

Ombudsman for Junior Scholars at the University of Bayreuth

Procedural Principles (with explanations)

The Ombudsman is to follow the guidelines below. These guidelines are based on the "University of Bayreuth's by-laws for safeguarding the standards of good academic practice and handling academic misconduct" of 10 May 2012. Both are to be pointed out to any parties involved in relevant cases.

I. Function & Responsibility

1. The ombudsman advises doctoral researchers, research associates, junior professors, and those pursuing a *Habilitation* in cases of conflict or other problems during the qualification phase
 - concerning the relationship between doctoral researchers and their supervisors,
 - between persons pursuing a *Habilitation* and their mentors,
 - in connection with the position and duties of research associates under the terms of Article 22 of the *BayHSchPG* or the position and duty of junior professors under the terms of Articles 15 and 16 of the *BayHSchPG*.

In connection with his or her duties, the ombudsman may be called upon by persons during their qualification phase, in addition to university instructors, deans, committees, individuals in management positions, or members of the University Governing Board.

If the parties so desire, the ombudsman may make recommendations for ending the conflict at any stage of the proceedings.

2. The ombudsman shall advise the university's internal committees on issues relating to handling disputes during the qualification phase in accordance with the present guidelines. He or she shall always be invited to attend (as a guest) the meetings of the University of Bayreuth Graduate School; the Presidential Advisory Committee for Research, Junior Researcher & Technology Transfer; and the Presidential Advisory Committee for Equal Opportunities & Diversity Management.
3. At irregular intervals, the ombudsman shall report its work to the University Governing Board. Such reports are to include e.g. general experiences and principles relating to the situation of scholars during their qualification phase at institutions of higher education. He or she may provide an anonymous, brief description of the cases addressed during the period covered by the report.

II. Appointing the Ombudsman for Junior Scholars

1. The University Governing Board shall summon one or more members of the teaching staff who are experienced researchers to serve as ombudsman for a period of three years; the term shall begin on the day he or she is summoned by the University Governing Board. Re-appointment is permissible.

The representatives of the teaching staff (Article 17 para 2 number 1 of the Bavarian Higher Education Act), of the UNIVERSITY OF BAYREUTH GRADUATE SCHOOL, and of the research associates (Article 17 para 2 number 2 of the Bavarian Higher Education Act) in the Senate shall nominate one or more candidates after having consulted the Women's Representative at the University.

Deans and members of the University Governing Board cannot be appointed as ombudsman; one's role as ombudsman terminates upon commencing a term as dean or as a member of the University Governing Board.

The regulations regarding exclusion on the basis of personal involvement and apprehension of bias (Articles 20 and 21 of the Bavarian Administrative Procedures Act) also apply to the ombudsman.

The ombudsman shall also have a substitute who is to be appointed according to the regulations given above. He or she should be active in a subject area other than the subject area of the ombudsman.

If there is an important reason for doing so, an ombudsman or his/her substitute may be asked to step down after having been given a chance to speak. Resolutions shall be governed by Article 40 of the University's Constitution. The Senate shall be informed of the decision in advance and given the opportunity to issue a statement.

If an ombudsman or his/her substitute retires, he or she may continue to serve until the end of his or her term. An ombudsman or his/her substitute may resign at any time by submitting a written statement to the University Governing Board.

III. Advising, Mediation & Conflict Resolution

1. The ombudsman is to remain independent and neutral, working together with the parties involved towards an amicable resolution based on feasibility. The ombudsman shall act independently of the University Governing Board and any other bodies or committees. He or she shall not incur any disadvantages as a result of their activities following the end of their term.
2. The ombudsman shall determine the course of the proceedings in consultation with the parties involved.

Each party involved in the conflict should take advantage of the advising and moderation offered by the ombudsman by way of his/her willingness to engage in discussions and negotiations towards actively contributing to resolution of the conflict.

3. The ombudsman shall treat all enquiries and cases of conflict confidentially. Other committees or consultative bodies (whether internal or external) such as the mediator, the Women's Representative, or the University Medical Officer are only to be involved by the ombudsman with the agreement of the person seeking help. In such cases, the ombudsman shall submit a recommendation report to the committee or consultative body involved concerning ways to resolve the conflict. If the conflict cannot be resolved, proceedings may be conducted according to sentences 2 and 3 in agreement with the person seeking help. Otherwise, the ombudsman shall announce to the parties involved that the proceedings have been concluded.

IV. Conclusion of the Proceedings

1. Any of the parties can declare the proceedings to be finished at any time without providing his or her reasons. Such a declaration is also to be directed to the other parties involved. If this does not take place, it is to be carried out by the ombudsman.

If so requested by the parties involved, a record of the proceeding's conclusion is to be drafted and signed by the ombudsman and parties involved.

The conclusion of the proceedings shall not preclude mutual agreement to commence new proceedings.

2. If a settlement between the parties is sought, the outcome shall be drafted in a record and signed by the parties involved.

Implementation of the conflict resolution is the responsibility of the parties themselves. The ombudsman is not authorized to take measures to implement or monitor the agreement reached by the parties.