In the changing world of higher education, the student ombudsman has noticed in the past that students are behaving increasingly like consumers. But in the year under review, it emerged that students also increasingly wish to be treated as adults. This is because there were complaints about the way in which some staff members were said to have communicated with students. In these cases, the students felt that they were being addressed by staff in a patronizing way that they considered to be inappropriate. Students see this as misplaced, considering themselves to be adult consumers of higher education who wish to be treated accordingly. Moreover, they believe that this kind of interaction has a counter-productive effect within academic education and research. The student ombudsman brought these student experiences to the attention of a member of staff in order to clarify his role and discuss the potential consequences of it.

Changes to regulations can lead to complaints if students are not properly informed, or if these changes are thought to be poorly implemented. In 2015, there were changes to the regulations on registering for courses and examinations. In addition, the system of fines was abolished and the autumn of 2015 also saw the end of the 18 ECTS credits system. Despite this, the student ombudsman received few questions or complaints about these matters.

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

Ms. 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 /
+31 (0)6 27625636
Studentenombudsman@vu.nl
**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\(^1\), VU students at the Academic Centre for Dentistry Amsterdam 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.\(^2\) She does not take sides and objectifies the matter in order to give the student in question was still studying at 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 advice that helps improve services, communication, regulations and procedures. The student ombudsman also helps to optimize work relationships by translating complaints into points for improvement, and alerts the faculty, service department or Executive Board to recurrent issues and complaints and to conspicuous breaches of the rules and regulations. Once a year the student ombudsman discusses the problems – while guaranteeing student anonymity – with the Rector and Executive Board member, Professor F.A. (Frank) van der Duyn Schouten and Professor V. (Vinod) Subramaniam, who succeeded him with effect from 1 September 2015.

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 provide 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 behaviour,\(^3\) as that is the job of the confidential counsellor, or complaints that are still open to appeal (Examination Appeals Board (Cobex\(^4\))) - 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.

---

\(^1\) PhD students who have an employment contract with VU Amsterdam are able to approach the staff ombudsman. The student ombudsman has performed this function in the capacity of acting ombudsman since March 2013, and the working hours have been increased accordingly by 0.2 FTE.

\(^2\) The duties and responsibilities are set out in: Regeling Studentenombudsman [http://www.vu.nl/nl/images/Regeling%20Studentenombudsman%202010%20def_tcm9-152866.pdf].

\(^3\) This includes the assessment of competence and admissibility.

\(^4\) Accessibility:http://www.vu.nl/nl/studenten/studiebegeleiding/contacten/vertrouwenspersonen/index.asp

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 or a member of staff from Student & Educational Affairs (SoEZ). 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 ombudsman for Academic Integrity. In many cases, issues concerning examinations can be put to the Examination Board. Complaints about inappropriate behaviour, such as discrimination, can be put 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 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. In addition, mediation is a pleasant and expedient option for all concerned, and faster than a formal inquiry. If the preliminary investigation so indicates, the parties will be invited to a three-way meeting, led by the student ombudsman, to draw a line under the complaint. As always, the student ombudsman remains impartial. 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. No formal complaint was submitted in 2015.

CASES HANDLED

CASES IN 2015
Of the 151 cases submitted to the student ombudsman, 147 were accepted and handled. In the cases over which the student ombudsman had no authority (k), the student was referred instead to the proper 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 students can air these problems and be referred to the right agency. Experience has shown that students otherwise tend to send letters and emails to a variety of staff, often wrongly addressed, which is simply a frustrating waste of time that brings a solution no nearer whatsoever. There were three cases in which a member of staff sought the student ombudsman’s advice about problems with a student. The questions were concerned with – among other things – the correct routing of complaints, the best way to deal with students’ inappropriate behaviour, and whether students can derive rights from certain regulations. The student ombudsman listened, advised or referred in these cases. In 3 of the 151 cases the student ombudsman was engaged by more than one student jointly. These were counted as one case. Of the 151 cases, 24 were submitted by students from a non-Western background. This is 16% of the total number of students who enlisted the services of the student ombudsman. This rate has fluctuated around 15-20% for some years. Of the international students (2,407 in 2015), 9 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.

---

4 Ombudsman for Academic Integrity, Prof. S. Miedema.  
http://www.vu.nl/nl/over-de-vu/profile-en-missie/uitgelicht/integriteit/ombudsman/index.asp  
More information: http://www.vu.nl/nl/over-de-vu/contact-routebeschrijving/adressen-en-telefoonnummers/vertrouwenspersonen/index.asp  

4 http://www.vu.nl/nl nieuws-agenda/profiel/feiten-cijfers/index.aspx
NUMBER OF COMPLAINTS
Students from the Faculty of Economics and Business Administration and the Faculty of Earth and Life Sciences, the two largest faculties, submitted the highest proportion of cases to the student ombudsman in 2015. Most of these concerned the supervision of work placements and theses.

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 2015. 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. Students may also report problems or wrongdoing to the student ombudsman.

She then passes this information on to the faculty or service department in question and, in some cases, makes recommendations.

NATURE OF THE CASES IN 2015

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.

During the year under review, most cases again involved education. They primarily concern complaints about thesis supervision. In these cases, students complained that they had to deal with a failure to meet the deadlines stipulated in the thesis agreement. Since, in a number of these cases, the thesis supervisor and thesis coordinator was the same person, the students turned to the student ombudsman. This is despite the fact that it is the thesis coordinator who is responsible for dealing with problems and disputes. This is one reason why these positions should not be held by the same person.

Other issues relating to education involved students who asked the student ombudsman how their first supervisor could have awarded them a fail despite never having told them that the thesis was not good enough to submit. Students felt taken aback by this and wondered why the issue had never been raised previously in the supervision process. In her annual report for 2014, the student ombudsman already made a recommendation on this issue.

Complaints about the quality of education concern such issues as the numerous linguistic errors in English-language examinations. Such errors can have an influence on how the question is interpreted. Test questions must be unambiguous. "In the compilation of tests, the assumption is that the key quality requirements have been met: the test must be valid, reliable, transparent, usable and comparable." If this is not the case, it triggers complaints. In these cases, the student ombudsmen referred students to their programme’s Examination Board, urging them to report it there.

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.

Duration
It was possible to handle 118 cases within one working week 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 22 cases took two weeks or longer. Nine 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. Three cases continued into 2016.

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.

Other covers cases not recorded elsewhere, such as a complaint about compulsory evening classes.

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>CASES</th>
</tr>
</thead>
<tbody>
<tr>
<td>ORGANIZATIONAL</td>
<td>0</td>
</tr>
<tr>
<td>ADMINISTRATION</td>
<td>3</td>
</tr>
<tr>
<td>ACCESSIBILITY</td>
<td>6</td>
</tr>
<tr>
<td>DISCOURTEOUS OR UNFAIR TREATMENT</td>
<td>9</td>
</tr>
<tr>
<td>COMMUNICATION</td>
<td>5</td>
</tr>
<tr>
<td>INFORMATION (INACCURATE OR ABSENT)</td>
<td>22</td>
</tr>
<tr>
<td>FACILITIES/AMENITIES</td>
<td>5</td>
</tr>
<tr>
<td>Procedures (e.g. right of inspection, marking deadlines)</td>
<td>36</td>
</tr>
<tr>
<td>FINANCIAL</td>
<td>4</td>
</tr>
<tr>
<td>TEACHING</td>
<td></td>
</tr>
<tr>
<td>educational guidance</td>
<td>26</td>
</tr>
<tr>
<td>quality</td>
<td>5</td>
</tr>
<tr>
<td>coordination (e.g. planning)</td>
<td>15</td>
</tr>
<tr>
<td>RESEARCH</td>
<td>0</td>
</tr>
<tr>
<td>EXAMINATIONS</td>
<td>22</td>
</tr>
<tr>
<td>LEGALITY (E.G. UNDER THE ACADEMIC AND EXAMINATION REGULATIONS)</td>
<td>19</td>
</tr>
<tr>
<td>REGISTRATION</td>
<td>8</td>
</tr>
<tr>
<td>OTHER</td>
<td>4</td>
</tr>
</tbody>
</table>
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.

FINDINGS AND OBSERVATIONS

In 2015 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.

PROVISION OF INFORMATION

Although students can be expected to regularly read digital VU announcements and their student email, it is essential that information is actually available. If there are changes to programme information for students, this must be communicated via various different channels. This does not always happen. In addition, information must be unambiguous and provided in several places simultaneously, rather than offered in a fragmented way.

DISCOURTEOUS OR UNFAIR TREATMENT AND COMMUNICATION

In several cases, students reported that they had been treated in a patronizing way by staff. They feel that this is an inappropriate way to treat an adult university student. Of course, in such cases students can give feedback to a staff member and make it clear what effect it has. However, in some cases there was no opportunity for this or it proved ineffective. The student ombudsman considers it important for staff to be aware of their position and role and that of the student. This awareness is constructive in its effect and respectful.

MARKING THESES

In a number of cases, the deadline for marking theses was not met. The student ombudsman noticed that in many cases this involved theses by students taking longer to complete their programme or those forced to submit their thesis in the next academic year because of a resit. If the thesis was then submitted for assessment in the next academic year, the deadline for marking was not met in these cases. Supervisors reported to the student ombudsman that they were not always able to mark the thesis by the set deadline because it had been submitted outside the period scheduled for that purpose. This is despite the fact that the Academic and Examination Regulations stipulate the marking deadline and do not make exceptions in the case of late submission. The deadlines also need to be met in such cases.

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 are also introduced to the boards of student and study associations and of the Faculty Councils at the Ontvangst van de recteur (Rector’s Welcome) in November and March every year. The student ombudsman also gave a briefing to staff on the Annual Report 2014.

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 (VOHO). 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 May 2015, ENOHE joined forces with the European Ombudsman Institute in organizing a global conference in Innsbruck for ombudsmen in higher education on the theme of: 30 Years of Solitude? University Ombudsmen’s Pioneering Past, Confident Present, Challenging Future. Together with colleagues from the University of Darmstadt and the University of Denver, she gave a workshop on professional development.

Also in 2015, peer review events were held during the VOHO AGMs and with the ombudsman for Amsterdam University
of Applied Sciences. These events involve the sharing of experiences and expertise. The ombudsman can access information on this subject through the newsletter and symposia of the Vereniging voor Klachtrecht (Association for Right of Recourse), which 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 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 participates in the discussions of the legal advisers at VU. Twice a year, she also attends the meetings of the staff confidential counsellors and the VU ombudsman for Academic Integrity. She consults with the Director of Student & Educational Affairs at least twice a year to find out about developments in that area and discuss potential improvements in the light of complaints.

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 participated in the consultative group on the issue of studying with a disability 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.

EXAMPLES OFHandled 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.

CASE 1

PROVISION OF INFORMATION

A recently-graduated Master’s student approached the student ombudsman with her complaint. She said that she has a disability, but had not been informed about where to go in case of problems and what entitlements she had during her studies. She also felt that staff had little time for her despite having made it clear that she needed support. She said that she felt as though she had been left to her own devices. She also felt that being open about her disability had worked to her disadvantage on numerous occasions. She felt a victim of circumstances because this had made her studies more difficult, she said. She therefore decided to submit a complaint to the student ombudsman after graduating. The student ombudsman discussed her complaint at hearings with the Master’s coordinator and then with the previous Master’s coordinator. Both acknowledged that, on the one hand, the need for help had not always been fully understood, which meant that the right information was not always available. On the other hand, they noted that their high workload occasionally means that time is limited, especially if a student has additional needs in exceptional circumstances. They regretted that the student had experienced this in this way. After receiving feedback on these discussions, the former student seemed satisfied with the outcome but indicated that she would like to give feedback and advice to the board. The student ombudsman therefore suggested arranging an exit interview with the director of studies. After this interview, the former student reported that she was happy to have been able to share her experiences in the hope of being of assistance to other students. The student ombudsman then closed the file.

CASE 1502

MEDIATION AND REPORTING

DURATION: MORE THAN 2 MONTHS


17
According to a Master’s student, it was not clear in advance that a specific examination would have 100% weighting in the final mark for the course. Two examinations needed to be completed to pass the course. The student explained that if you fail part of it, you have to resit both examinations, including the part that you have passed. However, students had allegedly not been notified of this in advance. According to the student, no information about this had been posted on Blackboard. The student ombudsman read the course information, visited Blackboard and then contacted the lecturer. The lecturer argued that the weighting had been changed this academic year. Information about this had been included on the examination coversheet. In an interview, the student ombudsman made the point that when students are sitting examinations, they are generally quite tense and may not properly read the information on the cover sheet. In addition, it is important for information about methods of assessment to be made available in good time. She recommended to him that these kinds of changes should in future be included in the study guide and announced on Blackboard. The student subsequently passed the exam and dropped his complaint once the student ombudsman had brought it to the attention of the department. The student ombudsman reported this to the lecturer and closed the case.