or appeal procedure on the basis of a statutory regulation or one of the regulations applicable within the HU has been instituted with respect to the content of the conduct, or an opinion, decision or verdict has been reached in this¹;
 - b) the request has already been the subject of a previous opinion by the Ombuds Officer;
 - c) the employment of the requestor with the HU ended more than one year ago.

3. If the Ombuds Officer does not investigate on the basis of any of the provisions in Paragraph 1 or 2, or does not continue the investigation, the Ombuds Officer shall notify the requestor in writing as soon as possible, stating the reasons.

Article 11. Own initiative to investigate

The Ombuds Officer is authorised to conduct an investigation of his own accord, i.e. without a request, into how a (governing) body or an employee has conducted himself, herself or themselves in matters relating to labour relations as stipulated in the regulations, unless it concerns conduct in respect of which a complaint, objection or appeal procedure is or has been open on the basis of a statutory regulation or a regulation in force within the HU, regardless of whether the person(s) concerned has (or have) made use of it.

¹ Meaning that the Ombuds Officer has no (further) involvement in the matter as dealt with in those proceedings. However, if the procedure itself does not proceed properly, e.g. no reply is given to a letter or unnecessary delays apply, a complaint can again be made to the Ombuds Officer about this.

4. THE HANDLING OF THE COMPLAINT

Article 12. Procedure

1. When dealing with the complaint and at all stages of any investigation, the Ombuds Officer will consider whether there are options for resolving the complaint, in whole or in part, or otherwise, through advice and/or referral or recommendations to those involved².
2. In case a complaint, objection or appeal procedure is available against (part of) the conduct that led to the complaint, the Ombuds Officer will draw attention to this option.

Article 13. Hearing those involved

1. The Ombuds Officer shall give the (governing) body and/or the employee to whose conduct the request relates and the requestor the opportunity to explain their point of view. This can be done in writing or verbally and, if desired, in a face-to-face meeting between those involved and the Ombuds Officer.
2. The Ombuds Officer may, if deemed necessary for the assessment of the complaint, also give others the opportunity to read the complaint and make verbal or written statements about it.

Article 14. Requests for information

1. The Ombuds Officer is authorised to request information from (governing) bodies and employees of the HU, or to request and inspect relevant documents. If the person involved gives written consent to this end, the Ombuds Officer has access to personal data of the person involved.

Article 15. Further investigation

1. The Ombuds Officer is authorised to engage the help of experts.
2. The Ombuds Officer may enter any premises of the (governing) body where the employee, whose conduct is being investigated, performs their work.

Article 16. Duty of confidentiality

All third parties involved in the investigation have a duty of confidentiality with regard to matters brought to their attention as a result of their involvement in the investigation³.

² Recommendations to those involved may include reaching a practical solution, a mediating effect or, for example, referring them to a mediator, depending on the situation.

³ An exception is made for documents drafted by third parties, which can be introduced by the parties in follow-up proceedings.

5. THE ASSESSMENT

Article 17. Assessment

The Ombuds Officer shall assess whether or not the (governing) body or the employee conducted himself, herself or themselves properly in the matter investigated, unless the Ombuds Officer considers an assessment unnecessary because the complaint has been resolved after the request was submitted.

Article 18. Reporting

1. When an investigation has been concluded, the Ombuds Officer shall draft a report reflecting the findings and the opinion, at the request of (one of the) parties involved. The report also states whether, and if so, what recommendations are made.
2. The Ombuds Officer shall send the report to the requestor, to the body or employee concerned, and to the director or head of the organisational unit concerned. Also, in case of a recommendation, the Ombuds Officer sends the report to another organisational unit authorised to implement that recommendation.
3. The Ombuds Officer shall provide an anonymised copy or extract of the report to any person upon request, unless, in the opinion of the Ombuds Officer, the privacy of the persons named therein is not sufficiently guaranteed.

Article 19. Recommendations

1. If the report is accompanied by a recommendation, the (governing) body authorised to implement this recommendation shall inform the Ombuds Officer within one month of receiving the report on how the recommendation will be implemented.
2. If the (governing) body considers not following the recommendation for weighty reasons of a policy nature, it shall notify the Ombuds Officer, in writing and stating the reasons, within one month of receiving the report.
3. In case the (governing) body does not follow the recommendation, the Ombuds Officer shall ensure that the report and the response of said body are sent to the CvB for information. If the recommendation concerns the CvB itself, the report and the response of the CvB will be sent to the chairman of the Supervisory Board.

6. FINAL PROVISIONS

Article 20. Confidentiality and privacy protection

1. The Ombuds Officer is obliged to keep confidential all matters that have been brought to their attention in the performance of the duties, insofar as this follows from the nature of the case.
2. The Ombuds Officer will make due efforts to protect the privacy of both the requestor and other data subjects wherever as possible.

Article 21. Report

The Ombuds Officer shall issue an annual report on the work performed. The report will be sent to the CvB, all directors and the HSR. The report is made available internally in the organisation.

Article 22 . Mutatis mutandis application

1. These regulations apply mutatis mutandis to conduct by (governing) bodies and employees of legal entities affiliated with HU University of Applied Sciences Utrecht, in respect of which the CvB has decided that the powers of the Ombuds Officer also extend to their conduct.
2. The CvB shall only take a decision as referred to in the previous paragraph at the request of the highest competent (governing) body of the affiliated legal entity, provided that this body has stated in writing that it agrees to the mutatis mutandis application of these regulations.

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