



Regulations relating to the ombudsperson

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Article 1: Terminology

1. In these Regulations the following definitions apply:
 - a. Administrative unit: the unit intended in the legislation on higher education and academic research;
 - b. Appeal or objection: the right established in law for interested parties to lodge an appeal or objection;
 - c. Ombudsperson: the person who, independently of the administrative unit, at his or her own instigation conducts an investigation into appeals against actions or failures to take action, and who advises the administrative unit.
 - d. ULCN: University (of) Leiden Community Network
 - e. Student: an individual who is studying and is registered with the University and who uses teaching facilities or services offered by Leiden University, or a future, former or external student;
 - f. Employee: an employee as referred to in the Collective Labour Agreement of Dutch Universities (CAO NU), temporary staff, interns, volunteers and other people who carry out duties for the University.



Article 2: The ombudsperson

1. The ombudsperson is appointed for a period of three years by the Executive Board; reappointment is possible at all times.
2. The ombudsperson may at his or her own request, or in the event of general failure to fulfil his or her tasks, be dismissed by the Executive Board.
3. The University Council is given the opportunity to formulate an advice regarding the proposed appointment, re-appointment or dismissal, before the Executive Board appoints or reappoints the ombudsperson, or dismisses the incumbent from his or her position.
4. The ombudsperson, irrespective of the stipulations of paragraph 2, is not subordinate to any other body within the University with respect to the fulfilling of his or her activities.
5. The position of ombudsperson cannot be combined with any other position within Leiden University.
6. The ombudsperson is subject to a confidentiality agreement.
7. Should it become apparent that the ombudsperson is unable to fulfil his or her duties for an extended period of time, the Executive Board immediately appoints a substitute, with due regard to paragraph 5.
8. The ombudsperson can, if appropriate, on his or her own initiative, instigate an enquiry into the way in which an administrative unit has acted in a given situation, having due regard to article 5, paragraph 2.
9. The ombudsperson may advise the Executive Board, at the request of the Executive Board or on his or her own initiative.

Article 3: The right to appeal

1. All Leiden University students and external students have the right to submit a request to the ombudsperson, either in writing, via their ULCN email address or in person, to instigate an investigation into the way in which an administrative unit or employee of the University has acted in a particular instance towards them, or to any other person studying at the University. By student, a person is meant who is registered as a student at



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Leiden University and who is making use of the educational facilities or services offered by Leiden University, as well future and former students and external students.

2. The stipulations in the first article also apply if the study at the University has ended but the actions in question took place in the period during which the person was studying at the University.

Article 4: The letter of appeal

1. The letter of appeal must contain:
 - a. The name and address of the appellant
 - b. The date
 - c. As clear as possible a description of the actions which are the subject of the appeal and information on which administrative unit or employee was responsible for these actions, if possible with mention of the employee's name, position and location of employment, as well as where the actions took place and to whom they were directed
 - d. The reason why the appellant objects to the actions;
 - e. The signature of the appellant in the case of a written request;
 - f. In the case of a request submitted by email, the use of a ULCN email account with password is sufficient to establish the authenticity of the request.
2. If the letter of appeal is written in a foreign language and a translation is necessary for the appeal to be dealt with properly, the appellant is responsible for providing a translation.
3. Receipt of the letter of appeal is confirmed in writing or by email as soon as possible and at least within two weeks, and the appellant is informed of the further procedure.
4. A letter of appeal can be withdrawn at any time.



Article 5: The decision not to conduct an investigation

1. The ombudsperson is not authorised to instigate an investigation if the stipulations contained in article 3 and article 4, 1st and 2nd paragraph, are not complied with in full.
2. The ombudsperson is not authorised to instigate an investigation if:
 - a. The actions mentioned in the letter of appeal can be the subject of a appeal under the complaints procedure governing undesirable behaviour, or if such a appeal could have been possible, but the appellant did not make use of this facility;
 - b. The incident in question is part of general University policy or part of the general policy of the administrative unit concerned.
3. The ombudsperson may decide not to instigate an investigation if:
 - a. The appeal has been settled by amicable agreement;
 - b. The appeal is clearly unfounded;
 - c. The interests of the appellant or the gravity of the actions do not warrant an investigation;
 - d. The appellant is a person other than the person against whom the actions were directed;
 - e. The ombudsperson has already passed judgement on this appeal at an earlier date;
 - f. The letter of appeal was not submitted within twelve months of the date when the actions in question took place, in which case no investigation will be instigated;
 - g. The actions mentioned in the letter of appeal have resulted in a decision against which a possible appeal or objection procedure is currently still available and the appellant has not made use of the procedure.
4. If, on the grounds of the 1st, 2nd or 3rd paragraph, the ombudsperson decides not to instigate an investigation, the appellant is notified accordingly as soon as possible, and if he or she has already been informed, the relevant administrative unit or the employee concerned is informed.
5. If a decision as intended in the 4th paragraph is (in part) based on the fact that any other procedure is available to the appellant, the appellant is referred to said procedure.
6. It is not possible to lodge an appeal or an objection to any decision not to instigate an enquiry, intended in the 4th paragraph.



Article 6: The investigation

1. The ombudsperson notifies the administrative unit or the person whose actions are the subject of the appeal of the fact that an appeal has been lodged.
2. Before commencing an investigation, the ombudsperson considers whether the appeal could be settled amicably through his mediation, and, if he or she deems such mediation could be worthwhile, he or she takes the appropriate actions.
3. If mediation is not deemed to be worthwhile, or if an attempt at mediation has not led to an amicable settlement of the appeal, the ombudsperson gives the administrative unit or the employee whose actions are the subject of the appeal, and the appellant the opportunity to explain their position in writing or in person, possibly in the presence of one another.
4. The ombudsperson can, if he or she considers it necessary for the evaluation of the appeal, also extend awareness of the appeal to other parties and provide verbal or written statements.
5. The ombudsperson is authorised to ask for information from administrative units and employees, or to ask for and peruse documents, insofar as these relate to an incident which is the subject of the appeal.
6. Administrative units and employees are obliged to provide the statements requested in the 4th article and information and/or documents intended in the 5th article within a period which the ombudsperson deems reasonable.
7. The ombudsperson informs the appellant, irrespective of the stipulations of the 8th article, regarding the information provided to him, or provides him or her with a copy of the documents received.
8. Administrative units and employees may indicate that the information and/or documents, which they for weighty reasons consider must be kept confidential, is only provided under the condition that the confidentiality of such documents is respected by the ombudsperson.
9. The ombudsperson advises the appellant and the administrative unit, or the employee, in writing of his initial findings and gives them the opportunity to respond in writing within what he or she deems to be a reasonable time.



Article 7: The findings

1. The ombudsperson assesses whether the administrative unit or the employee has acted in a proper manner in the incident under investigation.
2. The report by the ombudsperson in which he or she sets out his judgement, contains the considerations on which this judgement are based and is sent to the appellant, the administrative unit or the employee and the Executive Board.
3. In this report, the ombudsperson can make any recommendations which he or she considers useful. These recommendations may relate to the specific actions on which the letter of appeal is based, or on more general aspects which are revealed in the course of the investigation.
4. If recommendations are made in the report, which the administrative unit and the employee are not authorised to implement, the ombudsperson also forwards a copy of the report to the administrative unit which is so authorised.
5. The person who is authorised to implement the recommendations intended in the 3rd Paragraph informs the ombudsperson within a month of receipt of the report of how the recommendations have been or are implemented. The ombudsperson immediately notifies the appellant and the Executive Board.
6. If the administrative unit has weighty reasons for not implementing the recommendation(s), the unit in question should notify the ombudsperson of this decision indicating the reasons. The ombudsperson forwards a copy of this to the appellant and to the Executive Board.

Article 8: The annual report

Before 1 April, the ombudsperson provides the Executive Board with a report of his activities in the previous year, and the activities carried out by the secretariat in the framework of this regulation, said report not containing any reference to individual person(s).

Article 9: Additional stipulations

1. The secretariat of the ombudsperson is managed by the expertise centre Student and Educational Affairs.
2. The secretariat carries out those activities considered necessary by the ombudsperson in the context of the processing of the letters of appeal, taking into account the instructions of the ombudsperson.



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3. The Executive Board provides the ombudsperson with the resources necessary for the proper implementation of his or her function.

These Regulations were approved by the University Council and were thereafter adopted by the Executive Board on 29 April 1999.

These regulations were modified with the approval of the University Council on 3 December 2001.

These regulations were further modified upon the advice of the University Council on 12 October 2010.