

PART V

OMBUDSPERSONS

ARTICLE 98 FACULTY OMBUDSPERSONS

§1. For doctoral students, at least one permanent and one replacement Faculty ombudsperson is appointed by the Faculty Council from the professorial staff, before 1 November of each academic year, on the recommendation of the representation of the assistant academic staff. For the other students, at least one permanent and one replacement Faculty ombudsperson is selected from the Faculty academic staff by the Faculty Council before 1 November of each academic year, on the recommendation of the student representatives.

In the absence of any nominations, the Dean nominates the candidates himself. The replacement Faculty ombudsperson is called in if a permanent Faculty ombudsperson is unexpectedly prevented from assuming these duties or is an involved party. The Faculty ombudspersons for doctoral students may be identical to those for the other students.

§2. The Faculty ombudsperson deals with complaints regarding the implementation of the present Education and Examination Code and/or the provisions governing the legal position of the people involved and/or situations that are perceived to be unfair within the larger framework of educational or examination activities.

Complaints are to include a description of the events they decry.

When the occasion arises, the Faculty ombudsperson will:

- endeavour to get the parties to resolve their dispute themselves by way of mediation (i.e. a process of voluntary consultation between conflicting parties, supervised by the Faculty ombudsperson, who facilitates communication);
- inform the complainant about the option to file a complaint with the University ombudsperson;
- inform the complainant about the option to file an appeal with the Institutional Appeals Committee pursuant to article 100.
- The Faculty ombudsperson is not required to handle a complaint:
 - if the complainant's identity or contact details are unknown;
 - if it pertains to events for which a complaint has already been filed, which was treated according to the provisions in the present article;
 - if it pertains to events that occurred more than one year before the complaint was filed;
 - if the complaint is clearly unfounded;
 - if the complainant is unable to demonstrate any stake in the matter.

The investigation into the complaint will be suspended if and as long as an administrative appeal or legal proceedings have been instigated with respect to the events.

If the complaint is not handled or is suspended pending the outcome of an administrative appeal or legal proceedings, the Faculty ombudsperson informs the complainant of this without delay, by letter or by e-mail. It is essential that any refusals to handle a complaint or any suspensions are substantiated.

§3. The Faculty ombudsperson needs to be readily accessible during evaluation periods. Even before the deliberations of the Examination Boards, the Faculty ombudsperson is entitled to the relevant information regarding each evaluation for which a complaint has been filed or for which there is a dispute. The Faculty ombudsperson attends the deliberations of the Examination Boards and is given access to the reports of these deliberations at all times.

The Faculty ombudsperson has the right to attend the deliberations of the Examination Boards as an observer and to peruse the reports of those deliberations.

§4. With regard to the competencies assigned to him in the present article, the Faculty ombudsperson may add items to the Faculty Council's agenda.

§5. The Faculty ombudsperson is bound to discretion.

§6. Before 1 November of each year, the Faculty ombudspersons report on their activities to the Faculty Council and, if need be, the Doctoral School(s) with which the Faculty is involved. The Faculty Council is to send this report to the Institutional ombudsperson.

ARTICLE 99 THE UNIVERSITY OMBUDSPERSON

§1. The University ombudsperson is appointed by the rector and handles the complaints on the implementation of the present Education and Examination Code and/or the provisions governing the legal position of students and/or situations which are perceived to be unfair within the larger framework of educational and examination activities, after this complaint was first treated by the Faculty ombudsperson and no solution was reached.

Complaints are to include a description of the events they decry.

When the occasion arises, the University ombudsperson will:

- endeavour to get the parties to resolve their dispute themselves by way of mediation (i.e. a process of voluntary consultation between conflicting parties, supervised by the University ombudsperson, who facilitates communication);
- inform the complainant about the option to file an appeal with the Internal Appeals Committee pursuant to article 100.
- The University ombudsperson is not required to handle a complaint:
 - if the complainant's identity or contact details are unknown;
 - if it pertains to events for which a complaint has already been filed, which was treated according to the provisions in the present article;
 - if it pertains to events that occurred more than one year before the complaint was filed;
 - if the complaint is clearly unfounded;
 - if the complainant is unable to demonstrate any stake in the matter.

The investigation into the complaint will be suspended if and as long as an administrative appeal or legal proceedings have been instigated with respect to the events.

If the complaint is not handled or is suspended pending the outcome of an administrative appeal or legal proceedings, the Faculty ombudsperson informs the complainant of this without delay, by letter or by e-mail. It is essential that any refusals to handle a complaint or any suspensions are substantiated.

§2. The University ombudsperson holds the same competencies, rights and responsibilities as the Faculty ombudspersons.

§3. Before 1 March, the University ombudsperson is to report on each calendar year to the rector, who is to send a copy of this report to the Government Commissioner.