STUDENT OMBUDSMAN
ANNUAL REPORT 2017

VU
VRIJE UNIVERSITEIT AMSTERDAM
LOOKING FURTHER
A number of cases from the year under review show that, while staff have acted in compliance with the regulations of Vrije Universiteit Amsterdam, students are not aware of the relevant regulations and mistakenly conclude that they are being treated unfairly. It transpires that members of staff do not always refer to the regulations, and in some cases fail to explain the grounds for taking certain action. This is a missed opportunity, especially when an explanation would help students understand a particular course of action taken by a lecturer, for example.

Moreover, students are not always informed of the exceptions that can be made by an Examination Board if they submit a request to this effect. Such situations can give cause for complaints, which students then submit to the student ombudsman. On the one hand, complaints of this kind can be prevented if staff take the trouble to provide an explanation or a referral, while on the other hand students should ensure that they are well-informed about relevant regulations and the roles of the Examination Board and the Examination Appeals Board.

I wish to thank the Executive Board and all the students who have consulted me in my role as ombudsman: I am very grateful for the trust you have placed in me.

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THE OFFICE OF STUDENT OMBUDSMAN

Anyone studying at VU Amsterdam 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\(^1\), VU students at the Academic Centre for Dentistry Amsterdam (ACTA) and students at Amsterdam University College (AUC). No matter how meticulously procedures and policy are formulated, human error can never be entirely eliminated, and things may still go awry. This gives rise to complaints.

In the first instance, a student can try to solve the problem independently, with advice from the student ombudsman. What is more, a student should first give the faculty or service department the opportunity to handle the complaint. It is only when that option does not work or fails to produce a satisfactory response that the ombudsman is in a position to act.\(^2\) She does not take sides but works to form an objective view of the matter at hand in order to give advice, make a referral or arrive at a decision. The ombudsman checks whether the applicable regulations have been followed and whether procedures have been correctly implemented. All this is done to answer the question of whether or not the student has been treated properly and with all due respect. Complaints about general policy can therefore not be dealt with. Other avenues exist for this purpose, such as the Faculty Student Council, the University Student Council or the Programme Committee.

As stated in the Student Ombudsman Regulations (Regeling Studentombudsman), the ombudsman is an independent and neutral person with whom a 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 resources to investigate a complaint and the position to issue an official statement on the matter, and in this respect she differs from other officials whom students are able to consult.

It is in the interest of both the students and the university that complaints are taken seriously, and the office of student ombudsman plays an important part in this regard. If a complaint is well-founded, the student ombudsman can formulate recommendations to resolve the case and to prevent recurrence in future. 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 the quality of services, communication, regulations and procedures.

The appointment of a student ombudsman is also intended to contribute to an atmosphere in which the university’s staff treat students with the greatest consideration and respect, and in which grievances are transformed into points for improvement. The ombudsman’s duties also involve monitoring recurring questions and complaints, and responding appropriately if the law is broken or regulations are flaunted. The ombudsman then brings these facts to the attention of the relevant faculty or service department, or the Executive Board. The student ombudsman meets with Prof. Vinod Subramaniam annually to discuss the year’s cases, while protecting the anonymity of the students concerned. Prof. Subramaniam is the Rector Magnificus and a member of the Executive Board.

Besides discussing matters with students, the ombudsman devotes the 0.8 FTEs currently available to a wide variety of duties, such as preliminary inquiries\(^3\), consulting files, recording findings, and compiling interim and final reports. The assistance provided by the secretarial staff of the Administration Office is limited to the distribution the annual report.

The student ombudsman personally takes care of registration and filing. Since the ombudsman cannot be reached during appointments, it is important that students are able to leave a voicemail message. For this reason, the student ombudsman forwards calls to her mobile phone in the event of her absence. She can also be reached using the mobile messaging service WhatsApp and by submitting a complaint form to a digital one-stop shop. Students can easily send a WhatsApp message from their mobile phone at no additional cost, and the student ombudsman can respond quickly. These services help lower the threshold associated with the position. An appointment can be made with the student ombudsman directly. She aims to respond to every student inquiry within a week.

COMPLAINT PROCEDURE

Most students submit their case to the ombudsman by email or WhatsApp. Even if they have already finished their studies, they are still entitled to do so, on condition that the event to which the complaint relates occurred when those directly involved were studying at VU Amsterdam, and within one year of the event taking place.

In the first interview, the student ombudsman checks whether she is authorized to handle the complaint. For instance, the ombudsman cannot deal with complaints about inappropriate conduct,\(^4\) as that is the job of the confidential counsellor. Nor can she deal with complaints that are still open to appeal or objection [Examination

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1 PhD students who have an employment contract with VU Amsterdam are entitled to consult the staff ombudsman. The student ombudsman also fulfills this position, and her working hours have therefore been increased by 0.2 FTEs.
2 The duties and responsibilities are set out in: Student Ombudsman Regulations [https://www.vu.nl/nl/Images/Regeling-studentenombudsman-2010_tcm289-152966.pdf].
3 This includes the assessment of competence and admissibility.
4 Accessibility: https://vu.nl/nl/over-de-vu/contact-routebeschrijving/adressen-en-telefoonnummers/vertrouwenspersonen/index.aspx
appeals board, Cobex. However, in almost all of these cases, the exact nature of the problem can only be determined in discussion with the student concerned, along with the matter of whether the ombudsman is able to deal with the complaint or a particular aspect of the complaint, as often applies when multiple issues are involved. In simpler cases, the response “not part of the ombudsman’s remit” may suffice. There are, however, other reasons why the student ombudsman may decide not to deal with a complaint, for example because it is clear that the complaint is unfounded. In such cases, it is sufficient to explain to the student that the laws and regulations have been complied with. And if the student has not yet discussed the complaint with the faculty or service department, the ombudsman will first give them the opportunity to resolve the complaint.

In some cases, the student is able to solve the problem on their own after talking to the ombudsman, who can provide information about the relevant regulations, procedures, rights, obligations and options. Often, the student ombudsman will have to conduct a preliminary inquiry before being able to provide the required information. In that case, the other party is asked to respond and documents can be requested and verified if necessary. 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, for example, she seeks contact with an academic advisor, a Bachelor’s or Master’s coordinator, or the head of the Education Office. In all cases, it is important that a complaint is clearly monitored, as this generates information that contributes to finding a solution. And both the student and the organization often benefit more from finding a solution than from obtaining a statement that the complaint is well-founded.

If another body has jurisdiction, the student ombudsman will refer the case. 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 final degree assessments can be submitted to the Examination Board. Complaints about inappropriate conduct, 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 refer 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 or service department. The student ombudsman can act as an independent party. Free from affiliation with a degree programme, she can look for ways in which parties can find a common frame of reference and restore the relationship between student and university staff. Ombudsman-led mediation is different from standard mediation in that it is an expedited process aimed at resolving the complaint in question. This type of mediation is a more pleasant and expedient option for all concerned, and faster and less taxing than a formal inquiry. If the preliminary inquiries give reason to do so, both parties will be invited to a three-way interview (involving and chaired by the student ombudsman) with the aim of resolving the complaint. However, the student ombudsman remains impartial throughout.

Ombudsman-led mediation is not always less labour-intensive for the student ombudsman than a formal inquiry. Investigating the complaint, hearing the parties and bringing them together in the course of mediation often requires a number of sessions. If ombudsman-led mediation is no longer possible, or if this intervention has failed to yield a result, a formal investigation of the complaint can be initiated at the request of the student. This will be followed by a decision from the student ombudsman, with possible recommendations to remedy the consequences of the problems and prevent recurrence.
anomalies in procedure and educational guidance. The student ombudsman ruled that one aspect of the complaint was unfounded and one aspect of the complaint, with regard to the provision of information, was partially founded. The recommendation that an apology should be made to the student regarding that section of the complaint was followed up.

The student ombudsman decided not to handle a formal complaint made by a student from the Faculty of Law. The Higher Education Appeals Tribunal (CBHO) decided in the student’s favour on all counts. This decision satisfied the student’s demands and meant that the student no longer had sufficient interest in pursuing her complaint through the student ombudsman. For this reason, the ombudsman did not deal with the complaint on the basis of the Student Ombudsman Regulations and closed the file.

Students from the Faculty of Science (VU Amsterdam’s largest faculty since the merger) submitted the highest proportion of cases to the student ombudsman in 2017. This mainly concerned procedural matters, such as the marking deadline. In one case, a complaint was resolved in an exit interview with the dean.

Thirteen of the university’s approximately 2,551 international students consulted the student ombudsman in 2017. Most students found their way to the student ombudsman by using the website or were referred by a member of staff. Students recorded as ‘repeat visit’ had previously consulted the student ombudsman on other issues.

Three formal complaints were submitted in 2017. In such cases, provided that she is authorized under the terms of the regulations, the student ombudsman determines whether “the body or individual mentioned in the petition exhibited appropriate conduct in the circumstances that are the subject of the inquiry”. The ombudsman sends copies of her report with assessment “to the student, the body or individual cited in the petition, the Executive Board, and where appropriate, the head of the organizational unit in question”.

A formal complaint submitted by a Master’s student from the School of Business and Economics concerned alleged anomalies in procedure, educational guidance and provision of information. The student ombudsman ruled that four aspects of the complaint were founded and one aspect was unfounded. She recommended that an apology by the degree programme would be appropriate. Another complaint assessed by the student ombudsman was made by a pre-Master’s student from the Faculty of Humanities and concerned alleged anomalies in procedure and educational guidance. The student ombudsman ruled that one aspect of the complaint was unfounded and one aspect of the complaint, with regard to the provision of information, was partially founded. The recommendation that an apology should be made to the student regarding that section of the complaint was followed up.

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All of these complaints were deemed to be incidents. The student ombudsman provided recommendations or mediation, leading to resolution in all cases. The problems that reach the student ombudsman are those the student believes have not been properly addressed by the faculty or service department, or where attempts at resolution have led to a stalemate or escalation. <0.5% of all students consult the student ombudsman.

HANDLING CASES
The way a case is handled depends on the form in which it is submitted to the student ombudsman. For example, a question often leads to information or advice being given, although mediation may still follow at a later stage. In many cases, complaints were handled by means of mediation in 2017.

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 be requested. This is then done in accordance with the procedure described in the Student Ombudsman Regulations. A student can also report a problem or abuse to the student ombudsman. The ombudsman may then pass the report on to the faculty or service department in question.

NATURE OF THE CASES IN 2017
A case can be about more than one problem area. That explains why there are more topics than cases handled. All matters reported, whether founded or unfounded, are registered. In 2017, most complaints concerned alleged anomalies in procedures followed and educational guidance. Students are very attuned to procedures and educational guidance, because they know that any lapses can easily have an adverse effect on their study progress. If a procedure is not carried out correctly, students experience this as unfair treatment, especially if they complain to a lecturer and do not receive a timely – or any – response.

In some cases, the student ombudsman referred the student to bodies such as the Examination Board or the Examination Appeals Board (Cobex). In other cases, it was sometimes sufficient to explain the regulations to the student, while sometimes it proved necessary for the ombudsman to intervene. The category Other covers cases that could not be included elsewhere, such as:

12 Acknowledgement for figures: Student Admissions, Student & Educational Affairs.
13 The Faculty of Earth and Life Sciences merged with the Faculty of Sciences in 2017 to form the Faculty of Science.
14 In 2017, the Faculty of Economics and Business Administration changed its name to the School of Business and Economics.
15 Student and Educational Affairs, VU Amsterdam University Library, Marketing & Communication, 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.

as complaints by a prospective student regarding a secondary subject at VU Amsterdam, and questions asked by study associations. Although the student ombudsman is not authorized to handle complaints from a student association, she can offer a sympathetic ear and discuss ways of ensuring that a problem does not escalate. This is in the interests of both the students and the university.

**DURATION**

It was possible to handle 130 cases within one working week of the intake interview. As always, this was largely thanks to the cooperative attitude of the staff concerned. The other cases took more time. A total of 16 cases took two weeks or longer to resolve. Four took over two months. This was partly due to scheduling issues – many employees have a full diary – and partly due to the complexity of the case. Five cases continued into 2018.

**PREVENTION**

In addition to resolving complaints, the student ombudsman also addresses the issue of complaint prevention. To this end, the student ombudsman held several consultations with management, the Teaching Coordinator and the Examination Board to exchange information about problem areas. Organizational advice in response to issues submitted to the ombudsman was also aimed at preventing complaints about the same issues in the future. Sometimes this concerned information on a procedure that was not readily available to students, and sometimes it concerned specific advice in relation to thesis supervision.

**CONCLUSIONS AND RECOMMENDATIONS**

In 2017, 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.

**COMMUNICATION**

In some cases, it no longer makes sense for a student to take part in a course because he can no longer meet the entrance requirements for the exam. However, this should be clearly explained. If instead a lecturer tells a student they are not allowed to take part

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in classes or is excluded from taking a course, this is bound to lead to a misunderstanding.

**PROVISION OF INFORMATION**

Degree programmes must respect the deadlines for marking examinations and assignments. But if members of staff on the programme fail to meet these deadlines, it would be good to inform students about this as soon as possible, and to state a reason. This stops students worrying, signing up for a resit just in case, and asking various employees if and when their grade will be announced.

**PUBLICITY**

To ensure that students are aware that the university has a student ombudsman and what the ombudsman’s role is, a university website is maintained in Dutch and in English. Since the university welcomes new students each year, an introduction to various student organizations was given after the opening of the academic year. Students were introduced to the boards of student associations and study associations and to the participatory bodies for students at the Ontvangst van de rector (Rector’s Welcome) event. The event took place on 20 March and 20 November 2017 at the Griffioen cultural centre. The student ombudsman also gave a briefing to staff on the Annual Report 2016.

These activities are aimed at providing information in order to improve the visibility, image and accessibility of the student ombudsman.

**PROFESSIONALIZATION**

There is an intrinsic link between the effectiveness of the student ombudsman and the quality of her work. If she is to continue to perform the job well, training and the development of expertise is therefore necessary on an ongoing basis. This is why the ombudsman is also a member, and indeed chairperson, of the Association of Ombudsmen in Higher Education (VOHO). This involves taking part in general meetings every three months.

Membership of the European Network for Ombudsmen in Higher Education (ENOHE) and the American International Ombudsman Association provide all manner of information on the most recent developments in the field of complaint law and jurisprudence in the field of ombudsman work. The ombudsman at VU Amsterdam is a member of the ENOHE steering committee and attended the ENOHE conference entitled Higher Education Ombudsmen as Beacons - Towards a fair and transparent European Higher Education Area, held from 28 to 30 June in Strasbourg. This was hosted by the European Parliament, the European Ombudsman and the European Ombudsman Institute. The European Ombudsman, Ms Emily O’Reilly, gave a presentation on the work of the ombudsman at the conference, and ombudsmen from nineteen countries took part.

On 20 and 22 June, the ombudsman took part in a two-day training course on the subject of undesirable conduct. Over the two days, the front-line staff (e.g. academic advisors, student psychologists, communication staff) were trained in recognizing and reporting undesirable conduct. At VU Amsterdam, there appears to be a need for an expert team to deal with undesirable conduct, so that reports are not assessed and handled by a single official. This facilitates an integrated approach to assessment and handling. Meanwhile, an expert team can gather and share relevant information, within the restrictions imposed by privacy legislation, thus preventing the risk of unnecessary escalation and limiting any damage. The student ombudsman has been asked to take part in this team from 2018.

Another initiative in 2017 took the form of peer review events held during the VOHO general meetings and with the staff ombudsman from Amsterdam University of Applied Sciences. During these meetings, ideas and best practices were exchanged based on experiences and expertise. The Vereniging voor Klachtrecht (Association for Right of Recourse) publishes a newsletter and organizes symposiums, providing the ombudsman with 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 required to deal with internal and external complaints.

In order to stay thoroughly informed, the ombudsman maintains contacts with the university’s Student Council.

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A student says that he has failed an exam and insists that this cannot be correct. He suspects that the lecturer has made a mistake and sends the lecturer an email to ask if they can look at his exam paper together in the near future. The teacher replies that the moment at which students can view their graded work has not yet been determined. The student believes that he is not being taken seriously and contacts the student ombudsman to ask why he is not being allowed access to his graded exam paper in the short term?

The student ombudsman consults the programme’s Academic and Examination Regulations. The regulations state that for at least twenty working days after the announcement of the results of a written interim examination, the student can, on request, inspect his/her assessed work, the questions and assignments set in it, as well as the standards applied for marking. They go on to state that if a student is unable to inspect his/her work for an urgent reason, an alternative opportunity must be given. The student wanted an alternative opportunity for inspection (i.e. at an earlier time) because he felt certain that he had done enough to pass the exam. The regulations do not provide for this option and in this case it is therefore up to the lecturer to make a goodwill gesture. If the lecturer refuses to do so, this does not provide the student with grounds for complaint. After all, the regulations have been observed. The lecturer could have explained these rules to the student, but he did not. The student interprets this response as unwillingness. It is agreed that the student will contact the lecturer to point out that an explanation would have helped him understand the lecturer’s decision. If that does not go as planned, he will contact the student ombudsman again.

Furthermore, the ombudsman occasionally participates in the regular discussions held by the university’s legal advisors and consults the university’s head of legal affairs on a number of occasions throughout the year to learn about which laws and regulations are about to be introduced or amended. Twice a year, she also attends the meetings of the student confidential counsellors. She consults with the Director of Student & Educational Affairs at least once a year to find out about developments in that area and to discuss potential improvements in the light of complaints.

The examples below have been anonymized and were more or less randomly selected. It is hoped that they will shed light on the diversity of complaints, despite the constraints imposed by the strict anonymity. More complex cases had to be excluded because they could easily be traced back to an individual or faculty.

Use of the personal pronoun ‘he’ may or may not correspond with the gender of the person concerned. To further ensure the anonymity of the students and to avoid specifying their background, the terminology has been expressed in the most general of terms. Only the main outlines of the process are described and no indication is given of the number of contact moments and the amount of time that had to be spent on a case. In the case histories below, the students first took their grievance to the faculty or service department, but felt that it had not been dealt with to their satisfaction.

The student ombudsman not only gathers information from various bodies, but in some cases also contributes to the discussions that they hold. However, this is only possible on condition that her independence is not compromised, and this limits her participation in certain bodies. Despite this, she participates in the consultative group on the issue of studying with a disability, the meeting of confidential counsellors regarding 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.

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A student sends the student ombudsman his complaint via the digital one-stop shop. He has graduated and applied for his degree certificate. Since he will be abroad on the day of the graduation ceremony, he requested that the programme send his degree certificate by post. The student says a member of staff told him that this would not be a problem. However, when he submits a written request, the programme replies that it is not possible to send the certificate to his home address. The student argues that the programme’s reply goes against the Regulations for Issuing Degree Certificates[^19], which state:

> 2.8 Students who are not in a position to collect their degree certificate can, in exceptional cases, submit a written request to the faculty’s Education Office to have the certificate sent by post.

In the meantime, the student has chosen to collect the certificate, but believes that the information he was given was incorrect and incomplete. He thinks he has a right to expect that the programme’s staff should be aware of such regulations. The student says he sent an email to this effect, but no apologies were made. He then filed the complaint with the student ombudsman. She contacts the faculty to give them the chance to present their version of events. The member of staff expresses regret that a succession of miscommunications occurred. The employee in question should not have given the impression that it is always possible to send the degree certificate by post. The student had not explained the reason for his request, so that the faculty was unable to determine whether this was an exceptional case. Nor did the employee enquire about this. The faculty regretted this course of events. The student ombudsman discusses the faculty’s response with the student. He understands where things went wrong and accepts his own part in events. He is satisfied with the faculty’s response. The student ombudsman can close the file.


CASE 2

COMMUNICATION AND PROCEDURES

METHOD: MEDIATION

HANDLING TIME: 3 WEEKS