

Annual report 2022

Ombuds Officer for staff

"It still seems odd, how we can work at cross purposes as colleagues to such an extent that we can't figure things out anymore. Through mediation, I have now learned that some colleagues really won't understand you until you spell everything out for them. I had no idea that the solution could be that simple."

Foreword

The Ombuds Officer for Staff was appointed part time (0.5 FTE) as of 17 January 2022. She contributes to a pleasant and healthy working environment at TU Delft. The Ombuds Officer for Staff Regulations took effect on 1 November 2022. Students have their own Ombuds Officer, also part time at 0.5 FTE.

Since starting her job at TU Delft, the Ombuds Officer for Staff has had extensive assistance in embedding her position properly in the organisation, and a pleasant collaboration with the various stakeholders within the organisation was soon developed. Equally importantly, of course:s employees knew where to find her. In this annual report, the Ombuds Officer for Staff accounts for the work she delivered in 2022.

"My report appears to have had the desired effect. I felt the entire process went smoothly, in good faith and transparently."

A word of thanks

I wish to thank all those employees who were brave enough to turn to the Ombuds Officer, the Executive Board for giving me the trust to implement and embed the ombuds function in the organisation, Laura Bruns for her patient support, Marije Hozee for editing this annual report and all other colleagues for the meaningful and enjoyable conversations.

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1. Ombuds Officer for Staff

1.1 Introduction

The year 2022 was characterised by attention for and denunciation of unacceptable (sexual) behaviour. On 20 January 2022, BOOS, a TV program on the BNNVARA channel, aired a major episode about unacceptable sexual behaviour at The Voice of Holland, a talent show. In February 2022, Marc Overmars left his position as director of football affairs at Ajax abruptly as a result of unacceptable messages he sent to several female colleagues. In June 2022, an investigation found evidence of unacceptable behaviour by former Dutch Labour Party MP Gijs van Dijk. And on 19 November 2022, de Volkskrant ran a voluminous article about social safety concerns for employees of the TV program DWDD in which Matthijs van Nieuwkerk allegedly played a key role.

Following the BOOS broadcast, the Executive Board informed the students via email on 24 January 2022 ('TU Delft should be a safe place') that unacceptable behaviour is never permissible and that a safe study and work environment is of the utmost importance. Together, we make sure that TU Delft is a safe study and working environment, the Board announced, stating that it considers it its duty to be pioneers in this area.

In late December 2022, news followed within TU Delft that the Education Inspectorate planned to investigate TU Delft's social work environment in response to signals the Inspectorate had received about TU Delft's social safety among staff. In a TU Newsletter published shortly thereafter, the Executive Board endorsed the importance of the investigation. The Board expressed how crucial it is that everyone feels free to report personal experiences of social insecurity to the inspectorate.

"Together, we make sure that TU Delft is a safe study and working environment."

Note to readers

The term 'report': The Ombuds Officer for Staff Regulations state that any staff member can make a 'report' to the Ombuds Officer about an issue. A report is defined as a notification that there is a particular issue within the organisation where the involvement of the Ombuds Officer is desired. In this annual report, we maintain the term 'report', albeit with certain nuances. The Ombuds Officer's involvement is high when mediation talks take place and the Ombuds Officer makes a recommendation.

The term 'submitter': The employee who files a report is referred to in the regulations as the 'submitter'. In this annual report, the (informal) term 'the employee' or 'the involved person' is generally used.

For readability:

- the neutral form (employee, reporter), combined with the masculine form (he, him, his), was chosen as much as possible to refer to the employee he/she/they;
- where Ombuds Officer is mentioned, it means Ombuds Officer for Staff;
- for the 'Ombuds Officer for Staff Regulations', sometimes the term 'the regulations' or 'the Ombuds Regulations' is used.

1.2 The Ombuds Officer's position: independent and impartial

It is essential that the Ombuds Officer for Staff can operate independently so that she can optimally contribute to a good and safe working environment in an impartial manner. Therefore, the Ombuds Officer for Staff Regulations state that she is not steered by any body within TU Delft, so that she can handle employee reports in an independent, impartial manner. Impartial is also known as multi-partisan; the interests of all parties involved are considered and examined as much as possible. This is also what her job is all about: mediation. The Ombuds Officer does not represent the interests of one particular person (the employee) or another (the other colleague, the management), as a labour union or a lawyer would. The Ombuds Officer engages in conversations, inquires about everyone's interests and aims to connect with them in order to facilitate those involved toward resolution.

1.3 Strictly confidential

All contacts with the Ombuds Officer are strictly confidential. The Ombuds Officer discusses any step she feels might help resolve the issue with the submitter first. The Ombuds Officer can only perform her mediating duties after the submitter's consent. Her duty of confidentiality is based on the General Data Protection Regulation (GDPR, AVG in Dutch) and the Ombuds Regulations.

1.4 For whom?

The Ombuds Officer works university-wide, for all faculties and all university departments. The Ombuds Officer is available to all staff, including (grant) doctoral students. Managers have the option to use the Ombuds Officer to facilitate conversations or to help them think through how best to approach a particular conflict situation.

1.5 When should employees turn to the Ombuds Officer?

The Ombuds Officer is approachable. As soon as an employee struggles to work something out on their own or foresees that they will struggle, they can approach the Ombuds Officer. For example, when an employee does not get along with their colleague or colleagues, team, manager, supervisor or HR.

1.6 What matters should employees take to the Ombuds Officer?

The Ombuds Officer is available for (almost) any issue that disrupts or threatens to affect the working relationship. Such issues may be related to undesirable, inappropriate or unprofessional behaviour. The Ombuds Officer Regulations uses the term 'issue' for problems

the employee can take to the Ombuds Officer. This usually involves a question, dilemma, conflict or suspicion of wrongdoing regarding work, when consultation about it within the standing organisation stagnates or becomes gridlocked.

The Ombuds Officer is not authorised to handle issues for which the expertise comes under HR or legal affairs. However, the Ombuds Officer does come into the picture if, for example, the communication around such issues is not proceeding as it should.

1.7 Why would employees choose the Ombuds Officer?

Employees can choose to approach the Ombuds Officer if they want to seek a solution with the other person through mediation.

Mediation is at the core of her job. Mediation comes in several forms. The most straightforward form is for all parties to sit down and talk. Shuttle mediation is an intermediate form. The Ombuds Officer opens up the lines of communication by talking to the various parties involved and aims to create connections so that the parties can move forward together without the Ombuds Officer. In some cases, an informative telephone call is sufficient.

The Ombuds Officer's strength lies in having access to, and knowing her way around, the entire organisation. From this position, she can properly assess how the conflict can be explored against the background of the organisational unit and the involved individuals. Conflicts are usually not just between those directly involved. The work environment and how it is organised often plays a role in this as well.

Making contact with the other involved parties does require the employee to agree to making themselves known. If they do not wish to do so, contact with the Ombuds Officer remains strictly confidential, in which case the Ombuds Officer is unable to take action. In that case, the Ombuds Officer only records the report. However, the employee may choose to pursue mediation at a later stage, if necessary. Reports can help reveal possible patterns. This is another reason why the employee's report is valuable to the organisation. If multiple reports are filed on the same issue, the Ombuds Officer takes action on her own initiative. Such action may involve informal conversations, conducting an investigation or sending a signal to the management or the Executive Board. The privacy of the reporters is maintained at all times in this process.

1.8 The Ombuds Officer for Staff's working method

1.8.1 Strictly confidential

More often than not, for employees, the stakes in a conflict situation are, or are perceived to be, high. Employees have usually been dealing with a stressful situation that has been going on for some time before they turn to the Ombuds Officer. The Ombuds Officer always emphasises her strict duty of confidentiality at the first contact, to make the employee feel safe in turning to the Ombuds Officer in this situation. Incidentally, the Ombuds Officer also expects this confidentiality in return from the employee.

1.8.2 First contact

Employees can contact the Ombuds Officer by email or telephone. The initial brief and exploratory contact is followed by a meeting, usually within a week. The meeting takes place on campus, via MS Teams or by telephone. The employee's preference is leading in this regard. The Ombuds Officer has a (shared) room on the 5th floor of CiTG, at the end of the corridor where the company doctors, the practice support staff and university social workers also work. For reasons of privacy, the Ombuds Officer will reserve a separate room for meetings or come to the employee's workplace if they so desire.

1.8.3 The intake

During the first meeting (intake), the employee explains his situation to the Ombuds Officer. The Ombuds Officer asks questions to clarify the situation and analyses the issue with the employee. Doing so helps the Ombuds Officer think through options for possible solutions. Whether multiple appointments follow depends on the option of the employee's choice. An initial conversation is often sufficient for the employee to continue under their own steam. Sometimes the Ombuds Officer keeps a finger on the pulse a little longer. The employee could inform the Ombuds Officer about any follow-up, for example, or cc them in email correspondence with the other involved parties.

"I was so pleased with your assistance: you were clear about your role and its limitations, thought along with me but at the same time kept matters on solid ground, kept multiple parties involved in an interplay of forces that was more complex than I could discern from my position (which indicates that you operated very discreetly and transparently). In particular, I felt I was 'in safe hands' with your actions throughout our contact."

1.8.4 Options to solve the situation: Mediation or just a listening ear?

Mediation

The Ombuds Officer's core activity is mediation. It is up to the employee to agree to that because with mediation anonymity is not an option. Mediation comes in several forms. The Ombuds Officer:

- creates openings in the communication lines with the other party; the submitter can then move on by himself;
- inquires with the other party about the situation and reports back to the submitter; the submitter can then move on by himself;
- facilitates a mediation meeting at the table between the involved parties. To that end, the Ombuds Officer starts with an informative conversation with the other party to listen to his perception of the situation.¹

The informative conversations give the Ombuds Officer, who is impartial, a good overview of the different perceptions of those involved. On that basis, she decides how she will mediate and what intervention techniques she will use to engage the parties in conversation. Everything that is said and written during mediation is covered by a duty of confidentiality, unless other agreements are made. One mediation session is usually sufficient for the parties to move forward together again. Sometimes a second or several mediation interviews with other parties follow. Sometimes working agreements are made in the mediation session. The Ombuds Officer may also write an opinion or recommendation.

It may happen that the session does not lead to the desired result. When this happens, other, legal, avenues are available, such as the Complaints Committee for Undesirable Behaviour, the Dispute Committee for TU Delft employees, negotiations with HR or exit mediation.

Just a listening ear

If the employee values his privacy or fears consequences if it becomes known that he has approached the Ombuds Officer, just having a conversation with the Ombuds Officer is also an option. A second interview may follow, if desired. In order to maintain impartiality and not fall into the role of coach, contact with the Ombuds Officer usually stops after the second meeting. In a few cases, the employee appreciates it if the Ombuds Officer is included copy conform (cc) in the email correspondence that aims to resolve the conflict. The employee may also give the Ombuds Officer feedback on the follow-up.

1.9 When is the Ombuds Officer not qualified?

The Ombuds Officer does not deal with the content side of legal questions or questions that are in the realm of HR expertise content-wise. The Ombuds Officer does review, however, whether the procedures and policies have been properly applied and have no unreasonable effects on the employee. The Ombuds Officer does not handle reports about situations that happened more than a year ago either, as a rule, barring exceptional cases.

¹ This does not involve hearing both sides of the argument, as a complaints committee does. A grievance committee's investigation is focused on the facts that are tested against the regulations. Legal proceedings with the Complaints Committee lead to a binding decision by the Executive Board if it is determined that the accused is guilty of undesirable behaviour, after which a (disciplinary) measure may be imposed.

1.10. When should employees opt for the confidential adviser?

The confidential adviser has traditionally been a more familiar concept than the Ombuds Officer. People often ask about the difference between a confidential adviser and the Ombuds Officer. Both offer confidential meetings and consider options on how best to proceed out of the conflict situation or deal with the issue. The difference is that the confidential adviser is there for the employee and can (mentally) support him during meetings. The Ombuds Officer for Staff is multi-partisan and can facilitate mediation sessions to help parties reach the best solution for everyone.

We cannot expect an employee who is caught up in a conflict to comb through every detail on the intranet to find out about the differences between the two officers. That is why the confidential advisers and the Ombuds Officer have agreed to refer the employee if the other officer is a better fit. Furthermore, it is up to the employee to decide what he is more comfortable with; a listening ear from the confidential adviser who is there exclusively for him and possibly offers mental support during meetings, or the Ombuds Officer who seeks the connection in the organisation in order to arrive at a solution.

2. Awareness of the Ombuds Officer within TU Delft

2.1 Digitally

The arrival of the Ombuds Officer for Staff was highlighted in the TU Newsletter of 18 January 2022. A separate page was added to the intranet (in two languages)² for the Ombuds Officer, and an interview with her was published in the TU Newsletter of 24 May 2022³. Some faculty and departments also mentioned the Ombuds Officer in their newsletter. The Ombuds Officer was initially difficult to find via the intranet. This was improved during 2022, including through the keywords provided by the Ombuds Officer and her suggestions for listing additional links on the intranet. We can, and should, do even better, however.

2.2 In person

In order to increase the Ombuds Officer's visibility and communicate her approachability and accessibility to the best of her ability, she actively contacted several sections within TU Delft in 2022 to make her presence known there and answer questions about the new Ombuds role. Very useful and pleasant meetings were held with the Operational Committee, Personnel Committees of the Works Council, the Confidential Advisers (including for social and scientific integrity), the Works Council, the PhD Council, Graduate School (Director, Faculty Graduate School Coordinators), Local Consultation, Deans and an Executive Director, the University Services administrator, the QuTech executive team, faculty secretaries, department chairs, HR (central and faculty), various MTs within the faculties, ESA policy consultations, ESA Teaching Labs, university social services, Health, Safety & Environment (HSE), company doctors and practice support staff, communication advisers, the Integrity Board chair, a diversity officer, Integrity Office, Integral Security. As such, the Ombuds Officer also became well acquainted with the culture at TU Delft, and the various faculties and university departments. The Ombuds Officer believes this is important in order to put reports into the organisational context in order to optimally facilitate the mediation process.

² <https://intranet.tudelft.nl/-/ombudsfuctionaris-personeel>

³ <https://www.tudelft.nl/en/stories-of-support/birgitte-peters>

3. Internal and external contacts

3.1 Internal

The Ombuds Officer has regular bilateral consultations with the chairman of the Works Council (OR), the director of HR and the administrative secretary in order to keep abreast of what is going on within TU Delft at the general organizational level in terms of personnel matters. She is also sent the minutes of Executive Board meetings. At the anonymous case level, the Ombuds Officer has (ad hoc) consultations with university social services and the confidential advisers. In addition, the Ombuds Officer attends events related to the topic of social safety, such as the Social Safety (digital) meeting on 23 February 2022, the kick-off of Diversity & Inclusion Week in October 2022 and CiTG's D&I for PhDs afternoon on 5 December 2022.

3.1.1 Collaboration with HR

On her first workday, HR sent the Ombuds Officer a case for mediation between a supervisor and a doctoral student. This case was brought to a successful conclusion; after mutual expectations were expressed under the guidance of the Ombuds Officer, the professional relationship was restored.

The Ombuds Officer felt this start was indicative of HR's willingness to cooperate in mediation. HR has also regularly approached the Ombuds Officer for advice or to think along with them. It was emphasised that here, too, cases are discussed anonymously at the case level, and not at the individual level. The Ombuds Officer welcomes HR's open, pleasant and helpful attitude in resolving labour disputes in an informal manner.

3.1.2 The Ombuds Officer for students

During holiday leave, the Ombuds Officers deputised for each other, to everyone's satisfaction. In order to interpret the 2022 annual figures, reports about employees by employees and complaints from students about teachers have been juxtaposed. Confidentiality was observed in this process. No patterns in employee behaviour in relation to other employees or students were identified.

3.2 External contacts

The Ombuds Officer is a member of the Vereniging Ombudsmannen in het Hoger Onderwijs (Association of Ombuds Officers in Higher Education, VOHO). The objectives of this association include promoting expertise and effectiveness of Ombuds Officers in their work and increasing knowledge, improving skills, and further supporting and striving for professional practice of ombuds work in education. The association's members meet quarterly. The Ombuds Officer is also a member of the European Network of Ombuds in Higher Education (ENOHE), an international association and informal network for Ombuds Officers in higher education. The Ombuds Officer has (informal) contacts with Erasmus University Rotterdam, The Hague University of Applied Sciences and the judiciary, from her former employment.

4. Professionalisation

In 2022, the Ombuds Officer attended the Conflict Management and Systems Design training to learn to place the dynamics of labour conflicts in a broader perspective than just between individuals; a systemic approach to conflict affords a better picture of how the conflict between the parties involved has come about and what interventions might be suitable. Through VOHO, she also attended study days, and through TU Delft she has improved her English speaking skills. The Ombuds Officer has a private practice as an employment mediator, and in that capacity she attended a master class in Business Mediation at the Alternative Dispute Resolution (ADR) institute in Amsterdam and several webinars through the ADR international registry, and immersed herself in the new knowledge guide on labour conflicts through the Nederlandse Mediatorsvereniging (Dutch Mediators Association, NMv). She attended the online Cultural Differences training via TU Delft and immersed herself in the Leadership Dialogue game that can provide an excellent opening for mediation sessions.⁴

She is also a member of three peer review groups (including an international one) in which other experienced higher education Ombuds Officer for Staffs participate. Moreover, the Ombuds Officer is in regular contact with Ombuds Officers from other universities to exchange experiences and brainstorm about approaches to cases. Here, too, anonymity is guaranteed.

⁴ <https://intranet.tudelft.nl/-/persoonlijk-leiderschap-door-iedereen>

5. Ombuds Officer for Staff Regulations

The Ombuds Officer for Staff Regulations⁵ took effect on 1 November 2022. When she was hired in January 2022, the Ombuds Officer functioned under a pilot arrangement. As a result, the Ombuds Officer did not feel impeded in the exercise of her mediation duties. She did, however, consciously opt for not using her investigative power to do so – had it been necessary. This is a far-reaching investigative tool (for example, the Ombuds Officer can request confidential documents) that needs a thorough formal basis and frameworks. The Ombuds Officer expressed to the Executive Board that she felt assistance was needed to build support for her investigation (based on the regulation dated 1 November 2022) and to exchange views with other experts. This could include a support panel consisting of, for example, a professor emeritus (or a professor from another faculty), a former HR adviser (or HR adviser from another faculty), one of the confidential advisers, or a psychologist/organisational expert. The Executive Board responded positively to the Ombuds Officer's proposal; the possibilities of Board support for investigations are negotiable.

The Ombuds Officer provided input to Legal Affairs and the Integrity Office for the creation of the regulation, based on her knowledge and experience. For example, the (legal) term 'employee' was changed to 'employee' in order to allow a significant group of PhD candidates who are not employed at TU Delft under an employment contract to also have access to the Ombuds Officer.⁶ This does justice to the Ombuds Officer's function: restoring working relationships, regardless of the legal form under which the employees in question are employed. What matters, after all, is good mutual contact in the workplace. Furthermore, room was created in the regulation regarding the Ombuds Officer's authority to take up cases of undesirable behaviour (if the Undesirable Behaviour Complaints Committee was not the submitter's preferred option). Discussing undesirable behaviour in an informal manner has the advantage that the issue can stay with the parties involved and that an often gruelling formal-legal process via the Complaints Committee can thus be avoided. It was also decided to waive the one-year deadline for reporting after an incident. Whether or not a report is still admissible after one year is left to the Ombuds Officer's discretion.

The Regulations state that the Executive Board shall provide the Ombuds Officer with the resources necessary for the proper performance of their duties. Initially, secretarial support was not provided; this only took shape in late 2022 by housing the Ombuds Officer under an existing secretariat for non-confidential appointments.

⁵ intranet.tudelft.nl/documents/20147/2051492/Regeling+Ombudsfunctionaris+Personeel+TU+Delft.pdf/c82e4007-e79c-ddfc-ed7-407031d7a312?version=1.0&t=1666182387965

⁶ Unpaid positions include grant students, lecturers/researchers on a hospitality contract or external doctoral students (people who work for another company and are allowed to do their PhD on their boss's time). Stijn van Boxmeer, Introduction CEG 2022: 785 are unpaid and 876 have an appointment.

6. Reports to the Ombuds Officer for Staff

6.1 Number of reports

The Ombuds Officer received 91 reports in 2022. These reports range from a single conversation to mediation. Referrals were also made, for example, to confidential advisers (including scientific integrity⁷), the faculty contract manager⁸, HR⁹, the Undesirable Behaviour Complaints Committee¹⁰, the Employee Disputes Committee¹¹ and the Board for Doctorates¹². In several cases, the Ombuds Officer decided not to take on an issue because she did not feel qualified to do so. At the end of 2022, the cases employees came brought to the Ombuds Officer started becoming more complex. Moreover, more doctoral students also turned to the Ombuds Officer.

Any distinction between M/F has been omitted since this is not inclusive and, in the Ombuds Officer's opinion, does not add much. Insofar as cultural values and norms played a part, the Ombuds Officer was sensitive to them.

Faculty / support departments 2022	Number reporters	Academic staff	PhD	Support staff
Support departments	18	-	-	18
EEMCS	13	8	3	2
ID	9	8	1	-
3mE	9	-	2	7
A	7	7	-	-
TPM	2	1	1	-
CeG	2	1	-	1
AS/Qtech/RID	21	7	3	11
AE	5	1	4	-
Other	5			
Total	91			

⁷ www.tudelft.nl/over-tu-delft/strategie/integriteitsbeleid/vertrouwenspersonen

⁸ intranet.tudelft.nl/-/faculty-contract-management

⁹ intranet.tudelft.nl/-/hr-managers-hr-adviseurs-en-hr-secretarissen?redirect=%2Fhr-organisatie

¹⁰ intranet.tudelft.nl/-/klachtencommissie-ongewenst-gedrag?redirect=%2F-%2Fundesirable-behaviour

¹¹ intranet.tudelft.nl/-/geschillencommissie-werknemers-tu-delft?p_l_back_url=%2Fsearch%3Fq%3DGeschillencommissie%2Bwerknemers%2BTU%2BDelft

¹² intranet.tudelft.nl/documents/20147/0/promotiereglement+en+uitvoeringsbesluit+merged+200220+DIGITAAL.pdf/884218d6-6dd5-dbf3-09fe-092793fac7d1?t=1582183035581

Faculty / support departments	Academic/Support staff Total	Total number reporters Academic/Support staff	Academic staff	Support staff	Percentage
Support departments	3492	18	0	18	0,52%
EEMCS	992	10	8	2	1,01%
ID	422	8	8	0	1,90%
3mE	1081	7	0	7	0,65%
A	954	7	7	0	0,73%
TPM	503	1	1	0	0,20%
CeG	1064	2	1	1	0,19%
AS/Qtech/RID	1641	18	7	11	1,10%
AE	552	1	1	0	0,18%
Other		5			
Total	10625*	77			0,72%

Faculty	PhD's totaal	Total number reporters PhD	Unpaid	Paid	Percentage
EEMCS	625	3	213	412	0,48%
ID	122	1	53	69	0,82%
3mE	435	2	122	315	0,46%
A	230	0	161	71	0%
TPM	212	1	102	110	0,47%
CeG	561	0	313	251	0%
AS/Qtech	493	3	110	384	0,61%
AE	303	4	131	172	1,32%
Total	2978*	14	1205	1784	0,47%

* If an employee has multiple appointments at TU Delft, they are only counted once in the totals.

6.2 Nature of the reports (Category, Description)

One report may fall into several categories. That is why the number of categories is higher than the number of reports. Furthermore, it was decided to not let a report fall into more than two categories.

Category	Description	Number
Unsafe work environment, lack of social safety	Undesirable behaviour in general Not feeling heard Treatment Relation to scientific integrity	16
Issues with a supervisor	Communication, cultural differences, undesirable behaviour in general, bullying, paper not reviewed within a reasonable time frame, treatment, counselling, non-compliance with agreements	10
Undesirable behaviour by supervisor	Harassment, bullying, treatment	9
Collaboration between teams and different organisational units	Social and physical safety, treatment, bullying	8
Functioning, career development	Treatment, bullying, lack of transparency	6
No extension of temporary contract	Bullying behaviour, ambiguities	5
Colleague offers assistance to the Ombuds Officer on their own initiative following a report		5
Sick employee, reintegration		5
Legal, legal status	Sequence of contracts, different positions	5
Leadership, leadership style	Lack of transparency Lack of clear role definition	4
Difficult working relationship with supervisor	Communication	3
Communication	Differences in cultural background Transparency	3
Workload, work pressure		3
Collaboration with colleagues	Restructuring Transparency of management	3
Sexual undesirable behaviour		2
R&D meeting	Legal status R&O conversation not defined	2
Suspension procedure, compliance with procedures by HR		2
Working conditions	Lack of space, health issues	2
HR matters	Taking holidays, degree certificate	2
Restructuring	Uncertainty, ambiguity	1
Patents	Dispute	1
Financial agreements	Compliance, communication	1

6.3 The duration of settlement

Most reports had a short turnaround time (from a few days to a few weeks). Occasionally, an issue took longer to resolve (months), which was related to the employee's interim absenteeism and/or reintegration process.

6.4 Results

The involved parties can continue to work together	27
Mediation not successful*	2
Involved person redeployed	2
Issues transferred to 2023**	23 (16 of these concern three issues)
Issue closed	37
Total	91

Notes to Table 6.4 Results

*Even if mediation does not achieve the desired result, steps have often been taken. During the mediation process, the employees who are involved were able to express themselves mutually, and it often became clearer how they relate to each other and what everyone's wishes, interests and boundaries are. All this can be useful information when choosing possible next steps, for example, another position within TU Delft, or the employee may decide to apply for a job elsewhere and receives assistance in doing so.

**Reasons: Reports received by the end of 2022, lasting longer due to illness or reintegration, extensive cases.

"The issues for which I approached you, I think, have since been brought to the best possible conclusion, and I have nothing but appreciation for what I have seen of your performance. It was a difficult field of tension in which I found it difficult to perform. The issue I originally brought to you has come to a satisfactory resolution, and the organisation handled my goals of acknowledging injustice and safeguarding the interests of the damaged party with due care. On the other, more difficult issue about which I could not stay quiet, but also had no complaint to file, I am also under the impression that that was handled well and led to a confident new state."

7. How did the employees perceive the Ombuds Officer for Staff?

The Ombuds Officer can ask the employee for feedback once the case is closed. In most cases this request received a favourable response, some of which can be read in this annual report. Employees were also invited to identify areas for improvement. Sometimes people were disappointed if the Ombuds Officer indicated that they could not take the case. In such cases, the Ombuds Officer explains as best she can what can and cannot be expected of her. The Ombuds Officer continues to pay attention to clear communication through appropriate channels about her capabilities. On the other hand, the Ombuds Officer does not expect the employee who is in a stressful situation to go through the texts on intranet (for example) verbatim before deciding to approach the Ombuds Officer. In that case, it is a matter of clarifying the frameworks during the first conversation. In one case, an employee felt they did not get sufficient empathy from the Ombuds Officer, and she subsequently became more attentive to this.

"I want to thank you wholeheartedly to bring the conflict with my supervisor to a good conclusion."

"Thanks for leading the conversation, I thought you did that well and thoroughly."

"I was aware that there was an Ombuds officer and a confidential adviser, but I always thought that wouldn't be my thing. However, I have found that being assisted by knowledgeable people really helps. It helps to put your own situation into perspective and not make a mountain out of a molehill, or trivialise the issue."

8. Observations, findings and recommendations

The Ombuds Officer knows that most of the time, TU Delft is a well-oiled machine that is of great significance to society. The task of the Ombuds Officer is to pay attention to situations where things are not going well and contribute to a good and safe working environment based on her expertise. She makes the following recommendations, following her experiences over the past year.

Management

Transparency in decision-making

Generally speaking, the Ombuds Officer recommends that management be more transparent in its decision-making and take the time to communicate decisions clearly to employees. The Ombuds Officer is aware that the workload at TU Delft can be extremely high, but in most cases, time devoted to each other pays for itself many times over. Persistent poor communication is often the root cause for conflicts, including those at TU Delft. It is notable that it often takes a mediation process by the Ombuds Officer for people to sit down together. Therefore, the Ombuds Officer heartily recommends having workplace conversations with each other.

R&D meetings, performance reviews and other formal interviews

The Ombuds Officer wishes to draw supervisors' attention to the fact that it is important for employees to be told the date of the meeting for a formal interview in good time. Otherwise, employees may feel pressured or the conversation may be perceived as threatening. Particularly when issues are already at play, it is important to provide clarity on the topic of the meeting (an agenda) and the people present so that the employee can prepare and possibly bring someone (a colleague, a confidential adviser) along for mental support.

Hearing both sides of the argument

If a supervisor receives complaints about an employee, it is prudent to invite that employee to a meeting to inform him of the complaints and to hear his side of the story. Deploying the Ombuds Officer to mediate may be a follow-up action to take

Clarity about tasks

For many cases that came to the Ombuds Officer's attention, it was noticeable that there were no or insufficient job descriptions for the employees in question. At the same time, the Ombuds Officer observed that the employees in question have a heart for TU Delft and, from there, give their personal interpretation to the position. If that interpretation does not turn out well, the seeds of conflict are easily sown if there is no communication about this in a timely manner. The Ombuds Officer recommends making time for having regular chats with employees. Five or ten minutes should be sufficient. If, during these chats, it turns out that there is an issue, a separate and longer appointment can be made.

Doctoral Programme

Conversations, documentation

A doctoral program has formal and informal moments of (progress) consultation between the doctoral candidate and his supervisor/daily supervisor. Doctoral students may be hindered in their research if supervisors do not adhere to these agreements and the doctoral student is afraid to hold his supervisor(s) accountable for this for fear of adverse career consequences. The Ombuds Officer recommends that supervisors be aware of this and set aside time for supervision. A 'no go' should never come as a surprise to the doctoral student. The forms that are required for the PhD development cycle should also be up to date (in particular, the goals of the doctoral program).

Relationship between doctoral student-daily supervisor

Daily supervisors are advised to invest more time and effort in the relationship with the doctoral student in the first year. Setting mutual expectations is important, particularly if the doctoral student comes from abroad.

The Ombuds Officer also recommends that if things are in danger of going awry in the area of communication or the PhD process, a conversation should be initiated in good time; this investment can ensure that the Doctoral Programme is kept in motion and that drop-out or delay is avoided. For inspiration: "Feeling inspired or motivated by your supervisor".¹³

Mentor

The faculty mentor could take a more active role in getting to know the new doctoral candidates in order to be more accessible in cases where the doctoral candidate needs the mentor.

Merging annual reports on social safety and interpretation of figures

The Ombuds Officer recommends merging the various annual reports related to social safety to get a better picture of what can be improved in that area. The Ombuds Officer has noted that The Hague University of Applied Sciences has adopted an integrated approach to annual reports and has redesigned the processes in that area for that purpose (Merging Annual Reports Safety and Assistance and Complaint Structure).

Regulations

All too often, the Ombuds Officer hears that employees are afraid to step out of anonymity for fear of adverse consequences. These are missed opportunities to explore the conflict and intervene appropriately. Accordingly, the Ombuds Officer recommends that the Ombuds Officer for Staff Regulations be amended to include a clause along the lines of "Contact with the Ombuds Officer for Staff cannot have adverse consequences for the employee. Adverse consequences include dismissal or undesirable behaviour in any form."

¹³ intranet.tudelft.nl/-/feeling-inspired-or-motivated-by-your-supervisor?redirect=%2F

Old account leads to confusion

As of January 2022 the two Ombuds Officers were given their own accounts with their own email addresses, by personal name. Nevertheless, the old account ombudsman@tudelft.nl continued to exist. It is recommended to cancel this account and the associated email address. In practice, this email address has been found to cause confusion in the organisation. Reports from employees via that email address do not reach the Ombuds Officer for Staff or are delayed.

Moreover, the name of that email address is no longer correct; since 2022, TU Delft has opted for the (gender-neutral) name 'Ombuds Officer'.¹⁴

Assistance structure closer

The Ombuds Officer is there for the entire university. Some employees may feel this as remote, formal and thus not very accessible. It is conceivable that some time may pass before employees decide to approach the Ombuds Officer or that they abandon the idea on second thoughts. The Ombuds Officer tries her best to be as approachable as possible. An intermediate step, a personal point of contact, at a more local level, say at the departmental level, would be a useful addition. You could think of this person as a tutor. If more is required, they may advise the employee to approach the Ombuds Officer (or a confidential adviser). The Ombuds Officer is willing to collaborate in the establishment of a tutor system.

Awareness

All too often, the Ombuds Officer finds that the employee is (happily) surprised to learn that an Ombuds Officer (or a confidential adviser) is available. In other words, awareness could be improved. The Ombuds Officer recommends that standard information about the assistance structure (the Ombuds Officer) be included when onboarding new employees. The Ombuds Officer is happy to give a (brief) presentation and answer questions at such times.

Findability

Improvement of the Ombuds Officer findability via intranet is an ongoing process.

In addition, there is a great need for a 'decision tree' that offers employees a way to find out whom best to turn with their question. After all, there is a multitude of possibilities within TU Delft.

Calling all employees

The Ombuds Officer notes that TU Delft is working hard to shape the TU Delft Code of Conduct. This code also includes the TU Delft Integrity Statement¹⁵, which contains the rules of conduct that everyone is expected to follow. The Ombuds Officer calls on employees to contact her (or the confidential adviser) when they run into an issue or have a particular problem. Doing so will allow employees not only to contribute to a pleasant and safe working environment for

¹⁴ Site accessed 29 March 2023: tudelft.nl/studenten/rechtspositie/klacht-bezwaar-en-beroep/ombudsman-voor-studenten/

¹⁵ d2k0ddhflgrk1i.cloudfront.net/TUDelft/Over_TU_Delft/Strategie/Integriteitsbeleid/COC%20NL.pdf

themselves but also to exert influence on a culture change in which the codes of conduct can become more and more natural. It certainly happens that employees are afraid to step out of anonymity for fear of possible consequences, and the Ombuds Officer respects anonymity at all times. Even then, a visit to the Ombuds Officer has added value since possible patterns of lacking social safety may emerge.

"Don't keep it to yourself. I hope that in practice, people will come knocking on my door, even if it's just for some advice. And preferably do so before an issue becomes a conflict."

Afterword

'Don't keep it to yourself' was the title of the interview with the Ombuds Officer in the TU Newsletter of 25 May 2022. "I hope that in practice, people will come knocking on my door, even if it's just for some advice. And preferably do so before an issue becomes a conflict." It would be ideal if all employees mastered conflict handling skills and began to see differences of opinion as normal. Such differences are always there, and certainly also at TU Delft with its international community. Differences can actually enrich us, as long as they are discussed. Doing so requires awareness and the guts to dare to take that step. The Ombuds Officer encourages employees to reach out to her (or the confidential adviser) in a timely manner to hopefully avoid a long-winded, emotional, energy-draining and stressful time. We want all employees to have the opportunity to continue their development in a healthy and safe working environment.

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