



PEER REVIEW REPORT

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An Evaluation of the University Ombudsman Offices

Khmelnitsky National University

Last modified: __/__/2019

Aim: The purpose of this report is to compare the standards and criteria in the European literature with the development of the Office of the Ombudsman at Ukrainian and Moldavian Universities: (1) to determine whether the Office resembles ideal ombudsman institution should look like; (2) to determine (and identify) any gaps in the Ombudsman programme; and (3) to acknowledge any standards of practice which enable the Office of the Ombudsman to be considered a center of excellence in the field.

Methodological note The research considers each of the 27 indicators or criteria in the table and compares them with the bylaws, frameworks, web documents, and experiences of University Ombudsman Offices.

Name of University:

KhNU

Group of experts (Name & Contact details) :

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Date of initial development of document:

Date of last modification of document:

1. ALIGNMENT

Is the office of the ombudsman align with the operations, goals and principles of the organization it serves

<input type="checkbox"/>	not achieved
<input type="checkbox"/>	partly achieved
<input type="checkbox"/>	largely achieved
<input checked="" type="checkbox"/>	fully achieved
<input type="checkbox"/>	not applicable in this stage of the alignment

Observations and comments:

It was recommended to establish Ombudsman office of Faculty of Programming and Computer & Telecommunication Systems of Khmelnytsky National University by the University Board. The office of the ombudsmen reflect the goals and strategy of the University and Faculty and its work increases academic achievement, students relation, etc. It reflects the values the university wished to develop.

2. AUTONOMY – INDEPENDENT

Is the Office of the Ombudsman situated at “arm’s length” from the organization it serves?

<input type="checkbox"/>	not achieved
<input type="checkbox"/>	partly achieved
<input type="checkbox"/>	largely achieved
<input checked="" type="checkbox"/>	fully achieved
<input type="checkbox"/>	not applicable in this stage of the alignment

Observations and comments:

Autonomy is a core value in any ombuds programme. The Student’s ombudsman of FPCTS at KhNU is able to operate with an arm’s length relationship with the organisation. The Ombudsman is required to produce an annual report of his activities. The Ombudsman is not responsible for any other duty or function in the organisation and has no authority to direct staff.

Autonomy and distance from organisational structures demonstrated in ability of Ombudsman to develop his own budget for the operation of the Office and submit it to the University Board without alteration by staff.

3. DUE PROCESS - NATURAL JUSTICE PRINCIPLES APPLIED

Does your Office apply the rules of natural justice, and have procedures in place to ensure that you follow the principles of due process?

Factors that define due process or natural justice in the ombudsman context:

- Providing both sides to a dispute a full and fair opportunity to be heard
- Ensuring that no one in the organisation is sitting in an adjudicative capacity over a matter where he or she has a direct interest
- Providing an opportunity to fully respond to the case made by the “other side”
- Providing reasonable notice of any investigation or hearing to individuals affected by the controversy and allowing a fair length of time for parties to prepare and make submissions
- Where possible, providing reasons for decisions that affect people

	not achieved
	partly achieved
X	largely achieved
	fully achieved
	not applicable in this stage of the alignment

Observations and comments:

The Office of the Ombudsman has developed an ombudsman strategy and framework in accordance with Alternative Dispute Resolution. The strategy sets out how the Office of the Ombudsman conducts the business of ombudsmanship. This document set out operating procedures consistent with the principles of natural justice, and the Office ensures that all parties are treated in respect of those principles.

4. SUFFICIENT RESOURCES

Are the economic, staffing, support and peer resources given to you enough to allow you to discharge your mandate?

An ombuds office, properly managed, should model the kinds of administrative practices and behaviours it demands of other units within the discipline, profession or organization it serves.

	not achieved
	partly achieved
X	largely achieved
	fully achieved
	not applicable in this stage of the alignment

Observations and comments:

The ombudsman has been engaged to ensure that there is always someone available to act for the Office, should the Ombudsman be absent on leave, away from duties due to sickness, or in protracted travel status.
To date, these human resources have been sufficient to meet the requirements and demands placed on the Office. The Ombudsman has reported in the several annual reports that budgetary resources allocated to the Ombudsman have been sufficient.

5. ACCESS TO INFORMATION, DOCUMENTS, STAFF

Does your mandate enable to access resources in the organization?

Ombuds need access to all information relevant to a complaint or a question so that the review is fair and credible, and the charter should authorize access to all relevant information and require the full cooperation of the program over which the ombuds has jurisdiction.

<input type="checkbox"/>	not achieved
<input checked="" type="checkbox"/>	partly achieved
<input type="checkbox"/>	largely achieved
<input type="checkbox"/>	fully achieved
<input type="checkbox"/>	not applicable in this stage of the alignment

Observations and comments:

Centralized information storage at the university is available for ombudsman, but it is still limited in quality of documents.

6. RECOURSE - MORAL SUASION - PUBLIC CRITICISM

Does your Office have the ability to use the power of moral suasion to resolve issues?

Does that include the power of public criticism through annual or special reports?

If the results of an investigation and an Ombudsman's recommendations cannot be publicized, the function of the Ombudsman as a watchdog for the public interest is frustrated.

<input type="checkbox"/>	not achieved
<input checked="" type="checkbox"/>	partly achieved
<input type="checkbox"/>	largely achieved
<input type="checkbox"/>	fully achieved
<input type="checkbox"/>	not applicable in this stage of the alignment

Observations and comments:

The Office of the Ombudsman can use moral suasion through the power of publication should the Ombudsman be dissatisfied with steps taken by the organization to redress issues. To date, this power has not been used.

7. ACCESSIBILITY (PROMOTION - AVAILABILITY TO THE COMMUNITY)

Is your Office available to the community you wish to serve, and do you have appropriate tools to promote the Office's services to the community?

<input type="checkbox"/>	not achieved
<input type="checkbox"/>	partly achieved
<input checked="" type="checkbox"/>	largely achieved
<input type="checkbox"/>	fully achieved
<input type="checkbox"/>	not applicable in this stage of the alignment

Observations and comments:

For an Ombuds office to be useful and effective it needs the promotion (ads at the university, speaking engagements, circulation of informational materials like pamphlets, guides, brochures, etc.).

8. POWER OF OWN MOTION

Do you have the ability to begin an Ombudsman process where you believe that there is an issue of unfairness, and where there may not have been a visitor or complainant?

<input type="checkbox"/>	not achieved
<input type="checkbox"/>	partly achieved
<input type="checkbox"/>	largely achieved
<input checked="" type="checkbox"/>	fully achieved
<input type="checkbox"/>	not applicable in this stage of the alignment

Observations and comments:

The Ombudsman of KhNU FPCTS may initiate an investigation without a complaint. The authority to self-initiate an investigation allows the Ombudsman to act when information warranting an investigation comes to his or her attention in the absence of a willing complainant.

9. Established Terms of Reference (TOR)

Is there clarity in your contract, bylaws, mandate, institutional policies and procedures to define your terms of reference?

<input type="checkbox"/>	not achieved
<input type="checkbox"/>	partly achieved
<input type="checkbox"/>	largely achieved
<input checked="" type="checkbox"/>	fully achieved
<input type="checkbox"/>	not applicable in this stage of the alignment

Observations and comments:

The KhNU FPCTS Ombudsman terms of reference are established through both Regulation documents and the Ombudsman Strategy. These provide a set of operating principles for the Ombudsman consistent with standards in the field.

10. QUALIFIED - KNOWLEDGEABLE INCUMBENT

Does the Ombudsman have the knowledge, qualifications, and “street credibility” to get the job done?

<input type="checkbox"/>	not achieved
<input type="checkbox"/>	partly achieved
<input checked="" type="checkbox"/>	largely achieved
<input type="checkbox"/>	fully achieved
<input type="checkbox"/>	not applicable in this stage of the alignment

Observations and comments:

There have been no challenges to the incumbent's qualifications.

11. ADVISORY GROUP

Is there a legislative committee, board governance group, stakeholder committee, that acts at an arm's length from the Ombudsman to provide group – not individual- advice on Ombudsman operations?

<input type="checkbox"/>	not achieved
<input checked="" type="checkbox"/>	partly achieved
<input type="checkbox"/>	largely achieved
<input type="checkbox"/>	fully achieved
<input type="checkbox"/>	not applicable in this stage of the alignment

Observations and comments:

The Faculty Academic Council and University Academic Council may act as bodies to review the role, mandate, independent review capacity, function, and budget of the ombudsman.

12. ACTIVE PUBLIC RELATIONS CAMPAIGN - COMMUNITY EDUCATION

Does your outreach program meet the needs of your community?

<input type="checkbox"/>	not achieved
<input checked="" type="checkbox"/>	partly achieved
<input type="checkbox"/>	largely achieved
<input type="checkbox"/>	fully achieved
<input type="checkbox"/>	not applicable in this stage of the alignment

Observations and comments:

The Ombudsman shall heighten awareness of the Ombudsman programme and functions through routine interaction with the KhNU community and online availability.

13. STRUCTURAL AUTONOMY AND ACCOUNTABILITY

Are there clear lines concerning your independent ability to do such things as hiring staff, purchasing needed equipment, selecting training, travel etc?

<input type="checkbox"/>	not achieved
<input checked="" type="checkbox"/>	partly achieved
<input type="checkbox"/>	largely achieved
<input type="checkbox"/>	fully achieved
<input type="checkbox"/>	not applicable in this stage of the alignment

Observations and comments:

The Ombudsman is an independent officer of FPCTS KhNU and is accountable to the Academic Councils and its several committees for his actions. This accountability does not permit supervision of the function.

14. FILING SYSTEM

Do you have a separate and secure filing system?

<input type="checkbox"/>	not achieved
<input type="checkbox"/>	partly achieved
<input checked="" type="checkbox"/>	largely achieved
<input type="checkbox"/>	fully achieved
<input type="checkbox"/>	not applicable in this stage of the alignment

Observations and comments:

The vast majority of correspondence is electronic. A filing system based on the year and chronological number of the contact or complaint is used.

15. DATA BASE

Do you keep appropriate statistical data?

	not achieved
X	partly achieved
	largely achieved
	fully achieved
	not applicable in this stage of the alignment

Observations and comments:

The Office of the Ombudsman works by the development of a database case management system designed for the specific requirements of this Office (using Google Drive System).

16. BALANCED TIME MANAGEMENT

Does your role have multiple activities: meeting with visitors, investigations, administration, outreach etc?, and is there balance in the time you can devote to each? e.g., does the administrative function of running the office outweigh your ability to do outreach or intakes?

	not achieved
X	partly achieved
	largely achieved
	fully achieved
	not applicable in this stage of the alignment

Observations and comments:

Ombudsman has meeting with visitors and administration. The administrative function of running the office no outweigh the ability to do outreach or intakes

17. CONFIDENTIALITY

Does your Office make public pronouncements on confidentiality? Are you seen to be a confidential resource? Does your Office or organization have specified policies on confidentiality?

<input type="checkbox"/>	not achieved
<input checked="" type="checkbox"/>	partly achieved
<input type="checkbox"/>	largely achieved
<input type="checkbox"/>	fully achieved
<input type="checkbox"/>	not applicable in this stage of the alignment

Observations and comments:

Complaints which are brought to the attention of the ombudsman should be dealt with in private and with a minimum of involvement from parties within the organisation.

18. INDEPENDENCE - SEPARATE FROM THE ORGANIZATION IT REVIEWS

Is your Office seen to be separate and independent?

<input type="checkbox"/>	not achieved
<input checked="" type="checkbox"/>	partly achieved
<input type="checkbox"/>	largely achieved
<input type="checkbox"/>	fully achieved
<input type="checkbox"/>	not applicable in this stage of the alignment

Observations and comments:

Independence of Ombudsman of KhNU FPCTS is regulated by the developed and approved Regulations

19. INDEPENDENCE - APPOINTED BY SUPER MAJORITY

Is the Ombudsman appointed (or removed) by a super-majority of the organizations board, senate, or legislature?

<input type="checkbox"/>	not achieved
<input type="checkbox"/>	partly achieved
<input type="checkbox"/>	largely achieved
<input checked="" type="checkbox"/>	fully achieved
<input type="checkbox"/>	not applicable in this stage of the alignment

Observations and comments:

The Students Ombudsman of the KhNU FPCTS is appointed from the number of students (postgraduate researchers) of the Students council of the KhNU FPCTS on the submission of the head of Students council of the KhNU FPCTS and approved by a simple majority at a meeting of Students council of the KhNU FPCTS. The term of office of the Students Ombudsman is 2 years with the right to re-election for a second term.

20. IMPARTIALITY AND FAIRNESS - QUALIFICATIONS

Is the incumbent qualified for the post of Ombudsman, and do they have requisite knowledge of the particular organization?

<input type="checkbox"/>	not achieved
<input type="checkbox"/>	partly achieved
<input checked="" type="checkbox"/>	largely achieved
<input type="checkbox"/>	fully achieved
<input type="checkbox"/>	not applicable in this stage of the alignment

Observations and comments:

The FPCTS KhNU Ombudsman appears to be qualified for the position. This is a person of recognised knowledge, judgment, objectivity, and integrity. The establishing entity should provide the ombuds with relevant education and the periodic updating of the ombuds's qualifications

21. IMPARTIALITY AND FAIRNESS - NO CONFLICT OF INTEREST IN ACTIVITIES

Is the Ombudsman prevented from undertaking any activity which may tend to cause a real or perceived conflict of interest

	not achieved
	partly achieved
	largely achieved
X	fully achieved
	not applicable in this stage of the alignment

Observations and comments:

The Students Ombudsman is deprived of his status:

- *after a personal statement about the drawing up of credentials;*
- *after the submission of the head of Students council of the KhNU FPCTS on the Student Ombudsman recall, approved at the session of the Students council of the KhNU FPCTS by a simple majority of votes;*
- *in the case of expelling from the KhNU FPCTS or interruption of studies.*

22. IMPARTIALITY AND FAIRNESS - DIRECT ACCESS TO OMBUDS NO FEE REQUIRED

Are members of the community who wish to make complaints required to obtain any permission from another agent, or is any fee be charged to lodge a complaint?

	not achieved
	partly achieved
	largely achieved
X	fully achieved
	not applicable in this stage of the alignment

Observations and comments:

Persons who contact the Ombudsman do so by use of a set of contacts and complaints forms, via a mail service or filling printed form at Ombudsman Office.

23. IMPARTIALITY AND FAIRNESS - POWER OF RECOMMENDATIONS AND PUBLIC CRITICISM

Does your Office have authority in its terms of reference to make public its recommendations or criticism of the organization?

<input type="checkbox"/>	not achieved
<input type="checkbox"/>	partly achieved
<input type="checkbox"/>	largely achieved
<input checked="" type="checkbox"/>	fully achieved
<input type="checkbox"/>	not applicable in this stage of the alignment

Observations and comments:

Ombudsman makes recommendations to the organisation regarding complaints, offers suggestions to resolve them, or reports an inability to resolve them.

24. IMPARTIALITY AND FAIRNESS OMBUDS IS AN ADVOCATE FOR FAIRNESS, NOT THE PARTIES

Is your Office seen to be, or does your Office have policies or make pronouncements, as being an advocate for the fairness of a process, as opposed to an advocate for one of the parties in a dispute?

<input type="checkbox"/>	not achieved
<input type="checkbox"/>	partly achieved
<input checked="" type="checkbox"/>	largely achieved
<input type="checkbox"/>	fully achieved
<input type="checkbox"/>	not applicable in this stage of the alignment

Observations and comments:

The Ombudsman, in practice, acts as an independent third party with a fact finding and Alternative Dispute Resolution function. The Ombudsman does not act as an advocate for either the organisation or the complainant. The Ombudsman does act as an advocate for the standards of administrative fairness

25. CREDIBLE REVIEW - OMBUDS CANNOT MAKE BINDING ORDERS

Is the Ombudsman in properly positioned where he may make recommendations, but not binding orders?

	not achieved
	partly achieved
X	largely achieved
	fully achieved
	not applicable in this stage of the alignment

Observations and comments:

The Ombudsman is authorized to conduct investigations and to use a wide variety of alternative dispute resolution techniques to provide redress if an unfairness has occurred. The Ombudsman does not have the authority to compel the Board, staff, or supporting organisations to take any step or measure, or to introduce a change to bylaws or policies.

26. CONFIDENTIALITY - OMBUDSMAN HAS POWER TO DECIDE LEVEL OF INFORMATION TO BE DISCLOSED

Is the Ombudsman able to determine what information, personal identification etc, is required in handling or a reporting on a complaint?

	not achieved
X	partly achieved
	largely achieved
	fully achieved
	not applicable in this stage of the alignment

Observations and comments:

The Ombudsman Strategy indicates that the Ombudsman may only make enquiries or reveal the identity of a complainant in order to further the resolution of a complaint.

27. IDENTIFY COMPLAINT PATTERNS AND TRENDS

Does your Office look at the data base, and does it report on trends found, even if these are jurisdictional, but may be of interest to the organization?

<input type="checkbox"/>	not achieved
<input type="checkbox"/>	partly achieved
<input type="checkbox"/>	largely achieved
<input type="checkbox"/>	fully achieved
<input checked="" type="checkbox"/>	not applicable in this stage of the alignment

Observations and comments: