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Preface

The student ombudsman (hereinafter: ombudsman) is part of the university's social infrastructure. The services of the ombudsman are available to everyone studying at VU Amsterdam and Amsterdam University College and to PhD students without an employment contract with VU Amsterdam. They are entitled to request the ombudsman to instigate an enquiry into the way in which a VU Amsterdam employee or body behaved towards them.

On this basis, the ombudsman's task consists of:

- mediating and re-establishing a dialogue between parties within the appropriate organisational structures, pending the consent of the stakeholders;
- where appropriate, referring the applicant to the appropriate authorities, primarily within VU Amsterdam, but elsewhere if necessary;
- alerting the Executive Board to cases;
- providing statistical information on the extent and purpose to which people make use of the ombudsman's services.

The ombudsman is bound by professional confidentiality. For this and other reasons, they have complete independence in the performance of their duties.

Within VU Amsterdam, this office has three characteristics. Firstly, the ombudsman can be approached by students for support, as described above, without the requirement for a formal procedure. Secondly, the ombudsman can conduct enquiries at their own initiative into broader trends of any systematic shortcomings in regulations or problematic patterns in the organisation. And thirdly, the ombudsman can, at the request of a student, launch an enquiry into the conduct of a body or individual. The complaints procedure, as described in these regulations, is designed for such situations. Furthermore, in the latter situation, the ombudsman will always search for opportunities to resolve the complaint in the interim. An enquiry may end with a report, which may include associated recommendations. The ombudsman cannot make binding rulings.

Section 1 General information

Article 1 Definition of terms

The following definitions are used in these regulations:

- VU Amsterdam: Vrije Universiteit Amsterdam;
- ombudsman: an independent officer appointed by the Executive Board who, in response to complaints from students, carries out an enquiry to determine whether a given university body (possibly an administrative body) or VU Amsterdam employee has exhibited appropriate conduct in a given matter; in this context they will also determine whether a complaint can be resolved by providing the parties in question with advice, referrals or recommendations;
- student: a person who is enrolled or has been enrolled at VU Amsterdam as a student, external student or PhD student without an employment contract, as well as persons who have applied to VU Amsterdam as a student and are participating in the registration procedure, as well as a person who is enrolled or has been enrolled as a student at Amsterdam University College.
- complaint: the message that the ombudsman receives from a student about an event or situation that may need to be addressed by the ombudsman;
- applicant: an individual requesting an enquiry pursuant to Article 5, paragraph 1;
- body: the Executive Board, the faculty board, the dean of a faculty or a portfolio holder within the faculty board, the director of a service department or faculty, or the director of an interfaculty research institute;
- USC: the University Student Council of VU Amsterdam.

Article 2 Ombudsman

1. The ombudsman shall be appointed by the Executive Board for a period of three years. They are eligible for re-appointment.
2. Anyone holding the position of ombudsman may not hold any other position, nor be involved in any other activity, within VU Amsterdam, with the exception of the office of staff ombudsman.
3. In the performance of their duties, the ombudsman is not subordinate to any given body.
4. The Executive Board shall ensure that the ombudsman will not be adversely affected in any way as a result of acting in this capacity.
5. The Executive Board may relieve the ombudsman of the duties of the position before the termination date of the appointment, either at the incumbent's own request or if the incumbent's actions

(or failure to act) seriously undermine the trust placed in that individual.

6. As a rule, a member of the Executive Board will consult with the ombudsman twice each year, or more often as deemed necessary by both parties. The following aspects will be covered in such consultations:

- every six months, the ombudsman's report on the activities of the preceding period;
- any systematic deficiencies in the regulations or problematic patterns in the organisation, as identified by the ombudsman.

7. The ombudsman shall report serious indications to the Executive Board. The Executive Board shall immediately notify the Faculty Board or the director of a service department of any serious indications, thereby allowing the Board or director to address the identified problem first. If the indications concern the Executive Board, the ombudsman shall approach the chairperson of the Supervisory Board.

8. The Executive Board may appoint a deputy ombudsman. The deputy ombudsman will take up their appointment at a time to be determined by the Executive Board. The deputy ombudsman will remain in office until the ombudsman is capable of resuming their duties or until a new ombudsman takes office.

9. The Executive Board provides the ombudsman with the resources required for the proper performance of their duties.

10. All students are entitled to report a complaint to the ombudsman. A request for an enquiry under Article 5.1 is a specific report that must meet the requirements set forth in Article 6.

11. The ombudsman will ensure that they maintain contact with all the university employees and students who are relevant to a reported complaint.

12. Complaints relating to the ombudsman may be submitted to the ombudsman and if they cannot resolve the issue satisfactorily the complainant can turn to the Executive Board.

Section 2 Powers and competencies

Article 3 Powers and duties of the ombudsman

The ombudsman has the following powers and duties:

- Mediating and re-establishing a dialogue between parties within the appropriate organisational structures, pending the consent of the stakeholders;
- where appropriate, referring the applicant to the appropriate authorities, primarily within VU Amsterdam, but elsewhere if necessary;
- alerting the Executive Board to cases in accordance with Article 2, paragraph 6;
- conducting an investigation into a broader trend as provided for in Article 4;
- conducting an enquiry into the conduct of a body or individual as provided for in Article 5;
- providing statistical information on the extent and purpose to which people make use of the ombudsman's services as provided for in Article 16.

Article 4 Investigation into broader trend

1. The ombudsman can launch enquiries at their own initiative, whether or not following one or more reports, into broader trends of any systematic shortcomings in regulations or problematic patterns in the organisation.

2. The ombudsman shall give the Executive Board the opportunity to give or explain its views in writing and orally.

3. Articles 10 and 11 apply to the investigation into a broader trend.

4. After concluding their investigation, the ombudsman draws up a report for the Executive Board in which they set out their findings and give their opinion on the matter in question. In addition, the report indicates whether any recommendations are to be made. If so, it will also contain details of the recommendations in question. The ombudsman will send a copy of the report to the Supervisory Board.

Article 5 Request for an enquiry

1. All students are entitled to write to the ombudsman requesting that an enquiry be instigated to examine the way in which the person in question was treated by a particular body or individual in a given situation.

2. In this case, the conduct of a body might involve a given action or a failure to act. It might also involve specific treatment, behaviour or attitudes.

3. The conduct of a person in exercising assigned duties, working under the responsibility of a given body, shall be regarded as the conduct of the body in question.

4. If the conduct in question is currently the subject of another complaint, objection or appeal procedure, and the applicant is making use of that, then they are obliged to inform the ombudsman of this immediately.

Section 3 Procedure for a request for an enquiry

Article 6 Making a complaint

1. The complaint must contain at least the following details:
 - a. the name and address of the applicant and the degree programme they are or were registered on;
 - b. the date;
 - c. a description of the conduct to which the complaint relates, together with information concerning the identity of the body or individual that exhibited said conduct;
 - d. the reason why the applicant objects to the conduct in question;
 - e. the applicant's signature.
2. The complaint is to be drawn up in Dutch or English.
3. The ombudsman shall acknowledge receipt of the complaint in writing, normally within seven days.
4. The complaint may be revoked at any time, in which case application of this regulation shall cease and the ombudsman will inform those concerned to this effect.

Article 7 No enquiry

1. The ombudsman is not empowered to launch an enquiry as referred to in Article 5, if:
 - a. the complaint does not meet the requirements specified in Article 6 paragraphs 1 and 2;
 - b. more than one year has elapsed since the conduct which led to the submission of the complaint in question occurred;
 - c. the complaint is manifestly unfounded;
 - d. in the opinion of the ombudsman, the interests of the applicant or the significance of the conduct in question are clearly relatively petty;
 - e. the applicant is not the individual against whom the conduct in question was directed;
 - f. the situation referred to in the complaint is part of VU Amsterdam's general policy;
 - g. an appeals procedure (or legal process, complaints procedure, or objection procedure) has been instigated (or completed) on behalf of the applicant or under the Board Regulations which has not been used by the applicant or in which a ruling has already been made.
2. If, on the basis of paragraph 1, the ombudsman decides not to launch an enquiry, the ombudsman will notify the applicant in writing—giving reasons for this decision—within four weeks of receiving the complaint in question. In this written communication, the ombudsman will make reference to the authority that is competent to deal with this matter, in the event that a procedure as referred to in sub g of that paragraph is in progress.

Article 8 Procedure

When dealing with the complaint in question, and at every stage of a subsequent enquiry, as referred to in Article 5, the ombudsman will attempt to determine whether there are means by which the complaint could be wholly or partially withdrawn or resolved in some other way, either by means of advice and/or referral or by making recommendations to those involved.

Article 9 Views and statements

1. The ombudsman shall allow the applicant and the institution or individual referred to in the complaint to state and explain their respective standpoints, verbally or in writing, separately or in one another's presence. The ombudsman will then assess the situation on the basis of this information.
2. If the ombudsman considers it an essential prerequisite in assessing the complaint in question, the ombudsman can pass on details of the complaint to others and request them to make written or verbal statements concerning the matter, with guarantees of strict confidentiality if necessary. Those involved are required to comply with any such requests from the ombudsman within the allotted period of time.
3. Subject to the requirements of paragraph 2, the ombudsman shall see to it that the student is sent a copy of a written standpoint as referred to in paragraph 1 or a written statement as referred to in paragraph 2. A report is prepared concerning a verbal standpoint as referred to in paragraph 1 or a verbal statement as referred to in paragraph 2 that, subject to the requirements of paragraph 2, is forwarded to both parties by the ombudsman.

Article 10 Information

1. Within VU Amsterdam, the ombudsman has the authority to request information and to inspect documents that are related to the enquiry. Those involved are required to comply with any such request from the ombudsman.
They are not authorised to provide information and/or documents that are subject to a confidentiality obligation.

2. The ombudsman shall inform the applicant and the body or individual referred to in the complaint, in writing, of a request as referred to in paragraph 1 and the outcome thereof.

Article 11 Experts and review

1. The ombudsman is empowered to engage the services of experts, if deemed necessary for the purposes of the enquiry. Recommendations to stakeholders may involve focusing on achieving a practical solution. Alternatively, they could have a mediating effect or the parties in question could be referred to a mediator, for example, depending on the situation.
2. If the ombudsman considers it necessary for the purposes of their enquiry, they may enter all areas where the body or individual cited in the complaint carries out their duties, without having to obtain permission.

Article 12 Assessment

The ombudsman will determine whether the body or individual mentioned in the complaint exhibited appropriate conduct in the circumstances that are the subject of the enquiry, unless the ombudsman deems an assessment unnecessary because the complaint was withdrawn after the application was submitted.

Article 13 Report

1. After concluding the enquiry, the ombudsman shall draw up a report setting out the findings and stating an opinion on the matter in question. In addition, the report will indicate whether any recommendations are to be made. If so, it will also contain details of the recommendations in question.
2. In either case, the ombudsman shall send copies of this report to the applicant, the body or individual cited in the complaint, the Executive Board and the head of the organisational unit in question. If the body named in the complaint is the Executive Board, the ombudsman shall also send their report to the chairperson of the Supervisory Board.
3. If the report contains one or more recommendations, the body or individual concerned must inform the ombudsman within four weeks of receiving the report whether any action is to be taken in this regard. If so, details must be provided regarding the steps to be taken. Reasons must be given if no action is to be taken in response to a recommendation.

Section 4 Other provisions

Article 14 Confidentiality

1. The ombudsman is obliged to keep confidential any information discovered during the performance of the assigned duties, inasmuch as it derives from the nature of the case in question and is with due regard to the third sentence of Article 10. This obligation also applies to all those employed by the ombudsman. Any employees involved in the enquiry are also bound by a duty of confidentiality with regard to that which has become known to them by virtue of their involvement in this matter.
2. However, the ombudsman shall be relieved of their duty of confidentiality in the event of a life-threatening situation for third parties, at the discretion of the ombudsman.

Article 15 Objections or appeals

No objections or appeals can be made against the report by the ombudsman within the context of dealing with a complaint as referred to in Article 5, paragraph 1.

Article 16 Retention period

The file relating to a case shall be removed from the ombudsman's archives and destroyed after three years. Complaint reports containing an assessment by the ombudsman shall be retained for ten years before being removed and destroyed.

Article 17 Annual report

The ombudsman shall publish annual reports of all activities performed. These reports will routinely contain details of the number of cases dealt with, together with an anonymised summary of each one. Copies of the annual report will routinely be sent to the Executive Board, the College of Deans and the University Student Council (USC). The annual report will be made generally available.

Article 18 Entry into force and amendment

1. With the agreement of the USC, these regulations may be amended or withdrawn by the Executive Board.
2. These regulations enter into force on 8 November 2022.

Explanatory notes

Article 1 Definition of terms

This article covers definitions of terms including the concept of a body. This includes our university's administrative bodies: the top-level Executive Board and the mid-level Faculty Boards. This concept also includes the managers of other large administrative organisational units: the directors of faculties and service departments, and the directors of institutes within VU Amsterdam that are 'in a class of their own' (Centre for International Cooperation, VU Amsterdam Centre for Teacher Education). The regulation (see also Article 5) relates to conduct by the said administrative bodies and supervisors, as well as by those who are, directly or indirectly, employed by them.

Article 2 Ombudsman

Paragraphs 2, 3 and 4. The ombudsman has an independent position within VU Amsterdam. Independence is an essential prerequisite for the performance of these duties. Accordingly, those who hold this office cannot perform any other duties within VU Amsterdam, except the office of staff ombudsman, and no hierarchical relationship exists between the ombudsman and any body or individual. The Executive Board shall ensure that the ombudsman will not be adversely affected in any way as a result of acting in this capacity. This provides an extra guarantee that the ombudsman will be able to operate freely and independently within the organisation.

Paragraph 5. The ability of the ombudsman to carry out the assigned duties is closely related to the trust placed in this person. An ombudsman is expected to avoid and refrain from any actions that might erode or seriously damage this trust. If the Executive Board believes that this trust is being/has been seriously damaged, then it can relieve the ombudsman of the assigned duties.

Paragraph 6. The ombudsman shall consult with a member of the Executive Board at least twice a year. The aim of this consultation is twofold: first, to discuss the course of affairs and second, to perform the ombudsman's monitoring role towards the Executive Board.

Paragraph 7. In support of paragraph 6, further details are given on how the ombudsman provides indications. It also covers cases in which the serious indication concerns the Executive Board.

Paragraph 8. It is recommended that the Executive Board appoint a deputy ombudsman in the event that the ombudsman is not expected to be able to perform the assigned duties for a protracted period of time (e.g. as a result of illness). The formal appointment of a deputy has the advantage that the work of the ombudsman can be continued, while maintaining the fully independent position of that office.

Paragraph 9. The Executive Board shall provide the ombudsman with the resources required for the proper performance of the assigned duties. These include financial resources, equipment and workspace.

Article 3 Powers and duties

Complaints by students need not always lead to a formal enquiry. In some cases, students may prefer a slightly less 'drastic' approach and will submit an informal complaint to the ombudsman, either orally or in writing. The latter will refer such students to the appropriate authorities, if they have not already consulted them (local management), and if these are the appropriate authorities for dealing with the complaint in question. If this is not an appropriate course of action, then the ombudsman may attempt to resolve the issue quickly and directly, through mediation. This is possible only if all those involved in the matter are in agreement in advance.

Mediation and/or advice by the ombudsman are not appropriate in cases in which another entity is authorised.

Article 4 Investigation into broader trend

Paragraph 1. The ombudsman can conduct enquiries at their own initiative into broader trends of any systematic shortcomings in regulations or problematic patterns in the organisation. In principle, the ombudsman acts on a complaint. This investigation is not the same as an enquiry related to a body or individual person that requires a complaint.

Paragraph 4. Any recommendations are within the powers and role of the ombudsman.

Article 5 Request for an enquiry

Paragraph 1. All students at VU Amsterdam are entitled to request the ombudsman to carry out an enquiry on their behalf. This is reflected by the wide range of topics that can be submitted to the ombudsman. This involves conduct 'within a given situation'. This may include issues relating to education, research or facilities, as well as broader issues relating to organisational matters and professional conduct. The complaint relates to the way in which a body has conducted itself with regard to the individual in question.

This covers all actions or omissions. In addition, any failure to act while the situation at hand demands action or any failure to take a decision in response to a complaint are also considered to be forms of conduct.

The ombudsman can only launch an enquiry in response to a written complaint, the same complaint defined under Article 6. Paragraph 2. The conduct of individual employees can also be submitted to the ombudsman for consideration within the complaints procedure. Such cases relate to conduct exhibited by the employee in question in the performance of the assigned duties. That conduct is regarded as the conduct of the body under whose responsibility the employee is operating. Individuals who are seconded to VU Amsterdam are also covered by this article.

Article 6 Making a complaint

Paragraph 4. Once submitted, complaints may be withdrawn by applicants for appropriate reasons (e.g. if the body in question has adequately responded to their objections). This voids the grounds for the ombudsman's enquiry and means that the regulation will no longer be applied. The ombudsman is required to inform the involved parties of this development.

Article 7 No enquiry

Paragraph 1. Provided that all of the conditions have been met, the ombudsman is obliged to comply with a request to launch an enquiry. Paragraph 1 provides for exceptions to this obligation: in the event that the circumstances are the same as those described in that paragraph, the ombudsman may not start an enquiry.

- a. If a complaint fails to meet the requirements of Article 6, paragraphs 1 and 2, this shall constitute sufficient reason not to launch an enquiry. This might involve the omission of essential data, such as the name of the applicant or that of the defendant. Anonymous complaints will not be accepted.
- b. A 'statute of limitations' must be established, setting out a maximum period of time after the events in question during which a body or individual may be confronted with a complaint about their past conduct. For the purposes described here, a term of one year is considered to be reasonable. If more than one year has elapsed since the incident which gave rise to the complaint, then the ombudsman will not launch an enquiry.
- c. and d. The ombudsman has no authority to deal with a complaint in the event of situations as described under c and d. The provisions address complaints in which it is clear in advance that the applicant has no grounds for complaint. Cases based on petty issues are also covered by these provisions. In addition, applicants requesting an enquiry must have a direct interest in the matter.
- e. The rule is that any request for an enquiry must be lodged by the individual against whom the conduct in question was directed. Anyone other than the individual directly concerned is not allowed to submit a complaint with regard to the conduct in question. It is worth noting that there are possible exceptions to this rule (e.g. when the applicant is represented by a legal representative or by an individual whom the applicant has specially authorised to act on the applicant's behalf).
- f. The ombudsman shall refrain from conducting enquiries into issues relating to general policy. This provision also covers the processing of personal data or matters of privacy in the general sense. The ombudsman plays no part in matters related to general policy.
- g. The scope of the ombudsman's work shall be defined by existing procedures for dealing with complaints, objections and appeals (including legal procedures). The regulation is not intended to replace other, existing procedures. Instead it should be seen as a complementary system. In those instances where the student has the option of instituting proceedings by other means, the ombudsman will refrain from launching an enquiry. Nor does the ombudsman have any authority to act in cases where the student had the opportunity of using another procedure but chose not to do so. If necessary, the ombudsman shall verify with the applicant whether they have made or will make a complaint under the Whistleblower regulation.

Paragraph 2. If the ombudsman is not empowered to launch an enquiry, they must notify the applicant (except, of course, in those cases where the name of the applicant is unknown) accordingly as soon as possible. This notification must be in writing, and must specify the associated reasons. If the applicant is entitled to make use of another procedure that is already available, reference must also be made to the relevant competent authority.

Article 9 Views and statements

Paragraph 1. This paragraph gives details on the principle of hearing both sides of the argument. The body or individual whose conduct is the subject of the complaint in question shall be informed about the complaint that has been submitted (by sending them a copy of that document) and given the opportunity to state their position. The applicant shall also be given the opportunity to explain their position. Each party

shall be given the same opportunity to state and explain any facts and arguments, as they see fit. They can each express their preferences regarding the way in which this should be done (e.g. orally or in writing, and whether or not the other party should be present). However, it is up to the ombudsman to decide how the principle in question is to be applied. This approach also makes it possible for the complaint to be resolved at an early stage, by means of mediation. Mediation can take place at the request of either one or both of the parties involved, or it may be proposed by the ombudsman. Recourse to mediation requires the agreement of all the parties involved in the conflict.

Paragraph 2. In the interest of obtaining a thorough assessment of a submitted complaint, it may be necessary to inform third parties about the matter and to obtain formal statements from them regarding the complaint in question. They are obliged to cooperate with the enquiry.

Article 10 Information

Paragraph 1. In addition to interviewing third parties, the ombudsman is empowered to approach bodies (including administrative bodies), authorities and individuals within VU Amsterdam, through the relevant supervisors, to request information and access to documents relating to the enquiry. The individuals in question are not necessarily members of staff at the university; some may have been seconded from external organisations. Those involved are required to cooperate in this matter, but the extent of their cooperation may be limited by a duty of confidentiality imposed by third parties or resulting from applicable regulations. Someone may also dictate that, in view of their nature, certain documents or items of information can only be provided to the ombudsman on the condition that confidentiality is maintained. In the interest of the protection of privacy, personal data can be inspected only with the consent of the individual concerned. Such consent must always be obtained in advance, and in writing.

Article 11 Experts and review

Paragraph 1. In order to reach a sound judgment in the matter, it may be necessary to engage the services of an expert. This aspect is regulated by this paragraph.

Paragraph 2. With regard to enquiries regarding certain types of conduct, it can be insightful to observe the situation at the place in question. Paragraph 2 sets out the ombudsman's jurisdiction in such matters.

Article 12 Assessment

The ombudsman's enquiry concerns the conduct of the body or individual in question. The enquiry leads to a decision concerning the propriety or impropriety of the conduct in question, which in turn results in a ruling about whether or not the complaint is justified.

Article 13 Report

Paragraph 1. After completing the enquiry, the ombudsman prepares a written report. This document represents the outcome of the enquiry that was conducted. It will contain all of the findings on which the ombudsman's ruling has been based. The ombudsman's ruling may be accompanied by various recommendations on how to rectify the consequences of improper conduct or how to prevent a recurrence of the incident in question.

Paragraph 2. In addition to the applicant, the body or individual cited in the complaint also receives a copy of the report. In the event that the enquiry related to a single person (i.e. an individual employee), a copy of the report will also be sent to that individual's immediate supervisor and to the head of the organisational unit in question. A copy of the report will always be sent to the Executive Board. If the report concerns the conduct of the Executive Board, the chairperson of the Supervisory Board will also receive the report.

Paragraph 3. The ombudsman's judgments ('the rulings') are not legally binding. The same applies to any associated recommendations. Nevertheless, it is reasonable to assume that appropriate action will be taken as a result of these recommendations. This paragraph governs the obligation of those involved to inform the ombudsman concerning the matter in question. Only compelling policy arguments can constitute a valid reason to not act on a recommendation.

Article 14 Confidentiality

This article governs the duty of confidentiality that applies to the ombudsman, as well as to anyone employed by the ombudsman (e.g. in the preparation of the report).

Article 15 Objections or appeals

The ombudsman's independent status means that any decisions made by the ombudsman cannot be contested by means of any of VU Amsterdam's procedures for objections procedures or appeals.

Article 17 Annual report

The ombudsman publishes annual reports concerning all activities performed. Copies of these reports are generally available, at no charge. The Executive Board, the College of Deans (as the principal advisory body on matters pertaining to teaching and research) and the USC each routinely receive a copy.

Contact details ombudsman for students

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