Potential breaches of academic integrity at various institutions have been in the spotlight in recent years, and VU Amsterdam is no exception. A complaints procedure has been instituted and each academic cluster has its own confidential counsellor for academic integrity. The student ombudsman is not authorized to deal with such complaints. However, students sometimes turned to the student ombudsman with questions about whether their thesis is their intellectual property. Or about who owns the copyright to the data they collect and who is entitled to use it.

At Vrije Universiteit Amsterdam and VU University Medical Center, all employees are responsible for ensuring academic integrity in scientific education, research and service to society. The same naturally applies to students. It is therefore important that they are aware of their rights and obligations, just as employees are. They must also be able to consult their rights so that they can prevent violations and the loss of their rights. It is therefore recommended that information on copyright and intellectual property be made available on VUnet. The Legal Affairs Department is currently preparing an online information sheet for this purpose.

I wish to thank the Executive Board and all the students who consulted me for the trust they have placed in me.

Drs. E.J. [Lies] Poesiat
Student ombudsman, VU Amsterdam
De Boelelaan 1081
1081 HV Amsterdam

Address for visitors:
(W&N building) Room S-246
Tel. +31 (0)20 5985313 / 06 27625636
Studentenombudsman@vu.nl

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1 https://www.vu.nl/nl/over-de-vu/wi/index.aspx
2 Student Ombudsman Regulations, Article 5:1(1g)
3 https://www.vu.nl/nl/onderzoek/wi/index.aspx
THE POSITION

Every student at VU Amsterdam, and those who make use of its educational provisions, may enlist the services of the student ombudsman. This also applies to external PhD students who do not have a contract of employment with VU Amsterdam, VU students at the Academic Centre for Dentistry Amsterdam (ACTA) and Amsterdam University College (AUC) students. Because no matter how meticulously you formulate procedures and policy, you can never eliminate human error, and things may still go awry. That’s when people complain.

In many cases students can try to find a solution to problems on their own, with advice from the student ombudsman. However, they must always give the faculty or service department an opportunity to sort matters out first. Only if this fails, or if the student is not entirely satisfied, is the student ombudsman called in. She does not take sides and objectifies the matter in order to give advice, make a referral, or arrive at a decision. The student ombudsman checks that the regulations and procedures have been followed correctly. The question at the centre of the problem is whether the student has been treated with care, appropriately and in accordance with the rules. Complaints about general policy are therefore outside her remit. Other channels are in place for this purpose, such as the Faculty or University Student Council or the programme committee.

As stated in the Student Ombudsman Regulations (Regeling Studentenombudsman), the student ombudsman is an independent and neutral person with whom the student can discuss a problem or grievance about the university, the faculty, or a member of staff, in an informal and confidential setting (a duty of confidentiality applies). The student ombudsman has the means to investigate a grievance and pronounce judgement. That is the main difference between the student ombudsman and other counsellors.

It is in the interests of both the students and the university for complaints and grievances to be taken seriously. The student ombudsman makes a key contribution to this process. If a complaint is upheld the student ombudsman can make recommendations to resolve it and prevent recurrence. In some instances the student ombudsman may also offer recommendations after a mediation process or in response to a report. Accordingly, some complaints lead to recommendations that help improve services, communication, regulations and procedures.

The appointment of a student ombudsman is also meant to contribute to optimal treatment of students by university staff and to transforming grievances into points for improvement. The ombudsman’s duties also involve monitoring recurring questions and complaints, and responding appropriately if the law is being broken or regulations are going unheeded. The ombudsman then brings these facts to the attention of the relevant faculty, service department or the Executive Board.

The student ombudsman meets with Prof. Vinod Subramaniam annually to discuss the year’s cases. She always ensures the anonymity of the students involved. Prof. Subramaniam is the Rector Magnificus and a member of the Executive Board.

Besides discussing matters with students, the ombudsman utilizes the 0.8 FTE currently available on a wide variety of tasks, such as establishing facts, combing files, recording findings, and compiling interim and final reports. The secretarial staff of the Administration Office provides assistance in distributing the annual report only. The student ombudsman handles registration and filing herself.

The fact that the ombudsman cannot be contacted during meetings makes voicemail indispensable. The student ombudsman forwards incoming calls to her mobile phone whenever she is unavailable. She can also be reached through the WhatsApp and Telegram mobile messaging services. Students can simply send a message from their mobile phone at no extra cost, and the student ombudsman can respond rapidly. This ensures convenient and easy access to the service. Other ways of making an appointment are through the Student Services Desk in the main building, or, of course, with the student ombudsman in person. The student ombudsman aims to meet with students within one week.

COMPLAINTS HANDLING

Most students submit their case to the student ombudsman by email or WhatsApp. Students still have access to the ombudsman’s services after completing their studies, providing that the incident concerned took place one year earlier at most and while the student in question was still studying at VU Amsterdam.

At the first meeting the student ombudsman verifies that she is the right person to deal with the complaint. For instance, the ombudsman cannot deal with complaints regarding inappropriate conduct, as that is the job of the confidential counsellor, or complaints that are still open to appeal (Examination
Appeals Board (Cobex®) or objection. However, almost all these cases require discussion with the student to find out exactly what the problem is. In some cases, the student ombudsman will be able to deal with part of the complaint, which can happen in cases that involve multiple issues. The simpler cases that cannot be handled are classified as ‘Ombudsman not the right agency’. However, the ombudsman may also decide to reject a complaint for other reasons – for example when a complaint is clearly unfounded. In that case, explaining to the student that the regulations have been complied with will suffice. If the student has not yet done so, the student ombudsman will first give the faculty a chance to resolve the issue.

In some cases students are able to solve the problem on their own after talking to the student ombudsman, who can provide information about the relevant regulations, procedures, rights, obligations and options. Often, the student ombudsman will have to perform a preliminary inquiry before being able to provide the required information. The other party will then be asked to comment, and documents can be requested and, if necessary, verified. On matters relating to internal regulations, the student ombudsman may request advice from a legal expert at VU Amsterdam or a member of staff from Student & Educational Affairs (SOZ). At faculty level, she may contact a study advisor, a coordinator of a Bachelor’s or Master’s programme, or the head of the Education Office. It is essential in all cases to analyse the complaint thoroughly, as the information obtained may contribute to a solution. Both the student and the organization are better served by finding a solution than simply deciding that there are grounds for complaint. If a different body is better placed to solve the problem, the student ombudsman will refer the student accordingly. For instance, allegations of infringement of academic integrity should be reported to the confidential counsellor for Academic Integrity. In many cases, issues concerning examinations or degree assessments can be submitted to the Examination Board. Complaints about inappropriate behaviour, such as discrimination, can be submitted to the confidential student counsellor. The student ombudsman can also provide information in this area, but will make every effort to send the student to the right place as quickly as possible. The student ombudsman aims to resolve problems through ombudsman-led mediation, which frequently leads to withdrawal of the complaint, and thus to restoring confidence in the faculty. As an independent party who is not accountable to any programme, the student ombudsman is free to look for a common frame of reference through which the relationship between the student and staff member can be restored.

Ombudsman-led mediation is not always less labour-intensive for the student ombudsman than a formal inquiry. Looking into a complaint, hearing the parties and bringing the parties together in mediation proceedings usually requires several sessions. If mediation is not an option or is no longer possible, or if mediation has failed to deliver results, the student can still request a formal inquiry. This will be followed by a decision from the student ombudsman, with possible recommendations to remedy the consequences of the problems and prevent recurrence.

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9 For more information, go to: https://www.vu.nl/nl/over-de-vu/wi/vertrouwenspersoon/index.aspx
10 More information: https://vu.nl/nl/over-de-vu/contact-routebeschrijving/adressen-en-telefoonnummers/vertrouwenspersonen/index.aspx
CASES IN 2016
Of the 154 cases submitted to the student ombudsman in 2016, 149 were accepted and handled. In the cases over which the student ombudsman had no authority [5], the student was referred instead to the proper individual or agency. The student ombudsman listens to problems, discusses options and passes on relevant information when complaints are about general policy, even though this is outside her remit. This recognizes the importance of having a place in the organization where complainants can air these problems and be referred to the right agency. Experience has shown that students otherwise tend to send emails to a variety of staff, often to the wrong office, which is simply a frustrating waste of time that does nothing to foster resolution of the problem at hand. In one case, several students engaged the student ombudsman simultaneously. These were counted as one case. Of the 154 cases, 16 were submitted by students from a non-Western background. This is ten percent of the total number of students who engaged the services of the student ombudsman. This percentage has fluctuated between fifteen and twenty percent in recent years. Of the international students (approx. 2,500 in 2016[^11])[^11], six visited the student ombudsman.

Most of the students found the student ombudsman through the website, or were referred by members of staff. 28 students found the student ombudsman after filling in the digital complaint form on the dispute portal (see ‘portal’). Students recorded as ‘repeat visit’ had already consulted the student ombudsman on other issues. In 2016, a Master’s student from the Faculty of Sciences submitted a formal complaint regarding alleged procedural anomalies. The student ombudsman found that two aspects of the complaint were founded and one aspect of the complaint was partially founded. She recommended that the programme should apologize to the student. The programme did so.

**NUMBER OF COMPLAINTS**
Students from the Faculty of Faculty of Earth and Life Sciences (FALW) submitted the highest proportion of cases to the student ombudsman in 2016. The FALW complaints regarded alleged procedural anomalies, registration for subjects in minors and other issues. Student complaints about service departments had to do with insufficient facilities and treatment by service department employees. All of these complaints were deemed to be incidents. The student ombudsman provided recommendations or mediation, leading to resolution in all cases. The cases that come to the student ombudsman are those that, in a student’s opinion, the faculty or service department has failed to handle satisfactorily, or that have stalled or escalated. The proportion of students who approach the student ombudsman is < 0.5%.

HANDLING

The way a case is handled depends on the form in which it is submitted to the student ombudsman. Questions are usually dealt with by means of information and advice, and possibly mediation at a later stage. In many cases, complaints were handled by means of mediation in 2016.

A mediation session can help identify the exact nature of a complaint – because it elicits a response from the other party – and can steer the complaint in a totally different direction and point the way to a solution. If the student feels that mediation has failed, a formal inquiry can still follow. This is then done in accordance with the procedure described in the Student Ombudsman Regulations.17

Students may also report problems or wrongdoing to the student ombudsman. She may then pass them on to the faculty or service department in question.

NATURE OF THE CASES IN 2016

A case can extend across more than one problem area. That is why there are more subjects than processed cases. All cases are registered, whether founded or unfounded.

As in previous years, most cases in 2016 had to do with teaching, with the addition of alleged procedural anomalies. Students are very attuned to following proper procedures, because they know that lapses in procedure can easily result in study delays.

Discourteous or unfair treatment covers such cases as those in which students complain about lecturers or other staff who have commented on their capacities and potential. Mediation is particularly useful in such cases.

The student ombudsman referred some students to other bodies, such as the Examination Board or the Examination Appeals Board (Cobex). Sometimes, the problem was solved by explaining the regulations to the student, and at other times the student ombudsman had to intervene.

The category Other covers cases that could not be included elsewhere, e.g. a parent’s complaint about a student’s damaged laptop.

12 Acknowledgement for figures: Student Admissions, Student & Educational Affairs.
13 In 2014, the Faculties of Arts and Philosophy merged in the Faculty of Humanities.
14 In 2015, the Faculties of Movement Sciences and Psychology merged in the Faculty of Education.
15 Student and Educational Affairs, VU Library, Communication & Marketing, Corporate Real Estate and Facilities, Finance & Audit, HRM, Occupational Health, Safety and Environment and Information Technology, the Administration Office.
16 Prospective students; students enrolled at other universities.
It was possible to handle 130 cases within one workweek of the intake interview, which, as always, has much to do with the cooperative attitude of the staff concerned. The other cases took longer. A total of 16 cases took two weeks or longer. Four took longer than two months. Delays were caused by difficulties in planning around the busy staff schedule on the one hand, and on the other hand by the complexity of the case. Five cases continued into 2017.

As well as resolving complaints, the student ombudsman generally seeks to help prevent them. To this end, the student ombudsman had various meetings to exchange information about problem areas. This included meetings with members of the faculty board, the management staff and teaching coordinators.

Advice based on actual cases was submitted to the organization with the aim of preventing complaints about the same matters in the future. In some cases the advice related to information that was not at all easy for students to find; in others it related to thesis supervision.

<table>
<thead>
<tr>
<th>Category</th>
<th>Cases</th>
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<tbody>
<tr>
<td>Organizational</td>
<td>2</td>
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<tr>
<td>Administration</td>
<td>4</td>
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<tr>
<td>Accessibility</td>
<td>3</td>
</tr>
<tr>
<td>Discourteous or unfair treatment</td>
<td>17</td>
</tr>
<tr>
<td>Communication</td>
<td>2</td>
</tr>
<tr>
<td>Information (inaccurate or absent)</td>
<td>18</td>
</tr>
<tr>
<td>Facilities/amenities</td>
<td>5</td>
</tr>
<tr>
<td>Procedures (e.g. right of inspection, marking deadlines)</td>
<td>25</td>
</tr>
<tr>
<td>Financial</td>
<td>4</td>
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<tr>
<td>Teaching</td>
<td></td>
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<tr>
<td>- educational guidance</td>
<td>11</td>
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<tr>
<td>- educational quality</td>
<td>2</td>
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<tr>
<td>- coordination (e.g. planning)</td>
<td>15</td>
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<tr>
<td>Research</td>
<td>0</td>
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<tr>
<td>Examinations</td>
<td>7</td>
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<tr>
<td>Legality (e.g. under the Academic and Examination Regulations)</td>
<td>18</td>
</tr>
<tr>
<td>Registration</td>
<td>6</td>
</tr>
<tr>
<td>Other</td>
<td>8</td>
</tr>
</tbody>
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**PREVENTION**

As well as resolving complaints, the student ombudsman generally seeks to help prevent them. To this end, the student ombudsman had various meetings to exchange information about problem areas. This included meetings with members of the faculty board, the management staff and teaching coordinators.

Advice based on actual cases was submitted to the organization with the aim of preventing complaints about the same matters in the future. In some cases the advice related to information that was not at all easy for students to find; in others it related to thesis supervision.
In 2016 the student ombudsman identified the following problem areas and reported them to the faculty or service department in question, and the Executive Board if necessary.

TEACHING COORDINATION
If a student is intending to take a post-graduate programme, then the Examination Board should have established the exact curriculum prior to commencement of the programme. Students will then have time to lodge an objection with the Examination Appeals Board prior to the start of the academic year if they disagree with the contents of the curriculum. Furthermore, students will thus avoid situations where they are suddenly required to take extra subjects at a later point in the programme.

PROVISION OF INFORMATION
If a student contacts a programme secretariat by email, for example, they should receive confirmation of receipt indicating the expected response period. They will then know that their question is being processed, and they will not submit the same query again.

LEGAL ISSUES
Students may be confronted by issues of copyright and intellectual property e.g. with regard to papers or theses. They must be able to consult their rights so that they can prevent violations and the loss of their rights. It is therefore recommended that information on copyright and intellectual property be made available on VUnet. The Legal Affairs Department is currently preparing an online information sheet for this purpose.

RAISING AWARENESS
To ensure that students know about the existence of the student ombudsman and what she does, VU-web features a page providing information about the ombudsman in both Dutch and English. New students are offered opportunities at the opening of the academic year to become acquainted with various student organizations. Students were introduced to the boards of student and study associations and of the Faculty Student Councils at the Ontvangst van de rector (Rector’s Welcome) event. The event took place on 4 April and 21 November 2016 in the Griffioen cultural centre. The student ombudsman also gave a briefing to staff on the Annual Report 2015.

All these steps taken by the student ombudsman were aimed at providing information that would ultimately improve the visibility, perception and accessibility of the service.

PROFESSIONALIZATION
Needless to say, the effectiveness of the ombudsman also depends on her ability to do a good job. To this end, continuous learning, training and the development of knowledge are essential. This is why the ombudsman is a member and the chairperson of the Association of Ombudsmen In Higher Education (VOHO18). She attends the general members’ meetings, held on a quarterly basis.

Membership of the European Network for Ombudsmen in Higher Education (ENOHE) and the US International Ombudsmen Association provides all manner of information on the latest developments in complaint law and jurisprudence in the field where ombudsmen work. In 2016 The ENOHE organized an interactive online webinar conference for ombudsmen in higher education. Our ombudsman gave a lecture at this conference on 29 September: Practical points: annual reports19.

On 21 September, the student ombudsman joined in the meeting of the VU Amsterdam/VUmc confidential counsellors for Academic Integrity. She gave a presentation on the work, duties and authority of the office of student ombudsman.

On 25 October the ombudsman took part in a meeting at VU Amsterdam entitled Zorgwekkend gedrag ['undesirable conduct'] organized by Administration Office and Corporate Real Estate and Facilities. The purpose of the meeting was to provide a setting for a discussion on what we mean by undesirable conduct, and to clarify the role of the coordinator for undesirable conduct. Furthermore, meeting participants learned about the support available at VU Amsterdam, such as the ombudsman.

Also in 2016, peer review events were held during the VOHO GMMs and with the ombudsman for Amsterdam University of Applied Sciences. These events involve the sharing of experiences and expertise. The Vereniging voor Klachtrecht [association for right of recourse] publishes a newsletter and organizes symposiums, providing the ombudsman with still more information in this field. This association is committed to professionalizing and further improving the internal and external handling of complaints, developing right of recourse and promoting the competencies that are required to deal with internal and external complaints.

In order to be able to function optimally and inform students correctly, the student ombudsman must keep up to speed with policy and organizational changes pertaining to internal regulations. She therefore maintains regular contact with the University Student Council and

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18  http://www.enohe.net/netherlands-de-vereniging-ombudsmannen-in-het-hoger-onderwijs-voho/
19  http://www.enohe.net/webinar-2016/
A Bachelor's student discussed his complaint with the student ombudsman. According to the student, the lecturer had failed to make known in a timely manner what literature could be used during the exam, which was scheduled to be administered in one week. The student's inquiries resulted in a notice on Blackboard, but it was still not entirely clear what literature would be allowed during the exam, according to the student. Moreover, the student felt that this information should have been made available at a far earlier stage. The student ombudsman submitted an inquiry to the lecturer. This clarified matters, as the lecturer explained to the student ombudsman what literature could be used, specifying that this did not include written notes. The lecturer also concurred that information on exams should be made available at an earlier stage. The student ombudsman informed the lecturer that the current state of affairs was causing students stress and leading to complaints. She then reported on this exchange to the student. The student was then apprised of the literature that he could use during the exam. He was satisfied that his complaint had been taken seriously, and expressed the hope that similar situations would be prevented in future. The student ombudsman then closed the file.

CASE HISTORY 1
PROVISION OF INFORMATION
RESOLUTION: < 1 WEEK

A Bachelor's student discussed his complaint with the student ombudsman. According to the student, the lecturer had failed to make known in a timely manner what literature could be used during the exam, which was scheduled to be administered in one week. The student's inquiries resulted in a notice on Blackboard, but it was still not entirely clear what literature would be allowed during the exam, according to the student. Moreover, the student felt that this information should have been made available at a far earlier stage. The student ombudsman submitted an inquiry to the lecturer. This clarified matters, as the lecturer explained to the student ombudsman what literature could be used, specifying that this did not include written notes. The lecturer also concurred that information on exams should be made available at an earlier stage. The student ombudsman informed the lecturer that the current state of affairs was causing students stress and leading to complaints. She then reported on this exchange to the student. The student was then apprised of the literature that he could use during the exam. He was satisfied that his complaint had been taken seriously, and expressed the hope that similar situations would be prevented in future. The student ombudsman then closed the file.

OTHER INTERNAL AND EXTERNAL CONTACTS

Besides using various fora as a source of information, the student ombudsman is frequently able to contribute to ongoing discussions. However, any involvement of this kind must not be allowed to compromise her impartial position, which prevents her participation in certain fora. Despite this, she participates in the consultative group on the issue of studying with a disability, the meeting of confidential councillors for inappropriate conduct and the meeting of student counsellors. If requested, the student ombudsman will provide information on her duties and the nature of her job to VU staff and students and to bodies not directly associated with the university. For example, on 14 October, the ombudsman gave a presentation on her position at VU Amsterdam at the invitation of the National Assembly of Chairpersons of University Participation (LOVUM).

EXAMPLES OF HANDLED CASES

The examples below have been anonymized and were more or less randomly selected. Hopefully they will shed light on the diversity of complaints, despite the constraints imposed by the strict anonymity. The more complex cases have to be excluded because they could easily be traced back to a person or faculty. Any reference to ‘he’ or ‘she’ below may or may not reflect the gender of the person concerned. The terminology has been generalized, again to guarantee anonymity. The examples cover only the bare facts and convey no information about the number of contacts or the time spent on a case. In the case histories below the students took their grievance first to the faculty, but felt that it had not been dealt with to their satisfaction.
A student with a disability received a decision from the Examination Board giving him permission to use a laptop during an examination that was to take place in two days’ time. The student was to send the decision to the course coordinator and to the student service desk, as stated in the decision. The lecturer would then ensure that the laptop was ready for the student on the exam day. As the exam was to take place in just two days’ time, the student decided to contact the academic advisor because he feared that things would not be arranged in time. He asked what he could do to speed up the procedure. The academic advisor decided to send notification to the student service desk himself, and he advised the student to contact the lecturer directly. However, the lecturer felt that the student should have engaged the subject coordinator and the student service desk, and he accused the student of having failed to do so. The student explained the situation to the lecturer, but felt that the air had not been cleared. The student reported that the lecturer seemed irritated during a subsequent exchange. The student feared the student-lecturer relationship had been damaged. The student reported having the impression that he had received little cooperation, despite having followed all procedures and recommendations. The student asked the student ombudsman to mediate (i.e. to help restore a productive relationship). The student ombudsman decided to accept this case, because her duties include preventing complaints. She approached the lecturer in question. During the ensuing discussion, the lecturer indicated that he would have preferred it if the academic advisor had notified him that the student would contact him directly. He was under the impression that the student was not following the proper procedures. He stated that the student-lecturer relationship had not been damaged as far as he was concerned, and he indicated that he was satisfied with the clarification in this matter. The student also indicated satisfaction with this resolution. The student ombudsman then closed the file.