



**PEER REVIEW REPORT**

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**An Evaluation of the University Ombudsman Offices**

**National Law 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.

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| Name of University: |
| NLU |

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| Group of experts (Name & Contact details) : |
| Artem Boyarchuk ([a.boyarchuk@csn.khai.edu](mailto:a.boyarchuk@csn.khai.edu)), KhAI |

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| Date of initial development of document: |
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| Date of last modification of document: |
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1. ALIGNMENT

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

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

***Observations and comments:***

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| *According to the NLU Strategic development plan, the core tasks of the University are, among others, are implementation of transparency in the NLU bodies’ activity; strengthening the role of the collegial bodies of the University; introduction of a new ethics of management activity based on the principles of mutual respect and positive motivation; extension of powers of the structural units of the University. Creation of the Ombudsman office fully corresponds to these tasks and reflects the proclaimed values; it controls the adherence of all the members of the academic community to the rights, freedoms and interests of students, and also contributes to the effectiveness of all the procedures at the University.* |

1. AUTONOMY – INDEPENDENT

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

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

***Observations and comments:***

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| *Regulations of NLU Student Ombudsman, agreed by the NLU Board, clearly state that the Ombudsman act independently from other persons, bodies and structural units of the University.*  *Any interference with or obstruction of the activities of the Student Ombudsman by the governing bodies, structural units, their heads, officials of the University, public organizations, other individuals and / or legal entities is prohibited. The governing bodies, units, their heads and officials of the University are obliged to respond to the oral and / or written inquiries of the Student Ombudsman on cases that are being pursued by the Ombudsman. Deliberate concealment, misrepresentation, failure to respond to Ombudsman's inquiries shall be considered as impediments to the activities of the Ombudsman.*  *While acting as an independent person, he has powers to influence the decision-making process, as he is a deputy head of the students self-administration and a permanent member of the Academic Ethics Commission. The Ombudsman is appointed by the students self-administration (Senate) without any influence of the NLU Board or the administration.*  *Acting independently and without advocating for either side of the parties involved in a disagreement, or disclosing confidential discussions, the ombudsman works with students, faculty, and staff to ensure the just, fair, and equitable treatment of every student.*  *Funding of the office does not compromise of the Ombudsman autonomy. The office continues to build on the goodwill, credibility and trust.* |

1. 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 |
|  | largely achieved |
| X | fully achieved |
|  | not applicable in this stage of the alignment |

***Observations and comments:***

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| *The rules of natural justice are* *implied from the nature of the duty to be performed by the Ombudsman. What particular rule of natural justice should be applied depends on the facts and circumstances of each case. Orders of the disciplinary authority must be consistent with the rules of natural justice, otherwise the orders are likely to be set aside. Also, it should be noted that NLU office strictly adheres to principle that when addressing a student ombudsman, there can be no privileges or restrictions on race, colour, political, religious and other beliefs, gender, ethnic and social background, property status, place of residence, linguistic or other characteristics.* |

1. 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:***

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| According to the Regulations, NLU Ombudsman can have up to two assistants, appointed from the students / doctoral students of the University. This number of human resources should be sufficient to meet the requirements and demands placed on the Office. Up to this date there were not a single complaint that there was nobody in the Office to meet an applicant or to assist in resolving a problem.  According to the estimate, 20 per cent of NLU Students self-administration resources are allocated to financing the activity of self-administration bodies, including the Office; which is so far sufficient. |

1. 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.*

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

***Observations and comments:***

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| According to the Regulations, in order to get required information or to verify case, the Ombudsman can have immediate audience with any member the administration of the University, the director (dean) of the institute (faculty), the head of the structural unit of the University; can have access to documents on the case. |

1. 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.*

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

***Observations and comments:***

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| *The Ombudsman, produces annual reports, participates in the activity of the Academic Ethics Commission and can use moral suasion t should he be dissatisfied with steps taken by NLU administration to redress issues. So far, this power has not been used.* |

1. 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?*

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

***Observations and comments:***

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| *Fact, that the Ombudsman office is now functioning at NLU, has been widely publicised in the university media and social groups, advertised on the institutes/faculties level. This information is also given to the first-year students during the induction week.*  *The office is located in the main campus of the university with good access for all the students.* |

1. 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?*

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

***Observations and comments:***

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| *The Ombudsman has powers initiate an investigation without a complaint. As stated in the Regulations, he also can make proposals to the administration of the University concerning the improvement of the work of the units of the University in the field of observance, realization of rights, freedoms and legitimate interests of students.* |

1. Established Terms of Reference (TOR)

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

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

***Observations and comments:***

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| *The NLU Ombudsman terms of reference are established through both Regulations and the Ombudsman Framework. These provide a set of operating principles for the Ombudsman consistent with standards in the field.* |

1. 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:*

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| --- |
| *Current NLU Ombudsman is the former leader of the Senate, well known and respected by the students and the faculty, with all the necessary experience of work with students and university administration.* |

1. 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 |
|  | partly achieved |
|  | largely achieved |
| X | fully achieved |
|  | not applicable in this stage of the alignment |

***Observations and comments:***

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| *The Ombudsman is a permanent member of the Academic Ethics Commission; therefore, can seek advice from it and also have impact on its decisions. Also, the Senate can review the role, mandate, capacity, and functions of the ombudsman.* |

1. ACTIVE PUBLIC RELATIONS CAMPAIGN - COMMUNITY EDUCATION

Does your outreach program *meet the needs of your community?*

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

***Observations and comments:***

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| --- |
| *According to the Regulations, the Ombudsman shall* *carry out measures on generalization, harmonization, formation and unimpeded realization of rights and freedoms of students (graduate students) of the University; this includes direct/online interaction with the students/academic community.* |

1. 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?

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

***Observations and comments:***

|  |
| --- |
| *According to the Regulations, the Ombudsman acts independently from other persons, bodies and structural units of the University. Any interference with or obstruction of the activities of the Student Ombudsman by the governing bodies, structural units, their heads, officials of the University, public organizations, other individuals and / or legal entities is prohibited.*  *NLU Ombudsman can have up to two assistants, appointed from the students / doctoral students of the University.* |

1. FILING SYSTEM

*Do you have a separate and secure filing system?*

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

***Observations and comments:***

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| *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.* |

1. 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:***

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| *The Office of the Ombudsman accurately keeps all statistical data available so far and office PC’s HDD’s and using Google Drive System.* |

1. 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:***

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| *The Ombudsman represents the interests of students in the governing bodies of the University, in the bodies of student self-administration and in relations with other participants of the University community. Considerable efforts are made to find reasonable balance between performing these functions and running the office.* |

1. 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 |
|  | partly achieved |
|  | largely achieved |
| X | fully achieved |
|  | not applicable in this stage of the alignment |

***Observations and comments:***

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| --- |
| According to the Regulations, the Student Ombudsman may not disclose confidential information and give any commentaries regarding proceedings on the current case or closed case without the permission of the applicant. |

1. INDEPENDENCE - SEPARATE FROM THE ORGANIZATION IT REVIEWS

Is your Office seen to be separate and independent?

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

***Observations and comments:***

|  |
| --- |
| *According to the Regulations, the Ombudsman acts independently from other persons, bodies and structural units of the University. Any interference with or obstruction of the activities of the Student Ombudsman by the governing bodies, structural units, their heads, officials of the University, public organizations, other individuals and / or legal entities is prohibited.* *The governing bodies, divisions, their heads and officials of the University are obliged to respond to the oral and / or written inquiries of the Student Ombudsman on the cases reviewed by the Ombudsman. Deliberate concealment, misrepresentation, failure to respond to student ombudsman requests shall be considered as impediments to the activities of the student ombudsman.* |

1. INDEPENDENCE - APPOINTED BY SUPER MAJORITY

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

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

***Observations and comments:***

|  |
| --- |
| *According to the Regulations the Student Ombudsman is appointed from among the students (graduate students) of the University upon the submission of the Chairman of the Student self-administration and is approved by a simple majority of votes at a meeting of the University Student Senate. The term of office of the Student Ombudsman is 1 academic year, with the right to be appointed for a second term.* |

1. IMPARTIALITY AND FAIRNESS - QUALIFICATIONS

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

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

***Observations and comments:***

|  |
| --- |
| *Current NLU Ombudsman is the former leader of the Senate, well known and respected by the students and the faculty, with all the necessary experience of work with students and university administration.* |

1. 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:***

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| --- |
| *The Student Ombudsman can be deprived of his status on the basis of a personal application for voluntary termination of authority; or on the basis of the submission of* the *Chairman of the Student self-administration. The recall of the Student Ombudsman must be approved by a simple majority of votes at a meeting of the University Student Senate.* |

1. 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:***

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| --- |
| *There is no fee for lodging a complaint. A complaint can be submitted electronically or using a paper forms available at the Office.*  *All conversations with the Ombudsman are voluntary and free.* |

1. 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:***

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| --- |
| *As stated in the Regulations, the Ombudsman can make proposals to the administration of the University concerning the improvement of the work of the units of the University in the field of observance, realization of rights, freedoms and legitimate interests of students.*  *He can also make recommendations to the governing bodies, structural units of the University, student self-administration bodies regarding the approval of local acts of the University, which will contribute to the protection of the rights, freedoms and legitimate interests of students.* |

1. 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:***

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| --- |
| *The Ombudsman acts an impartial and independent party, skilled in interpersonal communication, problem solving, conflict management and dispute resolution.*  *In his work, the Ombudsman maintains neutrality and impartiality.* |

1. 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:***

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| --- |
| *The Ombudsman can introduce matters within his competence to agenda of meetings of Student Senate self-administration bodies; he* *can make proposals to the administration of the University concerning the improvement of the work of the units of the University in the field of observance, realization of rights, freedoms and legitimate interests of students; he can also make recommendations to the governing bodies, structural units of the University, student self-administration bodies regarding the approval of local acts of the University, which will contribute to the protection of the rights, freedoms and legitimate interests of students.* |

1. 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:***

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| --- |
| *The Ombudsman may only make enquiries or reveal the identity of a complainant in order to further the resolution of a complaint.* |

1. 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?

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

***Observations and comments:***

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