

# Ombudsperson Report

September 2021 - November 2022

Wageningen  
University & Research

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AUTEUR  
Jacqueline Schoone

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January 2023



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# 1 Preface and scope of the report

## Preface

I am delighted to present my report for the past year. Writing a report is a way to account for my activities over the past year, as well as help me to assess how I have contributed to a safer work and study environment. To consider what I am grateful for and what I am proud of. However, what constitutes a safe work and study environment? According to Mariëtte Hamer -appointed government commissioner for boundary-crossing sexual behaviour and sexual violence:

*'A safe work environment will enable you to express yourself, regardless of who you are, who you are talking about or with whom. There are confidential counsellors that are well-trained and easily accessible, and administrators actively pursue the issue. Reports are addressed, and there is an open culture with room for diversity.'*

I am grateful for the trust placed in me by those who have submitted reports, by the managers at WUR and by the board. I have been able to do my work without any form of resistance or opposition. People within the organisation found their way to my office from the start, and I feel confident that I may continue on this route.

My collaboration with WUR colleagues tasked with social safety issues has been pleasant and effective: confidential counsellors, occupational social workers, and staff of Education and Student Affairs. I have worked intensively with the Social Safety workgroup, and we have really managed to deliver something great. I look back upon an exciting and inspiring year, and I look forward to the second year of my tenure as interim ombudsperson.

## Scope of the report

This report covers the period from 12 September 2021 to 1 November 2022. A report on the first six months (12 September 2021-1 March 2022) has previously been submitted. This first report served to gain insight into issues relevant to the work of the ombudsperson in order to adjust the tasks and approach where needed. That report did not culminate in any alterations in tasks or approach. This report, which covers a year, is an expansion of the first report and may be read as a stand-alone document.

Chapter 2 presents a timeline of the past period: the initial stage and relevant events through time. Chapter 3 describes the ombudsperson's operational work: the nature of the reports, a profile of the reporters and the interventions conducted by the ombudsperson. Chapter 4 addresses the ombudsperson's (initial) findings per topic, followed by recommendations.

Jacqueline Schoone, Ombudsperson.

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

The interim ombudsperson was appointed as of 13 September 2021 for 24 hours per week. The ombudsperson serves as a quartermaster for the permanent position. The initial activities included setting up the office (accessibility by email, phone, and a physical location in Nexus), planning introductory meetings and drafting messages to introduce the availability of the ombudsperson. The ombudsperson was first available in person at a meet and greet during the diversity week on 5 October 2021. The ombudsperson digital counter was opened sooner, on 23 September 2021 with the first report submitted on 28 September. A description of the role ('the ombuds role at WUR, an implementation plan') and rules and regulations were already available prior to the arrival of the ombudsperson.

### ***Introductory meetings***

Introductory meetings were held with the (managing) directors and operational directors of the sciences groups and departments, confidential counsellors, PhD advisors and heads of HR. Additionally, an initial meeting was held with the WUR council and several decentralised works councils, followed by initial impressions. Thus, the ombudsperson finds their way within WUR: how do the sciences groups differ, what is the dominant culture within WUR, and what are the procedures? These meetings served as a first step in building relationships. Such relationships are helpful when the ombudsperson seeks counsel to address an actual report on an issue within a sciences group or service.

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

The ombudsperson was included in the integrity and undesired behaviour work group from the start with the following assignment:

1. Propose a central hotline or desk where issues can be reported and which (i) is low-threshold, (ii) allows anonymity and (iii) provides an overview of all reports, regardless of where the report is submitted, so that issues are made clear and appropriate action can be taken.
2. Set up a proper triage and referral system within the support structure. Ensure the structure is transparent, accessible and simple and fosters decisive action. Consider, in doing so, how the existing support structure may be fortified and professionalised. Clarify who is responsible for what within the domain of social safety and integrity. Focus on an adequate response to reports of undesired behaviour and after-care following incidents. Include the existing complaints procedure and propose improvements where relevant.
3. Bring the bottom threshold of undesired behaviour (violations/reports/complaints/offences) into focus through unequivocal descriptions. Submit a proposal to improve the current code of conduct or formulate a new one based on a concrete perspective on how WUR approaches issues such as relationships between colleagues, bullying, discrimination, (sexual) harassment, etcetera.

The ombudsperson had both an advisory and an executive role in (co) formulating the advice, particularly concerning describing the bottom thresholds of behaviour in a code of conduct.

A central point of contact for social safety is now operational. It is staffed, in turn, by the programme manager of Social Safety, the Safety Coordinator, a representative of the Student Service Centre and a PhD candidate. The ombudsperson is a member of the contact point's team. A draft code of conduct has been completed. Prior to formulating this draft, workshops were organised to present the draft to various forums such as the confidential counsellors, occupational social workers, the WUR council's P-committee and study advisors. In November 2022, the 'Mindlab' performances started, and the Social Safety awareness campaign was launched.

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

The first introductory meetings were conducted face-to-face. From mid-October 2021 to mid-February 2022, sessions -including those with people filing complaints - were conducted online due to the working-from-home measure in response to the COVID-19 pandemic. However, exceptions were made in some cases. The year 2022 was characterised by a hybrid approach to work; clients may opt for an online meeting or a meeting in person. The effect is positive, those wishing to report an incident can choose an approach with which they feel comfortable, and fewer travel movements are needed.

### **Link with WUR**

The ombudsperson has achieved connections within WUR in various ways:

- Structural consultation aimed at information transfer and coordinated action:
  - Contribution to the integrity and undesired behaviour work group;
- Consultation aimed at information exchange and/or activities:
  - Periodic meetings with the Diversity & Inclusion officer;
  - Periodic meetings with the head of Student Services;
  - Periodic meetings with the Rector Magnificus;
  - Meetings with two members of the Supervisory Board in January 2022;
  - Participant in the "culture transition" initiative;
  - Meeting with the Integrity Management Committee.
- Consultation with the co-determination council (central (WUR-council and the P-committee) and decentralised co-determination) regarding embedding the ombudsperson.
- By invitation:
  - Meetings with the heads of P&O of services and groups;
  - Heads of HR and individual advisors (of several sciences groups);
  - Confidential counsellors for undesirable behaviour (personally, per sciences group);
  - Confidential counsellor for scientific integrity;
  - Head of the PhD office, PhD-advisors;
  - Contribution to the diversity week Meet & Greet in October 2021;
  - Panel contribution (short presentations and interactive panel–audience discussion) during the 2022 diversity week 2022;
  - DARE;
  - Contribution as a facilitator during a FAT session on social safety (March 2022);
  - Contribution to a discussion of the board of directors regarding case studies (September 2022);
  - Participation in the Mindlab kick-off performance (September 2022).
  -
- External:
  - Meetings with the VOHO (Dutch acronym for the Association of Ombudspersons in Higher Education) three times per year;
  - Advice (through an interview) for policymakers (TU Eindhoven, Universiteit Leiden, Erasmus Universiteit).
- Conferences and events:
  - Delivering a masterclass for ombudspersons of Utrecht University (September 2020 and expected for April 2023);
  - Online contribution on the work of an ombudsperson for the EFEE (European Federation of Education Employers) in February 2022.
- Miscellaneous:
  - Proposal to appoint a confidential counsellor for personnel issues submitted to the director of HR in February 2022;
  - Evaluating a case within WUR, commissioned by ASG (October 2022)
  - Formulating a guideline for cases for WUR managers (November 2022).

### ***Communication about the ombudsperson***

In addition to articles about the ombudsperson's purpose, duties and approach on the intranet, interviews with the ombudsperson were published in Resource<sup>1</sup> in September and January of 2022.

#### **2.1 The ombudsperson's approach to reports**

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

The first stage in contacting the ombudsperson is an email or phone message from the person reporting. This is generally followed by personal contact, face-to-face, online or by telephone. In some cases, the person reporting is referred for a follow-through immediately. In such cases, the ombudsperson's role is limited to referring the notifier to a different desk within or outside of WUR and deferring all relevant information. Each report is registered (name, position, unit or department, nature of the complaint). There have been no cases of anonymous reports where the person reporting remained entirely unknown.

During the personal conversation, the ombudsperson generally decides on the course of action in consultation with the reporter. If the report concerns a situation that is structural, or if the report refers to an issue of specific gravity or scope, the follow-up may mean contacting other informants and gathering written information from the person reporting or by third parties. Moreover, contact may be sought with an official within the department or service. This is not an official investigation but rather an exploratory orientation on the complaint. The person who reported an issue is kept apprised of the developments. Between one and six meetings take place with the reporter. The ombudsperson subsequently decides on an intervention: advice issued to the department or group, mediation or an investigation. During the course of the intervention, the ombudsperson maintains contact with all parties involved in the case.

#### **2.2 Number of reports**

This report is based on the reports submitted between 13 September 2021 and 1 November 2022. There were **56** reports submitted by **93** persons. More than one person may be involved in a single report, which explains why the number of persons exceeds the number of complaints. A total of **33** cases<sup>2</sup> were reported: issues that required intervention by the ombudsperson. There are two reports for which it has yet to be determined whether an intervention is required.

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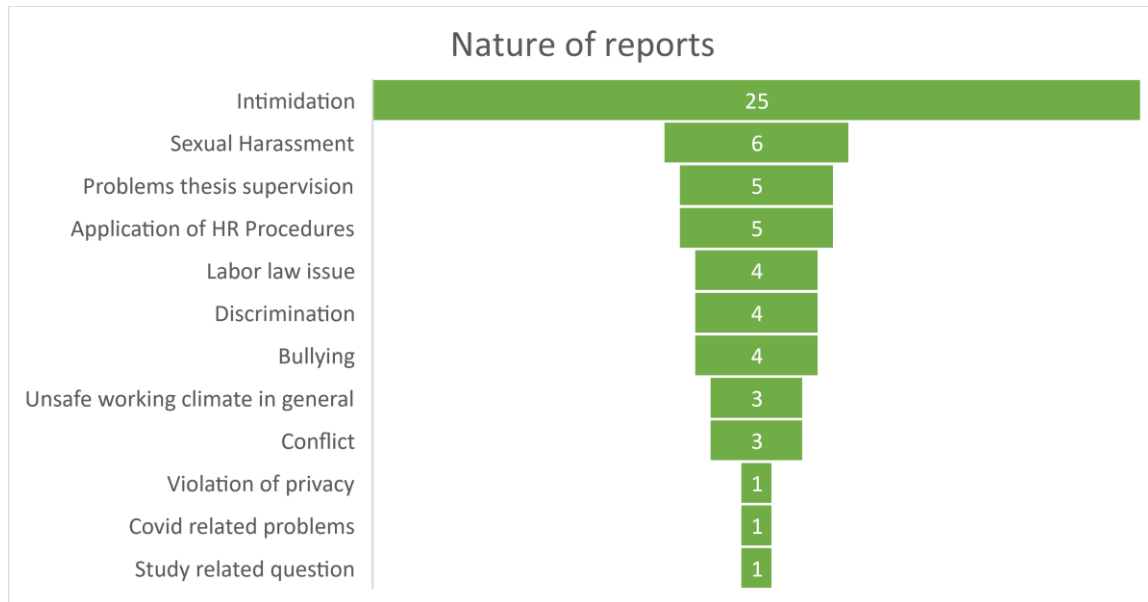
<sup>1</sup> ['Mensen zijn klaar met wangedrag' - Resource online \(resource-online.nl\)](#)

[Ongewenst gedrag te lijf: 'Elke melding nog goed nieuws' - Resource online \(resource-online.nl\)](#)

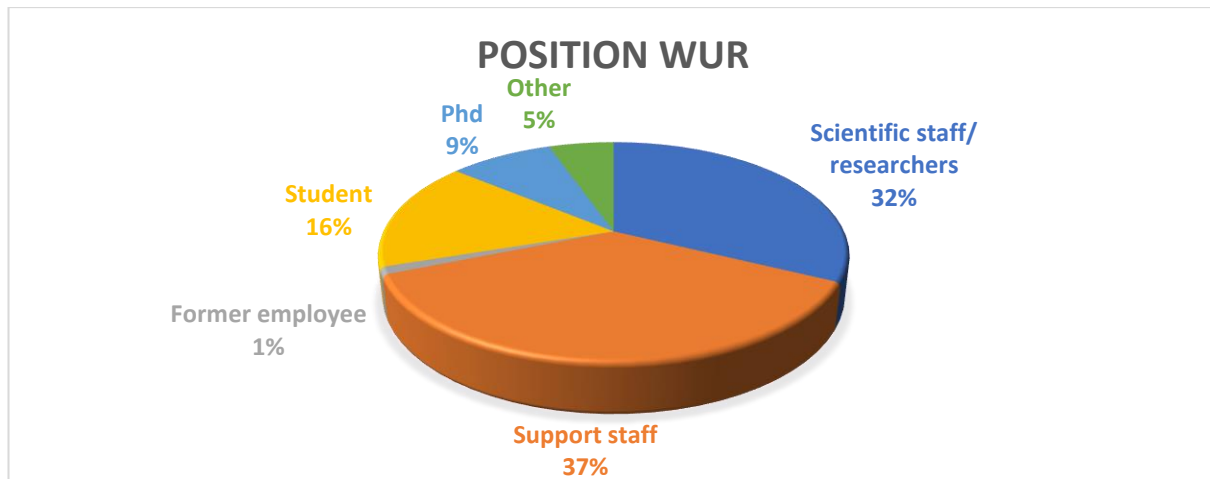
<sup>2</sup> See: the definitions in the appendix. A report that is followed up with referral or personal advice is not a case. Such reports are generally closed after a single moment of contact.

### 2.3 Nature of the reports

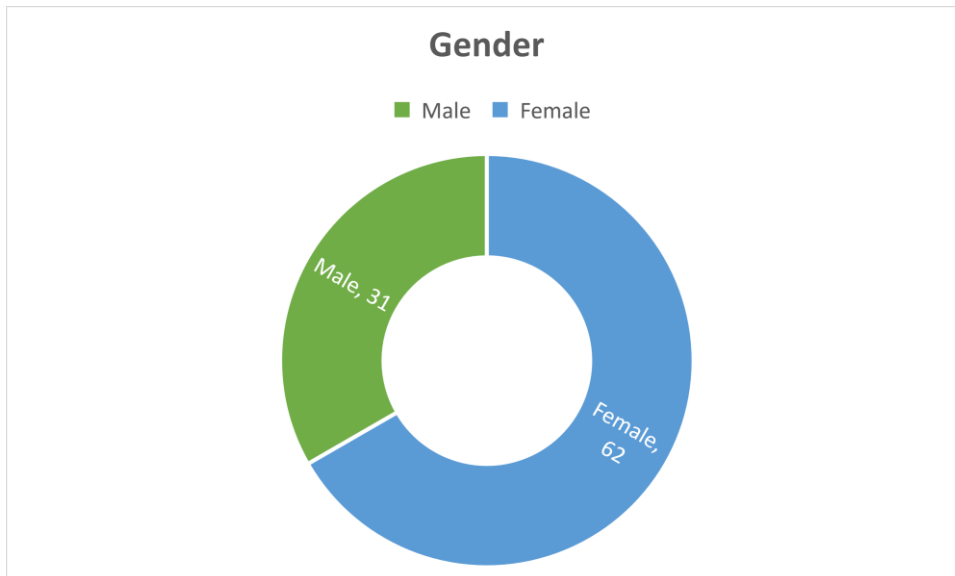
Occasionally, a single report contains multiple issues. Hence, the number of reports in the table below exceeds 56.



### 2.4 Profile of the persons reporting undesirable behaviour





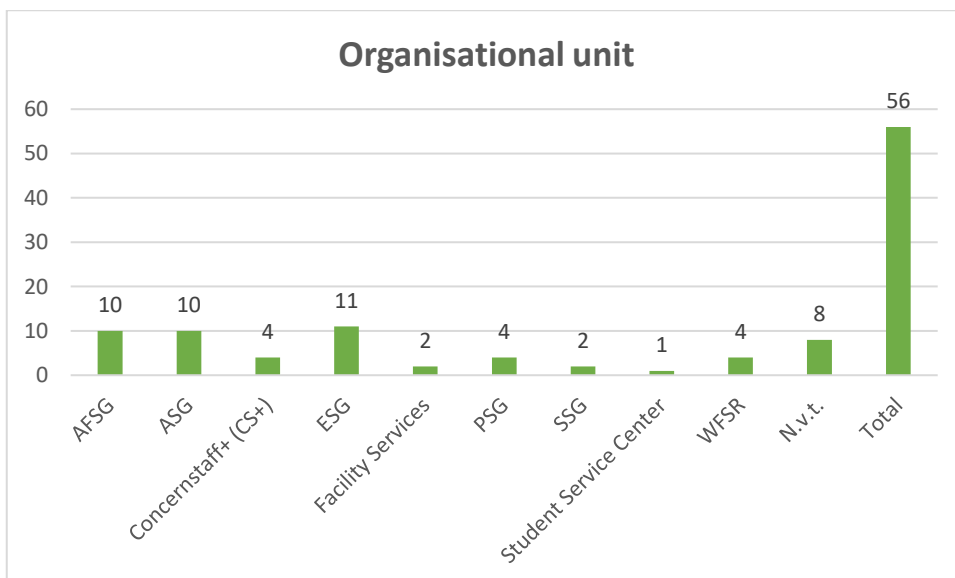


(No non-binary persons submitted reports)

Half of all reporters are scientific personnel (scientists and PhD students). 16% are students. The percentage of students shows a slight increase. The majority of the reporters are female.

## 2.5 Organisational unit involved in the report

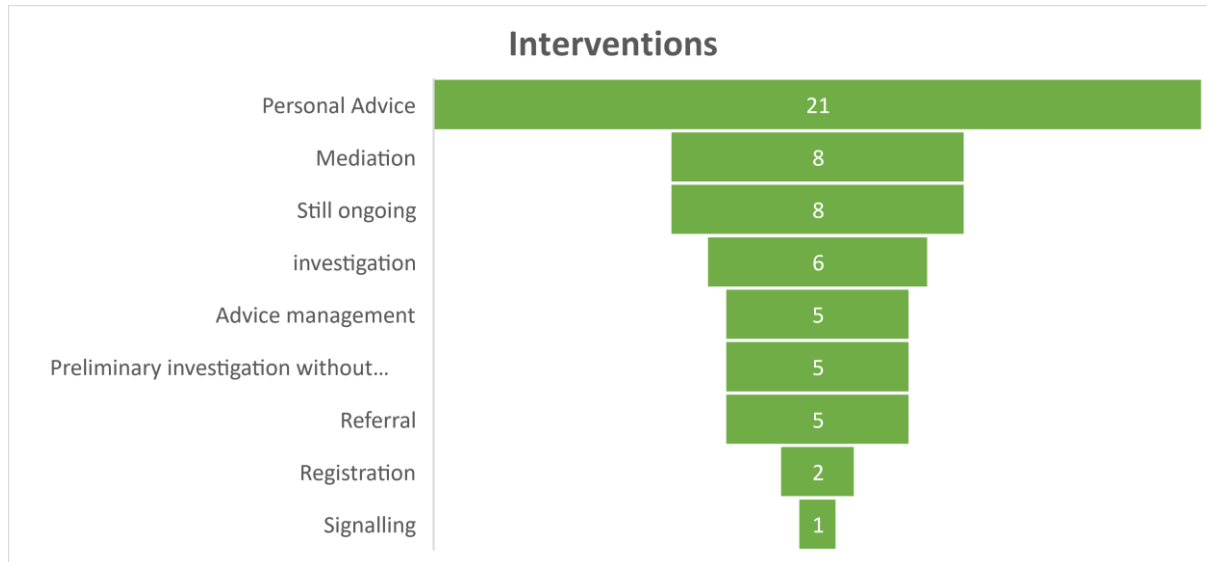
All reports are categorised according to the department or service to which they pertain. The category 'not relevant' covers reports submitted by persons who are not part of WUR. In 45 instances, the reporter or reporters was or were directly affected by the issue, while bystanders submitted 11 complaints.



See paragraph 3.8 for further details.

## 2.6 Interventions

What were actions taken by the ombudsperson to solve the reported issue?



### *Clarification: personal advice*

Occasionally, the reporter(s) are given personal advice after one or two meetings. Unravelling the question in order to provide the proper counselling often calls for multiple additional discussions with other members of staff or students who may be able to shed more light on the issue or with advisors (such as legal counsellors within WUR or a supervisor). The reporter is always asked for permission before such additional meetings take place. These activities, despite their intensive and time-consuming nature, are not logged under 'investigation' or 'mediation'.

### *Clarification: mediation*

Mediation is often conducted by facilitating dialogue. This is an informal way to support both parties in a situation of conflict where communication has ground to a halt. This intervention aims to unravel the issue and find a solution. Sometimes, this may be the first step in mediation. Sometimes the ombudsperson must move back and forth between different persons within the organisation with clarifying questions to bring the parties closer together or request action from persons within WUR.

### *Clarification: investigation*

Investigation means analysing the facts and circumstances surrounding the issue reported, but it may also relate to the culture within a department of the particular dynamics between employees or between employees and the supervisor. The goal is to clarify the issue at hand and to find solutions for improvement. Ideally, the supervisor or management of a department or organisational unit commissions the investigation, which is generally conducted by a specialised external agency. The client consults with the ombudsperson to formulate the research question, select the agency, determine the investigative method, and follow up on the recommendations. This is only possible if the ombudsperson has sufficient faith in the management of the organisational unit in its role as a client. That, in turn, depends on the degree to which the issue is recognised and acknowledged and whether the motivation to reach a solution or amelioration is sufficiently present. The ombudsperson may also decide to conduct an investigation or serve as a client in commissioning an inquiry. This situation, however, has not occurred so far. An investigation is always preceded by a preliminary investigation into the case to which the report refers. The ombudsperson talks to a number (between two and twelve) of people who may be able to provide additional information on the issue to which the report refers.

*Clarification: Preliminary investigation without further investigation*

In some cases, a preliminary investigation is conducted, but a formal investigation is not. In such cases, personal advice and (more often than not) advice for the organisational unit's directors suffices.

*Registration*

In some cases, the reporter's goal is merely to have the complaint heard and registered. No further action is taken.

*Referral*

In most incidents of referral, the reporter is referred to a confidential counsellor or the occupational social worker.

## **2.7 Requests for advice**

On **20** different occasions, the ombudsperson was called on by supervisors, HR advisors, occupational social workers or confidential counsellors to advise on general issues of specific cases. Examples include:

- I suspect that people in my team exhibit undesirable behaviour. What is the best way to approach this issue?
- What is the best way to design a behaviour improvement trajectory?
- We want to conduct an investigation. Could you recommend agencies?
- We want to discuss sexual intimidation within our team; what is the best way to broach this subject?
- What is the best way to communicate with the teams about an incident that has taken place?

## **2.8 Clarification of the data**

The number of reports within a department does not reflect how safe or unsafe the department may be, as WUR considers reports a positive sign. Moreover, the position of an ombudsperson is new within the organisation, so there is no baseline for comparison.

*Individual reports and reports of a structural nature*

The ombudsperson had been installed to focus on structural malpractices, not individual cases (relating to a disagreement or conflict between the reporter and another party). Most reports (65%) relate to structural patterns of social unsafety and other malpractices affecting the reporter(s). The ombudsperson also receives individual reports. The following may be noted:

- An individual may report an issue that is structural and affects more people than just the reporter. The report may also be one of several similar reports.
- Individual reporters will often already have sought contact with a confidential counsellor but believe additional action in some form is required. In some cases, the reporter and the confidential counsellor contact the ombudsperson together. Filing a complaint is often not what they desire, a complaints procedure does not match the nature of the complaint, or the reporter does not expect filing a complaint to lead to the desired optimal result, is wary of the whole procedure or fears possible repercussions may result from filing a complaint. In such cases, the ombudsperson is viewed as the next, and frequently also as the only remaining, option to have the issue addressed. The ombudsperson is thus an alternative in cases where an intervention is needed, but an informal approach is the most fitting or desired.
- A number of reports are related to a conflict or issue regarding employment conditions or are related to HR. Reporting back to HR is not possible in such cases, as the reporter does not consider HR a safe (enough) department to which to report. In some cases, HR is perceived as part of the problem.

### *Nature of the reports*

The majority of the complaints are related to social safety. Other reported issues include issues regarding legal positions, issues related to supervising students, how policy is applied, labour disputes and conflicts in collaboration. Employees often experience undesirable behaviour when they are involved in an employment dispute. No complaints were reported by students 'lost in the bureaucracy'. A possible explanation is that study advisors are easily accessible. WUR's size and the way it is organised make student services easy to find and access.

### *Interventions*

In one-third of the cases, personal advice sufficed. The reporter was given tips and tools to act or decided no further action was required. In one-third of the cases, an intervention directed at the department's officials, service or, in a few instances, the EB was needed. These interventions are mostly informal through dialogue. A written report and recommendations are made in larger, more complex, or sensitive cases. In all cases, investigations were conducted at the behest of the sciences group or services upon the ombudsperson's advice. An external agency conducted the investigations. Mediation includes one or more facilitating dialogues in which the ombudsperson takes on the role of the discussion leader. Formal mediation, as described in 3.6, is not one of the ombudsperson's duties. However, in some cases, the ombudsperson recommended a formal mediation be conducted.

### 3 Observations and recommendations

#### ***A committed and proud university***

Students and employees are generally positive about WUR. They are proud of WUR's approach and the campus and feel committed to the organisation. And their pride is undoubtedly justified; WUR is the best Dutch university according to the 2022 Times Higher Education Rankings (THE). Moreover, the university has been declared the best Dutch university for the eighteenth consecutive time in the Keuzegids Universiteiten 2023 (University Guide for prospective students).

#### ***Professional support structure for employees is embedded well***

Occupational social workers, company physicians, PhD advisors and confidential counsellors are committed to WUR. They work well together and collaborate with the ombudsperson. The ombudsperson has regular meetings with these officials as part of the approach to reports.

#### ***Slight increase in reports from students, and confidential counsellors easier to find***

The number of reports from students is still much smaller than those from employees. The recently published guideline for students is an excellent step, as is instating confidential contact persons for students and an external confidential counsellor for students. Moreover, communications about social safety have been improved.

#### ***PhD students' vulnerable position***

PhD candidates are a vulnerable group within the university. According to a study conducted by the PhD Network Netherlands (PNN), 18.6% of all PhD candidates experience some form of undesirable behaviour in the workplace<sup>3</sup>. WUR's employee survey score is considerably lower (negatively) than other groups of employees concerning employment conditions, the degree to which their work is energising, a proper balance between their work and personal life and their options to provide their supervisor with feedback. Aspects related to social safety do not score higher or lower than average among PhD students. PhD students depend on their supervisors, making it challenging to address an issue or conflict. The PhD candidate may fear being duped in their studies, thus putting the completion of their PhD trajectory in peril. Fear that filing a complaint may have a negative impact could explain the low percentage (9%) of reports by PhD students. PhD advisors are thought to play a critical role in advising PhD students and mediating issues they encounter during their trajectory. Reports by PhD students on undesired behaviour by their supervisor only rarely culminate in an intervention other than personal advice or referral by the ombudsperson. Not because the ombudsperson or the service or department were unwilling to act but because the reporters declined to have any intervention taken out of fear of repercussions.

#### ***Calling out is difficult***

The tenet is that issues should be solved at the correct level. This generally means that the chair of a group, business unit manager, operational director or managing director is responsible for processing a report correctly. And, of course, for reporting to the (general) director or EB.

Over the past year, we have seen that formal recommendations made by the ombudsperson were followed with rapid action.

Supervisors are notably hesitant to call people out on undesirable or boundary-crossing behaviour. Behavioural issues are frequently excused on the grounds that the person involved has played a crucial part within the team or out of fear of hurting their feelings. Conflict-managing skills may be lacking: the ability to effectively address your own convictions, emotions and ideas during a conflict with someone, as well as identifying and solving disputes. This has led to issues simmering for a long time until they were addressed. HR advisors and heads of HR play a part (sometimes as a member of the team charged with managing the issue) in processing reports and safeguarding a safe work environment. HR advisors need help and support in addressing (complex) cases.

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<sup>3</sup> PNN PhD Survey, Asking the relevant questions, Promovendi Netwerk Nederland, August/September 2020.

### *Recommendation*

- Invest in skills such as giving feedback and constructive criticism for supervisors. Include these skills as a fixed item in leadership programmes.
- Train HR professionals to develop within their role regarding social safety.

### ***Leadership is the key to a safe work and study environment***

Supervisors have a crucial role in ensuring a safe work environment.

Prof. Dr Naomi Ellemers argues that responsible leaders are the best leaders in her report 'Social safety in science in the Netherlands, from paper to practice'<sup>4</sup>. They are the ones that are empathic to the needs of their subordinates and are able to motivate and inspire them to commit to a collective purpose. This includes actively listening to the concerns of others, actively organising room for dissent and inviting criticism. This calls for an open attitude which all managers can acquire if the organisation supports them and gives them sufficient time. Proper leadership is not a side job.

WUR acknowledges the tenet that supervisors play a crucial role in achieving social safety within the organisation. WUR invests in leadership and weighs leadership qualities heavily, in addition to research and didactic skills, when recruiting new managers. A leadership profile is used during the selection process when recruiting managers. WUR continues to focus on leadership quality during managers' careers through management development programmes for emerging and accomplished leaders and young talents.

In the cases that occurred in the past year, leadership was frequently part of the issue: failure to foster human connections, insufficient transparency, and inaccessible and distant leaders. Managers working within Wageningen University sciences groups and Wageningen Research business units are under considerable pressure. Theirs is a complex world with many challenges. Managers at WU and WR have a wide range of tasks, and a high quality of education and research is demanded. Added to this is the financial pressure, while chairholders also act as personnel managers. Cases featuring leadership issues mostly related to neglect, a lack of focus on inclusion and diversity, intimidation of staff, favouritism, distant and unavailable managers, and unpredictable behaviour.

Despite the focus on management development and leadership qualities as a recruitment criterium, good leadership is not guaranteed. Several (long-standing) managers have not been selected on the basis of the new leadership profile. Some of the current managers will not (or scarcely) benefit from these programmes, as the programmes are optional and the initiative lies with the participants themselves. This puts the quality of leadership throughout WUR at risk.

### *Recommendations*

- Ensure participation in a leadership programme by all managers, including long-standing and senior managers.
- Train each manager in discussing undesirable behaviour with employees, safeguarding a safe work and study environment and addressing cases.

### ***Role of HR and the gap in support for labour law disputes***

The number of reports related to employment disputes and incidents where the reporter feels that rules and regulations have been incorrectly applied has increased proportionally compared to the first six months. However, these reports seldom refer to a structural pattern and are, thus, individual issues. Employees who report an issue to the ombudsperson frequently do not see HR as the intended impartial advisor acting as a linking pin between them and the supervisor. Reporters often do not find the support they seek from HR in labour disputes. Many reporters see HR as "favouring managers rather than employees". Please note: this is the case for those reporting issues and does not reflect the sentiment of employees in general. Confidential counsellors do not consider themselves equipped to deal with labour disputes, which means the employee lacks support from within the organisation and is thus forced to seek legal help from external experts, which may lead to conflicts unnecessarily becoming legal issues.

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<sup>4</sup> Sociale veiligheid in de Nederlandse wetenschap. Van papier naar praktijk, 2022 Koninklijke Nederlandse Akademie van Wetenschappen (KNAW).

Based on these findings, the ombudsperson has initiated a dialogue on the role of HR in labour law issues, accompanied by a proposal to appoint confidential counsellors for 'labour law issues'. This proposal was not implemented for the following reasons: WUR views HR advisors' role as bridging the gap between the supervisor's and employee's interests. Thus, the HR advisor is not the manager's business partner but also serves to support and inform the employee. In its vision, HR focuses on the employees' interests and manages employee satisfaction, productivity and loyalty. Making these interests visible and measurable is a challenge in which there is still room for (necessary) improvement. It is too early to deploy supportive structures, but this topic will remain within the ombudsperson's focus this next year.

### ***Filing a complaint: a major step***

The ombudsperson does not process formal complaints. That is a task reserved for internal and external complaints agencies. Reporters are regularly asked why they have not filed a formal complaint. They, however, indicate that filing a complaint forms an almost insurmountable threshold for them. They expect a formal complaint will lead to issues such as repercussions or intensification of the dispute during or after the complaint has been addressed. Reporters often feel that 'something must be done' but, at the same time, perceive a formal complaint as a very severe and disproportionate measure. Filing a complaint will always be a far-reaching step, but the threshold can be lowered for those experiencing undesirable behaviour. The complaints procedure has some stipulations that increase the threshold for those wishing to file a complaint. It is worth noting the following:

- The fact that a reporter can be heard individually without having to face the accused is a positive fact, as is the fact that the procedure is also open to former students and employees.
- *Strong focus on the informal trajectory:* the complaints procedure stipulates that: 'The Executive Board believes that solving an issue to the complainant's satisfaction informally in consultation with those directly involved is preferable. This process is facilitated by the confidential counsellors that the Executive Board has appointed for every organisational unit. Should this informal approach fail to deliver results, or should the complainant have reasons to decline taking an informal approach, the formal complaints procedure as determined in this regulation will be activated. Nonetheless, the Executive Board may still initiate an informal procedure to solve the issue before putting the complaint before an external complaints committee'.

The way the complaints system is designed is thought to discourage complainants and prevent formal complaints from being filed. In some cases, immediately filing a complaint is the justified route to stopping the undesirable behaviour and confronting the accused with the consequences of said behaviour. Of course, solving issues amicably is preferable. Still, the procedure, as described in the regulation, makes filing a complaint almost impossible. At the same time, every employee and student has the right to file a complaint.

*Removing this stipulation from the regulation is recommended.*

- *Short statute of limitations:* article 4.3 of the complaints procedure regarding undesirable behaviour states:

'A statute of limitations of three years, starting on the date the undesirable behaviour occurred, is applied when submitting a complaint.'

Expiry of this time is deemed a reason not to process a complaint. However, a short statute of limitations could lead to complaints not being submitted, as discussing social safety situations is difficult. Moreover, an informal trajectory involving other officials may have preceded a formal complaint. *Increasing the statute of limitations to five years is recommended.*

- *Limited options for investigation:* The options for investigation by the complaints committee appear to be restricted to that which the complainant and the accused have put forward. There are no options for the complaints committee to conduct its own additional investigation. Or, rather, there is no obligation to participate in such an investigation. This means that when the complainant and accused have opposing views in the matter, as is often the case in complaints relating to social safety, and no additional evidence has been presented, the complaints committee has no alternative but to recommend the complaint be declared unfounded. The committee can recommend further investigation, but this will only be done after the complaint has been processed. *Adding the option of conducting an additional investigation to the complaints procedure is recommended.*

- *How the role of the confidential counsellor is described:* The complaints procedure also contains several stipulations regarding the role of the confidential counsellors. Examples include: 'handling complaints', seeking mediation and the right to request additional information. The role as described in the procedure does not match the role confidential counsellors currently play, nor the protocol that describes their method of operation. *Reviewing the procedure and, specifically, the description of the confidential counsellor's role is recommended.*
- *Options for students:* The regulation states that students (in addition to the other groups mentioned) can file a complaint if they have experienced undesirable behaviour. In 1.6, the "accused" is described as an employee, PhD candidate or student against whom a complaint has been submitted. In practice, complaints from students about other students are inadmissible. Moreover, it would seem that the committee is not open to complaints from employees about students. *Reviewing and determining an unambiguous position on this stipulation is recommended.*
- There is no mention of the role and duties of the ombudsperson in the complaints procedure. Not surprising, as there was no ombudsperson available at the time the regulation was formulated. *Recommendation: include and describe the role of the ombudsperson when the regulation is updated.*

#### *Recommendation*

Review the complaints procedure with a critical eye and with particular attention to the abovementioned recommendations.

#### **Question: boundaries of WUR's responsibilities?**

Amnesty International published the results of an investigation into sexual violence among Dutch female students last summer<sup>5</sup>. The study showed that 11% of the female students and 1% of the male students were the victims of penetration without consent during their time as a student. For 67% of these students, this results in psychological, sexual, physical or social issues. The majority of the students state that they do not know where within their learning institute they can find help or information after experiencing sexual violence. Studies among students of other universities (Maastricht University and Delft University) show similar numbers<sup>6</sup>.

WUR also conducted a study, although this includes other forms of undesirable behaviour that occur outside the campus but are related to study and work (but excludes incidents that occur outside the campus during personal time). Mae Lyn Meulman presented the results of this study on undesirable behaviour during out-of-office experiences (field trips, internships, congresses, excursions) conducted among 63 masters' students and young scientists who have partaken in out-of-office situations from different WUR sciences groups (AFSG, PSG, ESG, ASG, SSG). The results show that 29% (15 respondents) have experienced harassment<sup>7</sup>, and 11 respondents experienced sexual intimidation (unsolicited comments, jokes, touching). Sometimes, these are incidental occurrences, but in a good number of cases, the undesired behaviour is structural. Most affected people do not seek help but rather avoid the situation and discuss their experiences within their social network.

Students hesitate to report sexual violence to a study advisor or confidential counsellor because the incident occurred outside the campus, in a student house or during nights out. Filing charges with the police is a big step. Many such cases are closed due to a lack of evidence or a shortage of personnel and subsequent backlogs.

WUR has a role to play regarding sexual violence. If sexual violence occurs between students, the campus may feel unsafe for them. Education & Student Affairs has intervened and reached agreements between students in several cases to ensure their sense of safety. In several instances, students have asked whether WUR can do more against sexual violence. For example, by conducting a factual investigation of such incidents. An investigation could yield facts that support filing a police report. Such investigations may be justified from the perspective that there is a contractual link between students and WUR, which may make conducting an investigation fitting if the proportionality (are WUR's interests in proportion to the case) and subsidiarity (is this the least radical way to achieve the desired goal) have

<sup>5</sup> Studenten over verkrachting, I&O research, juni 2021

<sup>6</sup> Half of the surveyed students at Maastricht University indicated they have experienced some type of sexual violence during their time as a student. (Sexual Harassment among Maastricht University Students, Wellum, A. e.a., 2021) Two out of three students at the Technical University Delft have experienced sexual boundary crossing behaviour, or which 11% was unsolicited penetration and 5% unsolicited oral sex.

<sup>7</sup> Harassment is any unwanted behaviour, physical or verbal (or even suggested), that makes a reasonable person feel uncomfortable, humiliated or mentally distressed.



been diligently considered. Whether WUR is capable and willing to conduct investigations autonomously is not easily answered and must be discussed at the appropriate levels within the organisation. It is, after all, a question of how far WUR's responsibility for students' safety reaches.

*Recommendation:*

Discuss with the appropriate levels of the organisation whether WUR is willing and able, and if so, under what conditions, to autonomously conduct investigations into social safety among students.

***Advancing a safe and secure work and study climate***

WUR has invested considerably in securing a safe work and study climate in the last year. Examples include a code of conduct, the start of the Mindlab science theatre and a campaign on social safety, a contact point for social safety and the appointment of a social safety programme manager. But, social safety is a "wicked issue" and calls for interventions at multiple levels. Moreover, it is not an issue that can be solved; undesired behaviour will always exist within organisations where people work. There is a risk that the generally easy-to-implement infrastructure of hotlines, codes and regulations is not matched in equal part by awareness and willingness to act. Continued investment in the acting capabilities of managers (through, for example, training, evaluation, and case studies) and training and support for bystanders are of the essence. For the coming year, these are included in the social safety programme.

***The future of the ombudsperson***

The question is how the ombuds function will be designed within WUR in the future. The current assignment ends in September 2023. The assignment for the interim ombudsperson includes the following with regard to succession:

- Providing recommendations on the content and approach of the ombuds function;
- Assisting in the recruitment and selection of the ombudsperson;
- Contributing to the ombudsperson's onboarding.

The implementation plan for the ombudsperson<sup>8</sup> states that: 'We propose to implement an ombuds position for Wageningen University & Research (WUR) for both students and staff, with the position being occupied by a temporary, external ombudsperson as of 1 July 2021, who will function as an ombudsperson and quartermaster for a two-year period (until 1 July 2023), and who will shape the embedding of the ombuds position within the existing support structure. The position within WUR can then be designed as of 1 July 2023, based on an evaluation covering the period 1 July 2021-1 July 2023.'

A recommendation in the evaluation of the ombuds position will be made available shortly, based on the content of the abovementioned implementation plan. This recommendation will include the following elements:

- Conducting the evaluation: external or internal party.
- Method (interviews, documentation research?)
- Research question:
  - Tasks and roles: how have the duties described in the document been fulfilled, and have they been fulfilled in the intended manner?
  - Embedding within the existing support structure.
  - Degree in which the ombudsperson contributes to the overarching goal, enhancing a safe work and study climate.
  - Quantitative data (numbers and nature of reports).
- Implications for the ombudsperson's profile.
- Implications for practical aspects such as budget, housing, support and number of working hours.

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<sup>8</sup> The ombuds role at WUR, an implementation plan

## **Summary of the recommendations**

1. Invest in managers' skills, such as offering feedback and constructive criticism of behaviour. Include these skills in the leadership programmes.
2. Train HR professionals to develop their role regarding social safety.
3. Ensure that every manager follows some form of a leadership programme.
4. Train every manager to address undesirable behaviour, ensure a safe work and study environment, and handle cases.
5. Critically review the complaints procedure with particular attention to the recommendations under 'Filing a complaint: a major step'.
6. Discuss within the appropriate levels of the organisation whether WUR is willing and able, and if so, under what conditions, to conduct a study on social safety among students.
7. Evaluate the ombuds position (recommendations to follow).

## **Appendix: definitions pertaining to the ombudsperson's approach**

### *Report*

A report is an incoming notification of an event, observation or established fact. The report may be submitted orally or in writing, by email, phone or app. The report may come as a question: 'this situation is going on; what is the best course of action?'. Reports submitted to the ombudsperson are always registered<sup>9</sup>. Access to the registration is limited to the ombudsperson. Depending on the nature of the report, further action is taken—for example, referral, follow-up talks, advice or an investigation.

### *Reporter*

The person who has contacted the ombudsperson to report an incident. The reporter may be the main person involved ('victim') or a bystander: a person not directly involved in the incident but who witnesses it. Bystanders are often fellow students, colleagues, supporting professionals or supervisors.

### *Case*

A report submitted to the ombudsperson may develop into a case: an issue that includes a dilemma or problem the reporter has trouble solving. A report becomes a case when the ombudsperson intervenes (for example, by providing advice or mediation). Many reports culminate in a phone or email conversation with the ombudsperson, following which the reporter is able to continue independently or is referred in such a manner that the relevant information is transferred and a connection between the reporter and the party to which they are referred is established. If a reporter is referred or given personal advice, the report does not develop into a case. Case management is of the essence: steering and monitoring the process to ensure a coherent and full completion of the process. The ombudsperson is responsible for the management of the cases they are handling.

### *Anonymity*

Anonymity is considered a situation in which the identity of the reporter or the person and/or persons to which the report refers is known exclusively to the ombudsperson. The identity of the reporter will remain confidential during possible follow-up steps.

A second type of anonymous report is a report where the identity of the reporter is not known to the ombudsperson. Such reports are not handled but will be registered should they be submitted.

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<sup>9</sup> Registered data are: full name, contact information, gender, target group (student/former student, employee/former employee, support services or scientific staff, PhD or other, department, position, involvement and nature of the report.