



PEER REVIEW REPORT

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An Evaluation of the University Ombudsman Offices

National aerospace 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:

KhAI

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:

The institutionalization of Ombudsman office is the next step of KhAI QA reform. It was recommended to establish Ombudsman office by the University Board. The office of the ombudsmen reflect the goals and strategy of the university and its work increases academic achievement, students relation, etc. It reflects the values the university wished to develop.

It aligns itself with the global mandate of the organisation by pronouncing a respect for the diversity of its community and the diverse manner in which its community approaches conflict.

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. To be effective, an ombudsman must be able to operate with an arm’s length relationship with the organisation. The University Board has an opinion that Ombuds is and appears to be free from interference in the legitimate performance of duties and independent from control, limitation, or a penalty imposed for retaliatory purposes by an official of the appointing entity or by a person who may be the subject of a complaint or inquiry.

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.

Autonomy and an arm’s-length relation with KhAI is further demonstrated by other characteristics. While the Ombudsman has office space at the university main building, he may use space outside the university (Innovaton Office). In addition to having an KhAI web address (ombudsman@khai.edu).

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 framework in accordance with Alternative Dispute Resolution. The framework sets out how the Office of the Ombudsman conducts the business of ombudsmanship. Inherent in the framework is an obligation to provide services according to the International Ombudsman Association Standards of Practice. These documents 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.

<input type="checkbox"/>	not achieved
<input 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 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. This indicates that the Ombudsman believes that the resources supplied have been sufficient on a par with other work units within ICANN.

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:

In accordance with KhAI Bylaw the executive ombudsman has wide-ranging authority to access documents and information and to take viva voce evidence from staff. 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 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 Office of the Ombudsman, through a process found in the Ombudsman Framework, can use moral suasion through the power of publication should the Ombudsman be dissatisfied with steps taken by the organisation 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 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:

For an Ombuds office to be useful and effective it needs to be accessible. Accessibility is comprised of at least two pieces:

- 1. Promotion – letting prospective users know the office is there and how it can help (Ads at the university, Social media, public education, speaking engagements, conventional and the circulation of informational materials like pamphlets, guides, brochures, etc.) .*
- 2. Convenience – the ombudsperson readily available to people with complaints.*

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:

At KhAI the Ombudsman may initiate an investigation without a complaint. While most investigations will arise from a complaint to the Ombudsman, some matters will only be considered if the Ombudsman initiates an investigation. 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 KhAI Ombudsman terms of reference are established through both Regulation documents and the Ombudsman Framework. 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?

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

Observations and comments:

The KhAI community, the Staff and students, appear to have accepted the inaugural Ombudsman as being well qualified for the position. There have been no challenges to the incumbent's qualifications. On the basis of his qualifications, the Ombudsman will be admitted to membership in the International Ombudsman Institute and European Ombudsman Institute during next year.

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?

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

Observations and comments:

The University senate 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 bylaws state that the Ombudsman shall heighten awareness of the Ombudsman programme and functions through routine interaction with the KhAI 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 KhAI and is accountable to the Senate and its several committees for his actions as set out in the bylaws. This accountability is at an arm's length and 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

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

Observations and comments:

As the Ombudsman is an online dispute resolver, 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 contracted for the development of a database case management system designed for the specific requirements of this Office (using Google Drive System). The system has been completed, and has been populated with the upcoming files the Office has dealt with since its inception.

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
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Observations and comments:

Ombudsman at KhAI has 3 hour working day from Monday to Friday.

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?

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

Observations and comments:

<i>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.</i>

18. INDEPENDENCE - SEPARATE FROM THE ORGANIZATION IT REVIEWS

Is your Office seen to be separate and independent?

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

Observations and comments:

The Bylaw makes a number of mentions of independence.

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:

Bylaw Article 2.4 indicates that the Ombudsman is appointed for an initial term of two years, which is renewable and he or she included to the University Senate.

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

Observations and comments:

As mentioned in The United States Ombudsman Association “An ombuds should be 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.”

The KhAI Ombudsman appears to be qualified for the position.

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

<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 bylaws state that the Ombudsman can be subject to dismissal only by a 75% vote of the Students community.

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?

<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:

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 Ombuds 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?

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

Observations and comments:

Both the bylaw and the Ombudsman Framework empower the Ombudsman to make recommendations to the organisation regarding complaints, to offer suggestions to resolve them, or to report 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?

	not achieved
	partly achieved
	largely achieved
X	fully achieved
	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. At the end of an investigation or ADR process, if the Ombudsman feels it necessary, he may make recommendations to the University senate.

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 Framework 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: