

Ombudsman Charter and Terms of Reference (Revised February 2024)  
University of Luxembourg

I. Introduction

This Charter establishes the relationship between the “Ombudsman” and the University of Luxembourg (“University”). The Ombudsman provides confidential, multi-partial, accessible, and independent services to the University community and serves all campuses (Belval, Kirchberg, and Limpertsberg). Ombudsman services are accessible to all members of the University community (staff and students — referred to hereafter as “visitors”). The Ombudsman provides a safe environment for visitors to confidentially raise questions and concerns about the functioning of the University and to seek informal Appropriate Dispute Resolution services. This charter applies to any individual in the position of ombudsman at the University.

II. Purpose and scope

This Charter conforms with the International Ombuds Association (“IOA”) Standards of Practice and Code of Ethics (Appendix I and II) and builds from established best practices in the ombudsman profession. It was developed in consultation with the European Network of Ombuds in Higher Education (ENOHE), individual members of the IOA, and the Association of Canadian College and University Ombuds (ACCUO). It takes inspiration from the 2015 Innsbruck Descriptors of ENOHE as well as the European Higher Education Area (EHEA) Rome Ministerial Communiqué of November 2020, emphasizing the importance of the ombudsman position within higher education systems and institutions (Appendix III and IV).

The Ombudsman will confidentially hear questions and concerns from visitors, offer informal Appropriate Dispute Resolution services, outline formal complaint and appeal processes, make referrals to other University services, conduct appreciative inquiries when appropriate, and make recommendations to University authorities.

III. Mandate and Authority

A. Mandate

The Ombudsman provides confidential, multi-partial, accessible, and independent services to all students and staff at the University. The Ombudsman has the authority to advise visitors in workplace and academic conflict resolution within the University—providing conflict management coaching, mediation, shuttle diplomacy, facilitated dialogue, and restorative practices. The Ombudsman helps visitors interpret University policies and procedures, explore administrative appeal and complaint options, and makes referrals to other University services.

The Ombudsman acts in an educational role to inform the campus community on conflict mitigation strategies and provides presentations and workshops to staff and students. Coordinating with all levels of administration, the Ombudsman helps to ensure administratively fair policymaking through service as a non-voting member (in an advisory capacity) on ad-hoc committees and informal working groups where appropriate. The Ombudsman drafts and presents an Annual Report to the Board of Governors of the University of Luxembourg, which includes anonymised case statistics, an analysis of trends, and informed non-binding policy recommendations.

#### **B. Appreciative inquiries**

The ombudsman may conduct appreciative inquiries at all levels of University administration below the Board of Governors to make recommendations for policy and procedural changes. The appreciative inquiry may be conducted in response to a written request to the Ombudsman (if all other applicable administrative procedures and appeals have been exhausted) or as own-initiative inquiries that the Ombudsman launches without receiving a written request. Upon completion of an appreciative inquiry, an ombudsman makes a non-binding recommendation to applicable University authorities. To this end, the Ombudsman has the right to access relevant University records and personnel.

#### **C. Right to decline requests for service or withdraw from a case**

The Ombudsman may decline to offer conflict resolution services, decline to conduct an appreciative inquiry, decline to serve on policy committees or working groups, or withdraw from a case if the ombudsman deems a case to be vexatious, premature, not raised in good faith, an abuse of the ombudsman's functions, matters in which a parallel administrative or legal process is underway, issues covered under a collective bargaining agreement, matters that are beyond the mandate of the ombudsman, or in the event that a visitor had knowledge of an issue for more than one year before making a complaint and provides no reasonable explanation for not seeking informal resolution or making a formal complaint earlier. If the ombudsman is satisfied that the standards of administrative fairness have been met, the ombudsman has the right to terminate his or her involvement in a case. Upon written request by a visitor, the ombudsman will provide a written statement of the reason(s) for refusal or withdrawal of services.

### **IV. Limitations**

#### **A. Receiving Notice for the University / Putting the University on Notice**

Communication to the Ombudsman does not constitute notice to the University about existence of alleged violations of law, University policies or procedures, or issues covered by whistle-blower legislation. Visitors are free to make such allegations, however, the Ombudsman is not required to report these allegations to the University. Relatedly, if a visitor would like to put the University on notice with respect to a specific situation, or desires that certain

information or allegations be provided to the University, the Ombudsman will advise the visitor on the appropriate procedures to do so.

B. Formal Investigations and formal complaint review

While the ombudsman may advise visitors on formal complaint policies and procedures and may conduct informal appreciative inquiries to make non-binding recommendations, the Ombudsman does not conduct formal investigations or take part in formal complaint or appeal processes. The Ombudsman does not provide testimony, knowingly participate as an advocate, or attend as a witness or advisor in any internal or external formal complaint or appeal process. This includes hearings of the *Commission de litiges*, internal or external formal investigations of harassment under Article 13.2.2 of the *Convention collective* of 2022, complaints to external agencies, or meetings related to lawsuits, either on behalf of a visitor or on behalf of the University. This ensures alignment with the Standards of Practice and the Code of Ethics of the International Ombuds Association (IOA).

C. Appreciative inquiries that concern the Board of Governors or external bodies

The Ombudsman does not conduct appreciative inquiries into matters that concern the Board of Governors of the University of Luxembourg or organisations external to the University.

D. Collective Bargaining Agreements

The Ombudsman does not intervene in issues that arise out of any collective bargaining agreement or negotiations. While the Ombudsman provides services to members of the Staff Delegation and the Student Delegation, services do not include issues that are covered under a collective agreement, including, but not limited to, grievances related to termination of employment, promotion decisions, or formal employee discipline. In such instances, the Ombudsman will refer the visitor to the Staff Delegation or Student Delegation.

E. Record Keeping

The Ombudsman does not keep records for the University, will not maintain records for the University about individual cases, and will not provide ombudsman case notes to visitors. The Ombudsman uses a confidential case management system for internal record-keeping (case notes, documents provided by visitors for the purpose of information) and will create and maintain records in the manner and for the duration that the ombudsman deems appropriate and in accordance with GDPR regulations. The Ombudsman records statistical data to assist in tracking trends, giving feedback, and developing the Annual Report of the Ombudsman to the Board of Governors. Ombudsman case statistics and explanations of trends are not reported in a way that could be used to identify individual visitors.

F. Advocacy for visitors

The Ombudsman is multi-partial, working to understand all sides in a conflict and to help all stakeholders in a conflict understand one another's perspectives. The Ombudsman will not act as an advocate for any party in a conflict. The Ombudsman does not represent the perceived interests of the University or visitors in a conflict.

G. Adjudication of Issues

The Ombudsman does not have adjudication authority in conflicts. The ombudsman cannot impose behavioural changes or sanctions on individuals and cannot mandate or enforce University policy or procedural changes.

H. Housing-related complaints

The Ombudsman does not advise visitors in matters related to access to housing on or off campus, cost of housing on or off campus, interpersonal conflicts in university residence unrelated to work or academic duties, maintenance issues in university residence, or off-campus tenant-landlord disputes.

I. Retaliation

All members of the University community have the right to consult with the Ombudsman without fear of reprisal. The University will not retaliate against visitors for consulting with the Ombudsman. The position of the Ombudsman has been created as a permanent position by the Board of Governors.

J. Reporting and Independence

a) Reporting

The Ombudsman reports to the Board of Governors of the University of Luxembourg. For administrative and budgetary purposes, the Ombudsman reports to the Secretary General to the Board of Governors. The primary reporting mechanism to the Board of Governors is the Annual Report of the Ombudsman, delivered in writing and as a summary presentation. In addition to the Annual Report, the Ombudsman agrees to bring exceptional matters to the attention of the Board of Governors if, following consultation with the Secretary General to the Board of Governors and the Legal Advisor to the Secretary General to the Board of governors, the Ombudsman ascertains immediate and substantial institutional risk.

b) Budgetary and Operational Autonomy

The Ombudsman will have a specifically allocated budget and retain the authority to independently manage its operations and budget. The

Ombudsman will be allocated specific office space and be provided with adequate material and technology for office operations as well as required professional trainings.

K. Review Commission for the Position of Ombudsman

The Board of Governors commits to a review of the position of Ombudsman every four (4) years that includes an assessment of services and recommendations. The Ombudsman agrees to provide four (4) months of notice before resignation of service to ensure a review can be conducted prior to a new appointment. The Board of Governors will establish a Review Commission, state its terms of reference, and appoint its membership prior to the review. At least one member of the Review Commission will be an external ombudsman in higher education who is a member of the European Network of Ombuds in Higher Education (ENOHE), chosen in consultation with ENOHE. The report of the Review Commission will be presented to the Board of Governors, and the recommendations will be considered for approval.

V. Terms of Reference

A. Accessibility

The services of the Ombudsman are free of charge to visitors. The ombudsman maintains an office that is located in a physically accessible space, and open to all staff and students at the University of Luxembourg.

B. Administrative Fairness

The Ombudsman examines four aspects of fairness – procedural, substantive, relational, and equitable.

- i) Procedural fairness – The ombudsman examines adherence to all applicable University policies and procedures in a visitor's case.
- ii) Substantive fairness – If a case decision has been made, this lens of evaluation examines whether a visitor's extenuating circumstances were acknowledged and considered.
- iii) Relational fairness – The ombudsman examines whether a visitor was treated in a professional and respectful manner in interactions with University personnel.
- iv) Equitable fairness – This evaluation examines a visitor's intersectionality and social location in the context of administrative processes and decisions. Aspects of identity such as gender, sexual orientation, ethnicity, culture, language, age, education, socio-economic status, and disability can impact a visitor's ability to fairly navigate administrative processes and procedures. An ombudsman may recommend that decision-makers take steps to rectify inequities that create disadvantages.

C. Annual Report of the Ombudsman

The Ombudsman drafts and submits an Annual Report to the Board of Governors in the last working week of December each year. The Annual Report includes anonymised statistical data, an analysis of trends, and policy recommendations. The Ombudsman makes a summary presentation of the Annual Report to the Board of Governors in the first meeting of the next calendar year. After receipt and presentation to the Board of Governors, the Annual Report is published on the webpage of the Ombudsman.

D. Confidentiality

The University will not compel the Ombudsman to disclose information that visitors provide in confidence. The Ombudsman receives complaints and inquiries from visitors in a confidential manner. An ombudsman does not comply with requests for information, does not testify in internal University proceedings, and resists testifying in any external legal processes to the full extent of the law. The only exceptions to confidentiality are: (1) threat of imminent harm to self; (2) threat of imminent harm to others; (3) written request from a visitor to share or help to communicate information to University decision-makers or support services; (4) Reported serious breaches of Luxembourgish or European law that the ombudsman is legally required to report.

E. Independence

The Ombudsman reports to the Board of Governors of the University of Luxembourg and operates independently from the University and from student and staff delegations.

F. Informality

The Ombudsman operates as informally as possible and emphasises informal resolution prior to consideration of formal procedures. The Ombudsman maintains internal, confidential case files. Through Appropriate Dispute Resolution practices, the Ombudsman favours and facilitates informal resolutions in University conflicts.

G. Multi-partiality

The ombudsman sees all sides in a conflict and helps those involved understand one another. Actively listening to all sides, an ombudsman maintains a space where visitors can participate equitably in Appropriate Dispute Resolution processes. Visitors can share their experiences, know that they are heard and understood, and work together (with the help of the ombudsman) to explore and agree upon solutions that will establish a new, mutually beneficial framework for work or study.

## H. Ombudsman

Sometimes referred to as ombuds, ombudsperson, or ombud in English language institutions, *ombudsman* – is a gender-neutral word of Swedish origin. The University of Luxembourg employs the original term *ombudsman* to accommodate our multilingual environment, though the Ombudsman and the Board of Governors acknowledge the use of other terms in the profession.

### I. Case processing times

A single visitor may open more than one case with an ombudsman over time, and these cases are treated separately. However, there are recommended time limits for some Appropriate Dispute Resolution processes, and the ombudsman reserves the right to terminate an Appropriate Dispute Resolution process due to lack of progress or cooperation. Depending on the complexity of the case and Appropriate Dispute Resolution process—facilitated dialogue, mediation, informal resolution process (under Article XIII of the Collective Bargaining Agreement), or restorative approach—it will typically take 1 to 6 sessions. A session may be as little as one hour, or up to half a workday. While visitor and ombudsman calendars may delay scheduling sessions, the ombudsman will strive to limit all Appropriate Dispute Resolution processes to 3 months.

### J. Recommendations

The Ombudsman may make recommendations to all levels of University administration. Recommendations may be informal (verbal) or formal (written, such as in the Annual Report of the Ombudsman) for changes in University policies and procedures.