Guideline for the establishment of an ombudsperson service at the University of Applied Sciences Emden/Leer

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# Section 1 Aim and purpose of the Guideline

The University of Applied Sciences Emden/Leer sees itself as an open campus university. It promotes and demands direct and personal contact of all university members as well as respectful interactions with one another.

It thus establishes a conducive culture of continuous improvement in all areas, especially in teaching. It lives and recognises the extraordinary integrity, quality and high level of commitment of all university members and staff. However, it cannot be ruled out that misunderstandings or unintended consequences may occur in some cases, and it is possible that mistakes may be made. In the spirit of the idea of an open campus university, we expect for those concerned to seek out a dialogue among themselves. However, if this is not possible, or not desired, all university members and staff have the option of making a complaint. The *Principles for handling complaints* at the University of Applied Sciences Emden/Leer adopted by the Senate on 19 March 2019 apply to the handling of this.

Should this complaints channel appear to be unworkable based on reservations, university members and staff also have the option of lodging complaints with the ombudsperson.

This applies in particular when and insofar as conflicts arise within the university that cannot be resolved amicably between the parties involved, as well as for students if they have a complaint relating to study and teaching.

This guideline regulates the appointment, dismissal, tasks, rights and responsibilities of the ombudsperson.

# Section 2 Ombudsperson

A person to be appointed as ombudsperson should be particularly suitable for the following tasks, have teaching experience at universities, be familiar with the procedures at the University of Applied Sciences Emden/Leer, be familiar with its structures, but must not be a member of this university.

The ombudsperson is independent and not subject to instructions. They keep confidential all information relating to complaints or other matters.

They are not obliged to any agency or body of the university to disclose details of complaints or other matters, such as their content or the names of those involved.

**Section 2.1 Tasks of the ombudsperson**

The ombudsperson’s tasks include the following in particular:

‐ Receiving complaints

‐ Reviewing the appropriate nature and severity of complaints

‐ Listening to the persons concerned

‐ Determining the further steps in agreement with the complainants

‐ If applicable, consulting other agencies and bodies (e.g. Committee, Dean’s office)

‐ If applicable, seeking external expert advice

‐ Attempting to settle things amicably and resolving conflicts

‐ Giving feedback to complainants

‐ Documenting complaints

‐ Anonymous reporting to the Committee and Senate

Depending on the occasion, the ombudsperson may, by their own initiative, perform other tasks in connection with handling complaints and/or other matters (e.g. initiating a moderation procedure).

# Section 2.2 Limit of jurisdiction

The ombudsperson is not responsible for any examination matters, in particular any objections to examination results, recognition procedures or the clarification of legal procedures.

The ombudsperson is also not responsible for complaints about the university infrastructure (e.g. structural conditions) and matters outside the university.

The ombudsperson is seen as an independent, neutral body and as such will not pass judgements on the performance of teachers.

The ombudsperson may declare themselves not responsible or biased. In such cases, the Committee will refer the complaint or matter to a suitable body within the university, provided that the person who has made the complaint or raised the matter agrees.

# Section 2.3 Procedures for complaints

The ombudsperson examines the complaint and the underlying facts as to whether the cause of the complaint and its severity are sufficient for it to be pursued further.

In the case of complaints which suggest that the applicable legal system of the Federal Republic of Germany has been or will be violated, the ombudsperson informs the university management. The latter decides on the way forward.

If, after examining the facts, the ombudsperson considers that pursuing the complaint further is necessary and appropriate, they will attempt to clarify the facts by performing the tasks described in Section 2.1, i.e. to reach an agreement between the complainant and the person concerned, or to work towards a remedy for justified complaints.

If necessary, the ombudsperson will reach an agreement with the complainant on how the situation in question will be avoided in the future.

If it is not possible to reach an agreement, or if similar, justified complaints arise again afterwards, the ombudsperson may, at their discretion, inform the Committee, the relevant Dean’s office or the disciplinary supervisor of the facts.

The ombudsperson will inform the complainant and the persons concerned about the current state of the procedure.

# Section 2.4 Rights and responsibilities of the ombudsperson

The ombudsperson has the right

‐ to ask the persons concerned to speak about a complaint,

‐ where possible, to agree with them on remedial actions, dates and types of evidence of positive outcome and

‐ at their discretion, while respecting the anonymity of the parties and taking into account confidentiality and GDPR, to consult experts or third parties experienced in matters of mediation.

The ombudsperson has the duty

‐ to provide an anonymised statistical overview of complaints submitted to the university management and to the Senate at the end of each semester (this overview shall include the number of such complaints, the average duration of the procedures and, where appropriate, statements on the success of the measures. However this overview shall not allow any conclusions to be drawn about the persons concerned or the agreed measures.) and

‐ to give factual feedback to complainants at their discretion.

**Section 2.5 Appointment and term of office of the ombudsperson**

The ombudsperson is elected by the Senate for a term of office on a proposal for the Committee. They are appointed by the Committee.

The term of office is one year. It is possible for the ombudsperson to be re-elected by the Senate.

Upon request, the Senate may de-elect the ombudsperson. This requires a simple majority of votes and a majority of the student representatives of the Senate.

The ombudsperson may, in turn, resign from office with a notice period of 3 months from the end of the month.

# Section 3 Final provisions

The guideline shall take effect on the day of its publication in the university announcements bulletin.

It is initially limited to two years. It will then be evaluated and resubmitted to the Senate for a decision.