

Annual report Staff Ombuds Officer

LEIDEN UNIVERSITY 2023



**Universiteit
Leiden**
The Netherlands

Introduction

A Staff Ombuds Officer has been in place at Leiden University since 1 May 2022. This is the first annual report of the Staff Ombuds Officer that covers a full calendar year.

The Ombuds Officer is independent and impartial. This means that the work she performs is not subject to the authority of any other body within the university. Since taking up her role here, the Ombuds Officer has felt free to fulfil her duties. She has not been constrained by any university body or questioned about her actions.

During the period covered by this report, the Ombuds Officer has continued to become better acquainted with staff members and managers at all levels of the organisation. She has also attended meetings of various employee councils, faculty councils and graduate schools, lunch meetings on the theme of social safety and several performances of *Mindlab*. Everyone was clearly willing to speak with her, and the discussions were open and valuable. Contacts with the confidential counsellors and the Ombuds Officer for Students were most helpful and constructive. During this period, the Ombuds Officer received reports from staff members (including managers) relating to social safety. As a result of all the interviews, the Ombuds Officer has gained more insight into the work environment within the university.

This report presents a description of the Ombuds Officer's powers, a summary of her work during the period covered by the report, an outline of the number of reported situations and the nature of the underlying problems, and several recommendations.

The Ombuds Officer would like to thank all those who have consulted her, for the confidence placed in her.

1. Procedure

Staff Ombuds Officer Regulations

The powers of the Ombuds Officer are laid down in the Staff Ombuds Officer Regulations.

* Competence

Pursuant to the Staff Ombuds Officer Regulations, the Ombuds Officer is competent to conduct an investigation, whether or not on her own initiative, based on a report or a reasonable suspicion, into a pattern of unacceptable behaviour that leads to social unsafety and has been reported to or observed by her. Before proceeding to conduct an investigation, the Ombuds Officer explores whether mediation could provide a solution.

The Ombuds Officer does not investigate reports relating to decisions made by the university (the manager) in its role of employer (such as evaluation or dismissal), or reports relating to behaviour about which a complaint can be submitted to the Complaints Committee for Unacceptable Behaviour. The Ombuds Officer also does not give an opinion on established policy or regulations.

The Ombuds Officer can decide not to conduct an investigation if a report is not submitted within a year after the behaviour occurred.

* **Persons entitled to make a report**

Every staff member, former staff member and co-participation body, and the Trade Union Delegation in the Local Consultative Committee of Leiden University is entitled to submit a report to the Ombuds Officer, either by email or in another written format, about a pattern of unacceptable behaviour leading to social unsafety.

* **Investigation**

When the Ombuds Officer conducts an investigation, she sets down the findings of that investigation in a 'report of findings', to which the parties concerned are given the opportunity to respond in writing. The findings are then set down in a definitive report, which is sent to the parties and the Executive Board. The Ombuds Officer is permitted to make recommendations in her report.

* **Annual report**

No later than 1 April, the Ombuds Officer provides the Executive Board with an annual report of her activities during the preceding calendar year, ensuring that none of its content can be traced back to individuals.

The practice

The Ombuds Officer mainly receives reports of unacceptable behaviour by email or telephone. Some of the reporting persons contact her on their own initiative, while others are referred to her by, for example, a confidential counsellor, an occupational health physician (*bedrijfsarts*), HR advisers, trade union representatives or colleagues. Reports are also made by third parties, such as a confidential counsellor.

The Ombuds Officer invites the reporting person to an interview, which can take place in person, via Teams or by telephone, according to the wishes of the reporting person. During this interview, the reporting person is given the opportunity to explain their report, and the Ombuds Officer listens carefully to their explanation. This is followed by discussion of whether the reported issue falls within the Ombuds Officer's remit for handling. In situations where the reported issue is individual in character and a complaint could be (or could have been) submitted on the basis of the existing complaints regulations, or the reported issue basically relates to a labour law conflict or concerns university policy/regulations, the Ombuds Officer will refer the reporting person to, for example, a confidential counsellor, a legal adviser or a co-participation body. In cases where the report raises a suspicion of a pattern of unacceptable behaviour, the Ombuds Officer handles the report herself.

During the first interview, the Ombuds Officer will speak with the reporting person and try to obtain a clear picture of the situation, and will discuss the various possibilities for reaching a solution to the reported problem. In this interview, the reporting person will be explicitly informed that the Ombuds Officer is neutral and impartial, does not serve to represent the interests of the staff member and does not have an opinion on the substance of the reported problem. The possibility is thus retained, if necessary, to conduct a neutral investigation into the problem underlying the report.

The Ombuds Officer has the option of providing mediation in order to reach a solution, if she sees a reason to do so and the reporting person agrees to this. In a situation of this kind, she will contact, for example, the person whose behaviour is the subject of the report, the reporting person's manager, the HR adviser or the dean/director, asking them to engage in discussion with the reporting person. It is possible for the Ombuds Officer to participate in this discussion, but it is not always necessary and in some cases not actually desirable, in view of the Ombuds Officer's neutral position.

The Ombuds Officer does not give an opinion on the substance of decisions taken by the university in its role of employer. Moreover, the Ombuds Officer does not have an opinion on policy developed in consultation with the co-participation bodies. However, the Ombuds Officer is permitted to give an opinion on whether staff members have been treated properly, whether the applicable procedures were/are being followed, whether decisions were made carefully and transparently and whether they took sufficient account of the interests of the persons concerned. After all, situations where the university in its role of employer did not act transparently or carefully may constitute a pattern of unacceptable behaviour that leads to social unsafety.

Anonymous reports are not accepted for handling. It must always be possible for an interview to take place between a reporting person and the Ombuds Officer. Interviews are confidential and the Ombuds Officer will only contact other parties involved in the report after obtaining the permission of the reporting person.

The Ombuds Officer works without a secretariat and can be contacted directly by email (ombuds.medewerkers@leidenuniv.nl) and telephone (06-38950408).

2. Summary of the work carried out in 2023

Introductory meetings

In view of the many changes in the individual staff members who fulfil various positions, holding introductory meetings is an important aspect of the Ombuds Officer's work. Introductory meetings were held with the following bodies and individuals, among others:

- Several new (or existing) managers and management teams
- HR at the central and non-central levels
- Faculty councils, employee councils and institute councils
- Graduate schools
- New external confidential counsellors

Ongoing contacts

The Ombuds Officer also maintains contact on a regular basis with:

- Board of Governors
- Executive Board
- Deans and directors of operational management of the faculties (except the Faculty of Medicine, where the Ombuds Officer does not have competence)
- Academic/scientific directors and institute managers of different faculties
- Directors of the service departments and expertise centres
- HR at the central, faculty and service department levels
- Legal Affairs
- Chair and secretary of the Complaints Committee
- University Council
- Faculty councils and employee councils
- Confidential counsellors and Ombuds Officer for Students
- Diversity Officer
- Various networks
- Psychological counsellor for PhD candidates
- Occupational health physicians
- Local Consultative Committee
- Internal trade union representatives

Information sessions

The Ombuds Officer participated in information sessions and lunch meetings on social safety for staff members of institutes and service departments/expertise centres, and within networks. Confidential counsellors were also invited to many of these sessions and meetings, making it possible to present a clear picture of the confidential advice network and how it is organised within the university. The Ombuds Officer also contributed to two meetings of the institute managers (IMPact) on social safety, and a meeting on this theme for academic directors. On the initiative of the Faculty of Humanities, the Radio Kootwijk theatre group performed the play *Mindlab*; initially there were two performances for managers and after the summer there were six for staff members. After each performance, the audience were given time for discussion. The Ombuds Officer attended several of these performances.

Contact with Executive Board

The Ombuds Officer reports directly to the Executive Board and within this framework meets with the President of the Executive Board every three months for a general discussion of the observed problems and the most important issues (ensuring the anonymity of the reporting persons).

Professionalisation

The Ombuds Officer is a member of the Association of Ombuds Officers in Higher Education (VOHO), the Association for Complaints Law (VvK), the Association for Education Law (VvO) and the Netherlands Association of Confidential Counsellors (LVV). During the period covered by this report, the Ombuds Officer attended study days organised by these associations. She is also a member of an 'intervision' (peer-led reflection) group of the VOHO.

Reports of unacceptable behaviour

The Ombuds Officer received and handled a number of reports of unacceptable behaviour in the period covered by this report. She provided mediation, but found no cause to conduct any investigations.

3. Reports of unacceptable behaviour in 2023

The Staff Ombuds Officer only handles reports made by staff members. For an overview of the reports made by students, readers are referred to the annual report of the Ombuds Officer for Students.

Numbers

In 2023, 62 new situations were reported to the Ombuds Officer. Nine of these situations were reported by third parties (such as confidential counsellors). Of the reported situations, 31 related to academic staff (WP), 25 to support staff (OBP), 7 to PhD candidates and 3 'other' (uncategorisable). Some of the situations related to both academic staff and support staff or PhD candidates, therefore these numbers differ from the total number of reported situations.

The Ombuds Officer spoke with 128 reporting persons (41 in 2022). There is a difference between the number of reporting persons interviewed by the Ombuds Officer and the number of situations reported. In several cases, a situation was reported to the Ombuds Officer by multiple individuals and in some cases by people other than those directly involved. In these cases, the Ombuds Officer was contacted by, for example, a confidential counsellor, an HR adviser, a co-participation body or representatives of the Local Consultative Committee or the trade unions.

Seven of the situations reported in 2022 were not concluded during that year and continued into 2023.

Reports made to the Ombuds Officer may also have been recorded as a report to a confidential counsellor. The 62 reported situations therefore cannot simply be added to the number of reports recorded by confidential counsellors.

The table below shows the number of reported situations and the number of reporting persons, divided across the organisational units. The total number of staff members at the end of 2023, excluding those whose salaries are paid by NWO/FOM and LUMC, is shown in brackets after the number of reporting persons (source SAP and HR).

	2023	Number of reporting persons in 2023	2022
Faculty of Humanities	18	49 (1047 staff members)	7
Faculty of Science	7	20 (1695 staff members)	6
Faculty of Governance & Global Affairs	10	12 (404 staff members)	4
Faculty of Social & Behavioural Sciences	6	16 (904 staff members)	2
Faculty of Archaeology	5	8 (107 staff members)	1
Leiden Law School	4	5 (709 staff members)	1
Service departments/expertise centres/Administration & Central Services	12	18 (1391 staff members)	4
Other	0	0	3
Total	62	128 (6257 staff members)	28

Handling

Each report needs to be treated on a case-by-case basis. It is therefore not possible to give a general description of how the reports were handled. In some cases, a reporting person only needs to tell their story and/or to receive advice on the possibilities for finding a solution to the reported problems. Not all reporting persons actually want the Ombuds Officer to take an active role in the reported situation. The Ombuds Officer’s role is then restricted to listening and giving advice, if requested, always explaining that the Ombuds Officer is impartial and neutral. In these cases, the contact is usually limited to just one interview.

In several cases, however, the report led to multiple interviews with the reporting person(s) and/or discussions with the HR adviser of the department/faculty, with the direct manager or with the dean or the director. The purpose of these discussions was to bring the parties concerned into communication with each other, to give the complaints of the reporting person(s) a place within the discussion and to encourage the parties to find a solution in mutual consultation. In principle, the Ombuds Officer does not participate in these discussions. The Ombuds Officer ensures that the discussions take place and that all the relevant parties can be represented in those discussions, if so wished, by trusted individuals, confidential counsellors or legal advisers, and that sufficient account is taken of the interests of both the reporting person(s) and the person whose behaviour is the subject of the report. After these discussions have taken place, the Ombuds Officer is informed of the outcome and checks that the problem is being addressed or has been resolved in a proper manner. In 2023 there were four cases in which the Ombuds Officer was involved as an independent moderator in discussions between staff members and managers.

In 2023 the Ombuds Officer did not avail herself of the power to conduct an investigation, taking the view that an investigation by the Ombuds Officer would have no added value in the reported situations, for example because an investigation was already ongoing or because a single discussion or referral to another source of advice was sufficient for the reporting person(s). Additionally, in a number of situations she focused on providing mediation between the parties concerned and facilitating discussion between them.

Topics

Most of the reports that were received relate to the way in which management takes place or does not take place, abuse of position/power, failure to keep agreements, treatment and the manager’s attitude in the process of reintegration after illness. There were also reports from managers who feel insufficiently supported by their own managers, or who feel unsafe as a result of complaints made against them. Other common reasons for reports are lack of transparency in relation to creating job vacancies, appointments and promotion opportunities, and also in relation to placement in a salary scale, whether or not research time is allowed and the hours allocated to teaching duties. Reports from PhD candidates usually relate to work pressure, supervision (or the lack thereof) and unrealistic performance expectations within a dependency relationship.

Topic	Number of situations in 2023	Number of situations in 2022 (May-December)	Nature of the reports
Racism and discrimination	4	2	Prejudice, racism and position of women
Appointment policy/job application procedure	5	3	Lack of transparency with respect to the process of creating job vacancies and selection, lack of independence within the Appointment Advisory Committee, suspicion of favouritism towards candidates
Unsafety due to manager and/or colleagues	36	15	Sexual harassment, intimidation, bullying, gossiping, undermining, abuse of power, failure to keep agreements, reintegration after illness
Temporary contracts/contracted hours/starting salary scales	7	1	Lack of information supply and lack of transparency about the decision-making, lack of clear communication about the right to a contract, the contracted hours or the salary level
Unsafety in supervision (PhD candidates)	7	2	Lack of supervision, intimidation, high performance expectations, abuse of power
Report of malpractice	-	1	
Other	3		
Total	62	28	

4. Conclusions and recommendations

General

The Ombuds Officer is pleased that the theme of social safety is receiving considerable attention within the university. In 2023 a number of meetings on the theme of social safety were organised with institute managers and academic directors, the Mindlab play was performed several times for managers and staff members of the Faculty of Humanities, institutes and service departments organised lunch meetings on this theme and a new social safety webpage was launched. In general, it can be stated that reports are taken seriously in the organisation and that attempts are made to resolve the reported problems. The contacts with HR in this connection are especially valuable. The communication lines with HR are short and there is great willingness to participate in finding possible solutions that do justice not only to the reporting persons, but also to the interests of the person who is the subject of the report.

The number of reports made in 2023 is proportionally higher than in 2022 (from May to December), indicating that staff members can clearly find their way to the Ombuds Officer. Additionally, in 2023 the Ombuds Officer was actively contacted on several occasions by managers with questions about issues relating to social safety. It is good to see that managers are asking for help at an early stage. On the other hand, it appears that PhD candidates are still reluctant to take the step of contacting the Ombuds Officer. They feel highly dependent on their supervisors and often hardly dare to enter into discussion of their working conditions, even when confidentiality is guaranteed. The Ombuds Officer's contacts with the graduate schools and participation in information sessions for PhD candidates seem to have slightly lowered the threshold to the confidential advice network, but for PhD candidates there is still much room for improvement in the area of seeking attention and standing up for their own position.

The Ombuds Officer is aware that the confidentiality required in relation to the reporting persons somewhat hinders the general discussion with the Executive Board with regard to finding solutions. However, it is still possible, without breaching that confidentiality, to draw a number of conclusions from the reports. Many of the reports involve a lack of transparency, unclear decision-making and failure to keep agreements, while a large majority of the reports (36 reported situations) are about unsafety experienced in the relationship between the reporting person(s) and the manager or colleagues. When discussing possible solutions, it is therefore logical to first focus attention on these topics.

Achieving and maintaining a safe work environment within the university requires efforts from everyone, but especially from those who have attained a position with status or a certain amount of power within the university's organisational system. It calls for their willingness to scrutinise the organisation and to critically recognise their own contribution to the work environment; and sometimes for willingness to relinquish their own position of power to a certain extent, and to show generosity towards a new generation. What kind of employer does the university aim to be for its staff (or: what kind of manager do you aim to be for your team members)? How much space is there for them to grow and to make mistakes? What value is attached to the performance of a team? These are all questions that will need to be answered, not only at the policy level but especially by the staff members/managers whose position means they can really make a difference. Set aside your personal considerations and be empathic and generous; allow others to share in what you have achieved with your hard work.

The Ombuds Officer would like to consult with the Executive Board, the deans and the Board of Governors about what is needed to conduct the conversation about these topics in the organisation, and would like to be regularly informed by the Executive Board about the actions that are being taken to achieve a safer work environment.

Recommendations in 2022 Annual Report

The Ombuds Officer made a number of recommendations in the 2022 Annual Report. Many of these recommendations are still relevant and are partly seen again in the recommendations in this annual report. The Ombuds Officer has meanwhile been provided with an interview room, several information sessions about the role of confidential counsellors and the Ombuds Officer have taken place and a new webpage on social safety has been launched. The recommendations from the 2022 Annual Report are appended to this annual report.

Recommendations

The interviews with reporting persons and managers during the period covered by this report have given rise to the following recommendations.

- *Ignoring or relocating the 'problem/problematic behaviour'* When the Ombuds Officer reports a situation to an organisational unit, with the reporting person's consent, she often finds that people there are already aware of this situation. Within the organisation, there is a tendency not to enter into discussion with staff members/managers whose behaviour is less than acceptable, but rather to 'work around this behaviour', to place them under a different manager (for example, directly under the dean instead of the academic director) or to move them to a different organisational unit. The behaviour is not discussed and therefore continues to exist or becomes worse, because it is not corrected. This results in situations where everyone 'knows who it is', but no one actually speaks to them about it.

The personal observations of managers, HR and other people involved/bystanders (possibly in conjunction with the results of surveys, such as the Personnel Monitor) should be sufficient reason to speak about the behaviour with the staff member concerned. When unacceptable or less acceptable behaviour is observed, it must be discussed; not only to ensure that the people who suffer from this behaviour feel supported, but also to give the person concerned the opportunity to change it, potentially at an earlier stage. It is important not to wait for a report from the confidential advice network before taking action: long-term solutions should be sought in open consultation with HR and more senior managers.

It has occasionally been seen that formerly hired external temporary workers, whose behaviour resulted in some less positive experiences, have nevertheless been hired again by a different organisational unit. This makes people in the organisation feel uncomfortable and perhaps even afraid. Hiring of external workers by the various organisational units should be coordinated more effectively at the university level.

- *Rotating leadership* Although leadership receives a great deal of attention within Leiden University, many of the reports actually relate to leadership or the lack thereof. The practice of rotating leadership within the institutes and faculties is not conducive to a safe work environment. At the start of each new term of office, the leaders are always 'beginners' or less experienced, and the experienced leaders resume their former positions.

First-time managers are often insufficiently equipped for their new task. They struggle with combining managerial work, which demands time and attention, with their academic work. It should be made compulsory for every new and returning manager to take a leadership course, preferably before the work begins or as soon as possible after this. The organisation offers an abundance of assistance to support managers in their work, for example in the form of 'intervision' (peer-led reflection) and coaching. People can choose whether to actually make use of this support, but it should be a natural decision to participate in the opportunities for intervision and/or coaching. It should also be natural for new managers to feel they can turn to their own manager for support. There appears to be a need for more active support/monitoring of first-time managers.

Former managers, who resume their role in the organisation after their term of office, are held responsible (sometimes for a very long time) for decisions made by the previous management and often feel like outcasts. They receive negligible support in how to deal with this.

Despite the abundant range of knowledge development offered in the area of leadership, very little attention seems to be given to what it actually means to temporarily be a member of an institute board or faculty board (and hence be required to act as an employer) in a culture where the performance of the individual is usually perceived as more important than the performance of the team/organisation. This alternation of the employer role allows too much scope for a culture of 'settling scores' and favouritism. Rotating leadership can work well in a situation where managers are able to allow others the space to grow and are themselves allowed this space by others, within a professional organisation where people hold shared values about integrity and safety. The university has not yet achieved this situation across the entire organisation. It seems appropriate to give more attention to the significance of rotating positions within the faculties and institutes for the individuals concerned.

- *Career opportunities and appointment procedures* Although the career opportunities for academic staff are usually precisely defined, they are not always clear in practice and appointment decisions are not always taken transparently.

Staff members often have the impression that making a successful career is a matter of working very hard, knowing the right people and doing favours for one another. This applies for junior lecturers, university lecturers (US: assistant professors), senior lecturers (US: associate professors), full professors and special professors. Disappointment if the promotion does not take place results in many staff members being unhappy in their work and deciding to leave for other universities in the Netherlands or abroad, or to work outside the university world. More clarity about career opportunities and more transparent appointment procedures could create more realistic expectations and fewer disappointments.

There is also a lack of clarity about career opportunities within the junior lecturer positions (referred to in the University Job Classification System (UFO) as *docent*: 'teacher'). This arises because the work that may be expected of a junior lecturer in a certain scale is not always clearly specified. When work that belongs to the Teacher 2 job description is performed on a structural basis by a junior lecturer in the scale Teacher 3, they should be appointed to the higher position. It is also important to be clear about whether or not it is possible for people in this job group to conduct research within the agreed working hours.

- *Reaction to reports and taking account of all parties' interests* The Ombuds Officer has observed that there can sometimes be an over-reaction to reports. The initial response to a report that appears to be more extensive is often to start an external (or internal) investigation. The staff member who is the subject of the report is placed outside the organisation and communication with that person is put on hold. The absence of communication means that the staff member is not aware of the current stage of the investigation, and does not know their rights and the consequences for the work in progress. This uncertainty can sometimes continue for several months, without the staff member being given any information about the situation. This approach to handling reports seems to be largely prompted by unease and fear of a 'cover-up' situation.

The Ombuds Officer recommends that the initial response to a report should be to engage in discussion with the staff member who is the subject of the report and to investigate solutions in consultation with the parties concerned. This makes it possible to handle reports in a calm and nuanced way. As the employer, it is important to remain involved in the handling and concluding of reports, even when an external investigation or complaints procedure is taking place, and to remain available for questions of the reporting persons and the person who is the subject of the report. It is also important that staff members whose behaviour is reported should be actively informed of the possibility to contact the confidential counsellors and the Ombuds Officer, so that they too have an opportunity to tell their story.

- *Who is responsible in the line?* The responsibility for solving a problematic situation is regularly shifted 'downward', based on the notion that the responsibility should be located as low as possible in the hierarchical line. However, many problems arise due to uncertainty about who in the line is (or is willing to be) responsible, mainly because it is often not clear how that line actually runs. The consequence in practice can be situations where no one takes (or is willing to take) the responsibility for discussing unacceptable behaviour with a staff member. As a result, too much scope remains for such behaviour.

It is desirable to have more clarity about who is accountable for solving problems relating to unsafety in the workplace. This clarity can be created, for example, by ensuring that staff members have just one manager. If there is uncertainty about who is responsible for opening the conversation about less acceptable behaviour, the Executive Board – in its role as employer – will have to intervene or ensure that someone takes this responsibility.

- *Making use of possibilities to contact the Ombuds Officer and confidential counsellors* The Ombuds Officer feels it is important to emphasise that staff members have a right to discuss problems with confidential counsellors or the Ombuds Officer. The fact that staff members contact someone within the confidential advice network because they need help in resolving a problem may never be invoked against them. It requires courage to take the step to contact a confidential counsellor or the Ombuds Officer and ask for help. Contacting someone within the confidential advice network is expressly not a form of escalation. It is regrettable to observe that this is not yet recognised by everyone within the organisation.

APPENDIX 1 Recommendations in 2022 Annual Report

- *Communication:* Many problems appear to be caused or exacerbated by failures in communication. Too much communication takes place by email, and continues for too long, in situations that evidently call for a face-to-face discussion in which the parties can clear up misunderstandings, explain decisions and answer questions. Sometimes there is no communication whatsoever and staff members' questions simply receive no response. When questions are answered late, or not answered at all, staff members are left in uncertainty for too long and their dissatisfaction with the situation or the absence of a decision increases unnecessarily. In practice, they then involve third parties in the problem, in their attempt to have their questions answered, which makes the situation (even) more complex. Actions such as replying to emails and engaging in discussion at an earlier stage show respect to the staff member and can help to keep problems more manageable.
- *Procedure/substance:* The form/procedure receives more attention than the reason for a report. Generally speaking, a report can be seen as an expression of feelings of dissatisfaction or unsafety. The most appropriate response to this is to engage in open discussion about the dissatisfaction and/or unsafety experienced by the reporting person. That discussion must not be about whether the reporting person took the right path or followed the right procedure when making the report, or whether the reporting person's statement is true or not. The manager's efforts should be focused initially on gaining a clear picture of the problem, and the manager must be willing to both ask questions and listen to the answers to those questions. This is the only way to create space to discuss how a solution can be found, in consultation with the reporting person. This solution will usually not be black or white, true or false, but will often arise in the willingness of all parties involved to reflect on their own behaviour and to set aside their personal considerations. Seeking to engage in discussion about the experienced problem instead of fixating on the procedure is a valuable endeavour, in the sense that the problem does not continue to fester and can be resolved more quickly.
- *Vulnerability:* Asking for help is difficult. People making a report to the Ombuds Officer are afraid that it will have consequences for their career, such as not being given a permanent appointment or missing out on a promotion. It is always hard to assess whether that risk is realistic, but it does indeed appear to be present in a number of situations: for example, in cases where the appointment procedure is less than transparent or there is a dependency relationship in which personal likes and dislikes can be decisive for how someone's career progresses. It is the responsibility of all staff members, managers and the Executive Board to ensure that the work environment is (or becomes) one in which staff members can report an experience of unsafety without becoming a victim of 'cancel culture'. Additionally, the person whose behaviour has been reported is afraid of losing their position in consequence of a report. It is essential to ensure that the interests of both the reporting person and the accused are treated carefully, and therefore to create an environment in which discussions about social safety can take place at an early stage, in a setting that is safe for both parties, without any unjustified risk of retaliation.

Managers also find it difficult to ask for help. It is far from easy to discuss social safety with staff members, while the manager may often be blamed for causing that unsafe situation. To ensure that a discussion proceeds smoothly and remains focused on finding an effective and practicable outcome, the manager must be given support. Leiden University provides support in the form of leadership training courses, HR advisers and external professionals, with a list of preferred suppliers available from HR. A range of assistance is offered; people only need to make use of it.

- *Success stories:* Within the university there are examples of situations where staff members reported the social unsafety they experienced and this report led to a solution that had no adverse consequences for their career. If we can raise awareness of these success stories, showing that discussion of how to treat each other can take place without danger, then people's confidence in the organisation's problem-solving ability will grow. Moreover, when we focus on what is going well, this generates pride and hence new energy to work together on increasing the safety of the work environment.
- *Short-term:* The Ombuds Officer has noticed that the resolution of a workplace conflict is quite often sought in a short-term solution, such as secondment or transfer of the person who reported being involved in a conflict, or of the person who displays unacceptable behaviour. These are decisions that have only a temporary effect or no effect at all, because the core of the problem is not discussed or addressed. It appears that more attention should be given to finding a broader and longer-term solution for creating a safe work environment. This can be achieved, for example, by seeking solutions in open discussion with more senior managers and HR.
- *Unknown unsafe situations:* The Ombuds Officer is naturally not able to assess any patterns of socially unsafe behaviour that have not been reported to her. She has observed that the necessary procedures have been arranged within the organisation; there are confidential counsellors, complaints regulations and complaints committees, and since 1 May 2022 there has been an Ombuds Officer. Nevertheless, the Ombuds Officer still has the impression that within the university there are patterns of unacceptable behaviour, both serious and less serious, that are not being reported. Of course, she can only guess at the reason for not reporting experienced unsafety, but the fear for one's own career appears to play a major role in not reporting such behaviour, as it does in reports where the Ombuds Officer is not given permission by the reporting person to take action.

The Ombuds Officer also observes that another reason given for not reporting or referring problems (or only doing this late in the process) is that the existing procedures are not known or are mistrusted. 'I didn't know who to contact', 'I didn't know where I could refer the complainant', 'I have no confidence in the complaints procedure', 'there's really no point in it', are all statements that the Ombuds Officer has heard in discussions with HR (and other) advisers, managers and people who made reports. These statements are at odds with the fact that the procedures have been designed properly (they are neutral and independent), that members of the confidential advice network are available (and can be found on the website) and that discussions with them often lead to a solution. Active efforts will have to be made to inform staff members at all levels of the organisation about the role of confidential counsellors and the Ombuds Officer and about the complaints procedures, so that they know more about these roles and procedures, and their confidence in them can grow.

- *Availability of interview rooms:* The Ombuds Officer and the coordinating confidential counsellor do not have their own offices and have only very limited access to interview rooms in the university buildings. Access to interview rooms in neutral territory (i.e., neutral for the reporting persons) is a prerequisite for holding a discussion about an unsafe work environment. The Ombuds Officer requests the Executive Board to make provision for this.



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