

UNOFFICIAL TRANSLATION

Statute of the University of Freiburg on the Implementation of Central Ombudsman Proceedings

Based on § 8 Paragraph 5 of the Act on Graduate Studies in Baden-Württemberg (Landeshochschulgesetz – LHG) of 1 January 2005 (GBl. S. 1) in the version of the Act from 1 April 2014 (GBl. S. 99) in connection with § 38 Paragraph 4 Sentence 2 LHG, the Senate of the University of Freiburg adopted the following statute in its session on 29 July 2015.

§ 1 Administrative Office in Support of Ombudsmen

- (1) In order to support ombudsmen in the execution of Central Ombudsman Proceedings initiated under § 22 of the General Regulations on Doctoral Degrees (*Rahmenpromotionsordnung*), the University hereby establishes an Administrative Office (*Geschäftsstelle*).
- (2) The staff members of the Administrative Office will be appointed by the Rectorate.

§ 2 Execution of Central Ombudsman Proceedings

- (1) Ombudsman Proceedings will be initiated based on a grievance filed in the event of a conflict in connection with a supervisory relationship or in connection with the work on a doctoral thesis. The complaining party may be either the doctoral candidate or the supervisor.
- (2) As a general rule, the grievance is to be submitted to the Administrative Office. Complaining parties may also directly contact one of the designated ombudsmen.
- (3) Grievances which relate to conflicts that are already the subject matter of a formal proceeding, in particular an appeal proceeding or an administrative court proceeding, are not permissible.
- (4) Upon receipt of a grievance, the Administrative Office will as a general rule attempt to contact the complaining party in order to discuss the nature of the conflict, the responsibilities at issue and possible ways of proceeding. The Administrative Office will refer to the possibility of a decentralized Ombudsman Proceeding to the extent this possibility exists. If the conflict can be resolved as a result of consultation with ombudsmen or the Administrative Office, no notification will be made to the other person(s) involved in the grievance; in such instances the proceeding will be deemed concluded.
- (5) If the grievance is not resolved by the consultation described above in para. 4, a meeting between the complaining party, the other involved person(s) and at least one ombudsman will be arranged. The complaining party will be asked for his or her agreement prior to contact being initiated with the other involved person(s). The complaining party will simultaneously be given the chance to withdraw or reformulate the grievance. If the complaining party does not agree to contact being initiated with the other involved person(s), the Ombudsman Proceeding will be discontinued.
- (6) Ombudsman Proceedings are guided by the principles of confidentiality, transparency and fairness. Ombudsmen will assist the complaining party and the other involved person(s) in searching for constructive solutions and, as the case allows, in their implementation. If consensus cannot be reached as to an appropriate solution, ombudsmen may unilaterally pro-

vide recommendations; recommendations may be provided also in the event of a discontinuation of the proceeding pursuant to para. 5 sent. 4.

- (7) The principal results of an Ombudsman Proceeding will be logged. Documents associated with an Ombudsman Proceeding will be preserved by the Administrative Office for a period of five years.
- (8) Central Ombudsman Proceedings are free of charge.

§ 3 Legal Status and the Duty of Confidentiality of Ombudsmen and the Administrative Office

- (1) Ombudsmen and the staff of the Administrative Office are not bound by any mandatory instructions in the performance of their duties. They are bound to confidentiality as regards all information obtained in an Ombudsman Proceeding.
- (2) §§ 20 paras. 1 and 5, 21 LVwVfG apply accordingly. In the event of the existence of a ground of exclusion or an apprehension of bias in the meaning of these provisions, an alternate will act in the place of the affected ombudsman.
- (3) The recommendations of ombudsmen are not legally binding determinations that can be subject to legal challenge.

§ 4 Reporting Obligation of Ombudsmen

Ombudsmen will annually author an anonymised activity report for the Senate and the Rectorate.

§ 5 Entry into Force

This statute comes into force the day after its publication in the "Amtlichen Mitteilungen" of the University of Freiburg.

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