

# Staff ombudsman

Annual report 2021





OPWAARNEMEN

VERBODEN DERSTELLEN

VERWONDEREN

vrije Universiteit

VERBINDEN

AAN DOORGEVEN

ONDERZOEKEN



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# Preface

As of 1 July 2021, the collective labour agreement for Dutch universities stipulates that all universities must have a staff ombudsman. VU Amsterdam has had a staff ombudsman since 2009. However, it became evident that the *VU Staff Ombudsman Regulations*<sup>1</sup> had to be amended. This was prompted by the 'National framework to fill the university position of ombudsman'<sup>2</sup> drawn up by the trade unions and the Universities of the Netherlands (formerly VSNU). This pertains in particular to the mandate of the ombudsman to launch enquiries at their own initiative, whether or not following one or more reports, into broader trends of possible systematic shortcomings in regulations or problematic patterns in the organisation. In 2021, the staff ombudsman did not issue any reports to the Executive Board on the basis of its monitoring role.

Although 2021 was again dominated by the coronavirus pandemic, this did not have a noticeable effect on the number or nature of complaints discussed with the ombudsman. A total of 47 cases were submitted to the ombudsman, which is a slight increase compared to previous years.

## Acknowledgements

My book *Ombudswerk in het hoger onderwijs: een praktische wegwijzer* (Ombuds work in Higher Education: a practical guide) was published by VU University Press in September 2021.<sup>3</sup> I would also like to thank the Executive Board, and in particular Prof. V. (Vinod) Subramaniam, Rector Magnificus until September 2021, and Director Institutional Affairs, Ms L.C. (Laan) van Staalduinen, for making this publication possible.

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

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1 <https://vu.nl/en/about-vu/more-about/ombudsmann>

2 [https://www.universiteitenvannederland.nl/files/documenten/Domeinen/Personeel/Landelijk\\_kader\\_voor\\_invoering\\_universitaire\\_ombudsfunctie.pdf](https://www.universiteitenvannederland.nl/files/documenten/Domeinen/Personeel/Landelijk_kader_voor_invoering_universitaire_ombudsfunctie.pdf)

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3 Poesiat, L. (2021). *Ombudswerk in het hoger onderwijs: een praktische wegwijzer* (Ombuds work in Higher Education: a practical guide.) Amsterdam, VU University Press. <https://www.vuuniversitypress.com/product/ombudswerk-in-het-hoger-onderwijs/>

# General information

## The office of staff ombudsman

Anyone employed by Vrije Universiteit Amsterdam has the right to enlist the services of the ombudsman. That includes staff on secondment, former employees and PhD candidates who have an employment contract with the university.<sup>4</sup> No matter how meticulously procedures and policy are formulated, you can never eliminate human error, and things may still go awry. This gives rise to complaints. Of course, an employee 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.<sup>5</sup> In the first instance, a member of staff can use the ombudsman's advice to try to solve the problem independently. The ombudsman will not take sides in such a discussion but works to form an objective view of the matter at hand in order to give advice. This advice is basically naming options in a case. An employee can then decide which option to choose. The ombudsman is an impartial and neutral third party and not an employee representative. In such a role, the ombudsman would not be in a position to assess a

complaint. The ombudsman checks whether applicable regulations have been followed and whether procedures have been correctly implemented. To achieve this, she begins by conducting an exploratory investigation. During this phase, she conduct interviews with the parties involved and examine the relevant regulations. All this is done with reference to the question of whether or not the employee has been treated properly and with all due respect. Complaints about general policy can therefore not be dealt with.<sup>6</sup> Other avenues exist for this purpose, such as the faculty subcommittee of the central Staff Council or the Staff Council itself. Even though they are not authorised to deal with this type of case, the ombudsman still listens to the problems, discusses the possibilities and provides information. After all, it is important that there is a place in the organisation where these problems can also be addressed and where complainants can be referred to the correct authorities, for instance. Experience has shown that complainants otherwise tend to send letters or emails to a variety of staff, often to the wrong office, which is simply a frustrating waste of time that does nothing to foster a resolution of the problem at hand.

## Purpose of the office

As stated in the Ombudsman Regulations (*Regeling Ombudsman*), the ombudsman is an independent and impartial person with

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4 PhD students who do not have an employment contract with VU Amsterdam can turn to the student ombudsman. The staff ombudsman currently also holds that position.

5 The duties and responsibilities are set out in: VU Ombudsman personnel Regulations. Consulted at: <https://vu.nl/en/about-vu/more-about/ombudsmann>

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6 VU Ombudsman personnel Regulations Art. 7(1)(f).



whom a staff member 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 ombudsman has the resources to investigate a complaint, and the position to issue an official statement on the matter. In this respect, they differ from other officials whom employees are able to consult.

It is in the interest of both the employee and the university that complaints are taken seriously and the office of ombudsman plays an important part in this regard. If a complaint is well-founded, the ombudsman can formulate recommendations to resolve the case and to avoid repetition in future. In some instances, the ombudsman may also offer recommendations after a mediation process or in response to a report. This could, for example, be a recommendation to the organisation that helps improve the quality of services, communication, regulations and procedures.

The office of ombudsman is also intended to contribute to an atmosphere in which the university's employees treat each other with the greatest consideration and respect, and to compliance with laws and regulations. This facilitates the equal treatment of all employees and thus implicitly inclusiveness. The ombudsman's duties also involve monitoring recurring questions and complaints, and responding appropriately if the law is repeatedly broken or regulations are flaunted. The ombudsman will then report these facts

to the Executive Board. In this sense, the ombudsman contributes to a safe social working environment. At least twice a year, the ombudsman discusses the issues raised – while guaranteeing employee anonymity – with Executive Board member, Dr M.J.W.T. (Marcel) Nollen.

## Scope and Accessibility

The position of ombudsman has been set at 0.2 FTE. Besides discussing matters, the ombudsman devotes these hours to tasks such as preliminary inquiries, consulting files, recording findings, and compiling interim and final reports. The ombudsman also distributes her own Annual Report. Furthermore, the ombudsman personally takes care of registration and filing. Since the job is part-time and the ombudsman cannot be reached during appointments, it is important that staff are able to leave a voicemail message. For this reason, the ombudsman will forward calls to their mobile phone in the event of their absence. They can also be reached using the mobile messaging service WhatsApp. These services help lower the threshold associated with the position. An appointment can also be made by telephone or email by contacting the ombudsman personally. It is also possible to complete a form on VUnet and submit it through the digital complaints desk.<sup>7</sup>

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7 Complaints form: <https://vu.nl/en/about-vu/more-about/disputes-procedure>

# Complaint procedure

Most employees submit their case to the ombudsman by email. A first condition is that the event to which the complaint relates has not occurred more than one year previously.

At the first interview, the ombudsman checks whether she is authorised to handle the complaint in question. For instance, the ombudsman cannot deal with complaints about inappropriate conduct – that is the job of the confidential counsellor at central or decentralised level.<sup>8</sup> The role of the confidential counsellor is different to that of the ombudsman. Confidential counsellors advocate interests and counsel the complainant, while the ombudsman is always the impartial third party. After all, the ombudsman still has to be able to assess a complaint.

An employee may feel that they are being treated unfairly because, for instance, a procedure was not carried out properly. This does not, however, make it a complaint about inappropriate conduct. Such a complaint can most certainly be handled by the ombudsman. However, complaints for which there are alternative one-stop shops or cases in which there is still a possibility of appeal or objection will also not be handled by the ombudsman.<sup>9</sup> An employee who has received a decision about their legal status can lodge an objection.

In many cases, however, the exact nature of the problem can only be determined in discussion with the member of staff concerned. In some cases, the ombudsman will be able to deal with a particular aspect of the complaint; this often applies when multiple issues are involved. In simpler cases for which the ombudsman is not authorised, the note “not part of the ombudsman’s remit” may suffice.

There are, however, other reasons why the ombudsman may decide not to deal with a complaint, for example, because it is clear that the complaint is unfounded.<sup>10</sup> In such cases, it is sufficient to explain to the employee that the laws and regulations have been complied with.

In some cases, employees are able to resolve the issue on their own after talking to the ombudsman, who is able to provide information about the relevant regulations, procedures, rights, obligations and options. It is then up to the employee to decide which option to choose.

## Methods

Often, the ombudsman will have to perform a preliminary inquiry before being able to provide the required information about the possibilities. 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 ombudsman

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8 More information: <https://vu.nl/en/employee/mediation/confidential-counsellors-staff-and-phd-s>

9 *VU Ombudsman personnel Regulations* Art. 7(1)(g).

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10 *VU Ombudsman personnel Regulations* Art. 7(1)(c).





may request advice from a legal expert at VU Amsterdam or a member of staff from Human Resource Management (HRM). At faculty level, for example, she will seek contact with a supervisor, HRM advisor or a member of the faculty board, if and when the complainant has agreed to this. In all cases, it is important that a complaint or problem is clearly monitored, as this generates information that contributes to finding a solution. And both the employee and the organisation often benefit more from finding a solution than from obtaining a statement that the complaint is well-founded.

## Advice

First and foremost, the ombudsman can give advice that can help an employee get started. In most cases, this advice pertains to the procedure and options available to the complainant to influence this if necessary. The complainant can, for example, raise the matter themselves. If the complainant's discussion does not have the desired effect, they can contact the ombudsman again. The ombudsman can explicitly mention this option. The complainant will receive information about legislation and regulations, and procedures from the ombudsman. In some cases, this information enables a complainant to



discuss the matter with a supervisor. In addition, the ombudsman can discuss various scenarios with the complainant. What might the outcome be if the complainant chooses a particular approach? It is important that it is the complainant that makes a choice and not the ombudsman.

## Referral

If another body has jurisdiction, the ombudsman will refer the case. For instance, allegations of infringement of academic integrity were reported to the confidential counsellor for Academic Integrity. The ombudsman also provided information on

this matter.<sup>11</sup> The entire system is set up in such a way that members of staff are referred to the right place as soon as possible.

## Ombudsman-led mediation

The ombudsman aims to resolve problems, which frequently leads to the withdrawal of the problem or complaint, which can in itself also help to restore confidence. The ombudsman will act as an independent party. Because they are free from affiliation with a faculty or service department

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<sup>11</sup> Further information: <https://vu.nl/en/about-vu/more-about/academic-integrity-at-vu-vumc>

they can look for ways in which parties can work together to solve the problem. In such cases, the ombudsman is the shuttle diplomat or sets up a three-way meeting in which the complaint can be resolved. This type of ombudsman-led mediation is an agreeable and expedient option for all concerned, and faster and less taxing than a formal inquiry. In this sense, the ombudsman avoids a formal complaint being filed that the ombudsman has to assess.

If the preliminary inquiries during ombudsman-led mediation give reason to do so, both parties will be invited to a three-way interview (involving and chaired by the ombudsman) aimed at resolving the complaint. However, the ombudsman remains impartial throughout.

Ombudsman-led mediation is no less labour-intensive for the 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. It focuses on the complaint itself and is a short-term strategy. It should be completed in one or two meetings, which makes it different from a full-fledged mediation process. The ombudsman facilitates and chairs the discussion and does not actively participate.

This working method therefore differs from a mediation process.

## Complaint assessment

If mediation is not or no longer possible, or if the intervention has failed to yield a result, a formal investigation of the complaint can be initiated at the request of

the employee. This will be followed by a decision from the ombudsman and may, if the complaint is well-founded, lead to a recommendation to remedy the consequences of the problems and prevent recurrence.

## Report

The ombudsman has the mandate to launch enquiries at her own initiative, whether or not following one or more reports, into broader trends of possible systematic shortcomings in regulations or problematic patterns in the organisation. "On receiving a report, the ombudsman will refrain from making an assessment of the complaint. However, they may share their *findings* because, in this case, no formal complaint was filed, but there were confidential discussions with the ombudsman. They will indicate, based on their monitoring role, that complaints exist at a specific location in the organisation. The purpose of such a report is therefore to notify that there may be a pattern of problems that could ultimately jeopardise the education, research and business operations."<sup>12</sup>

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12 Ditto note 3, p. 100.



# What type of cases are submitted to the ombudsman?

Employees contact the ombudsman with a wide variety of problems and questions. When they do, they feel that they have not been treated properly and are concerned. It should be noted that supervisors resolved most of these issues, either with or without the assistance of an HRM advisor. However, if an employee has lost confidence in management, they will

generally not wish to meet with an HRM advisor. This is because employees tend to consider HRM advisors to be supportive of management and therefore liable to be biased. In these cases, employees will submit their complaint or problem to the ombudsman.

These cases include problems related to employees' appointments or re-entry after



illness. There were also questions on legal status and about the way in which a supervisor responded to questions asked about their legal status. But there were also questions about whether the CAO (Collective Labour Agreement), leave entitlement and working hours have been properly observed. PhD students also report to the ombudsman if they have problems relating to the supervision of their dissertation or the premature termination of the PhD programme.

And employees will also present conflicts pertaining to job performance to the ombudsman. However, the ombudsman's

handling of the problem has its limitations as the ombudsman may not interfere with decisions concerning legal status or with decisions that are subject to an objection or appeals procedure.<sup>13</sup>

Another reason for contacting the ombudsman could be if an employee experiences stress due to working overtime and workload, in which case the ombudsman can mediate so that communication is re-established, for instance. Sometimes problems concerning working together can become so heated that an employee calls on the services of the ombudsman. These problems can include working together with other employees but also problems between an employee and a supervisor or between a Full Professor and a member of the Faculty Board. The ombudsman listens and, where necessary, will clarify matters using relevant laws and regulations, and will discuss the possibilities of a case. In some cases, explaining regulations may be sufficient. And they will, of course, refer the employee if necessary. For example, if "an appeals procedure (or legal process, complaints procedure, or objection procedure) has been instigated (or completed) on behalf of the applicant or under the Statutes of Vrije Universiteit Amsterdam that has not been used by the applicant or in which a ruling has already been made".<sup>14</sup> This is the case, for example, if it concerns inappropriate conduct. The ombudsman will then refer the matter to the staff confidential counsellor.



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13 *VU Staff Ombudsman Regulations*. Art. 7(1)(f)(g).

14 *VU Ombudsman personnel Regulations*. Art. 7(1)(g).

# Cases handled

Faculties and service departments	Number of staff <sup>15</sup>	Cases in 2021
School of Business and Economics	645	2
Sciences	1,768	5
Religion and Theology	120	2
Humanities	380	2
Behavioural and Movement Sciences	637	4
Law	435	2
Social Sciences	387	4
Academic centre for dentistry Amsterdam (ACTA) <sup>16</sup>	508	n/a
Finance	100	0
HRM, Occupational Health, Safety and the Environment	129	4
Information Technology	277	4
Student & Educational Affairs	347	2
Administration Office; Office for University Relations and Fundraising; University Library	84/20/88	6
Marketing and Communications	107	3
Corporate Real Estate and Facilities	197	0
Non-VU staff member		2
<i>Not part of the ombudsman's remit</i>		5
		<b>47</b>
<i>Consultations by staff members</i>		4

<sup>15</sup> As of 31-12-2021. Thanks to the HRM Service Desk of the HRM, Occupational Health, Safety and the Environment service department.

<sup>16</sup> Terms and conditions of employment of University of Amsterdam apply to all ACTA employees and thus employees of ACTA can address complaints to the University of Amsterdam ombudsman. The VU Amsterdam ombudsman is not authorised.



## Cases in 2021

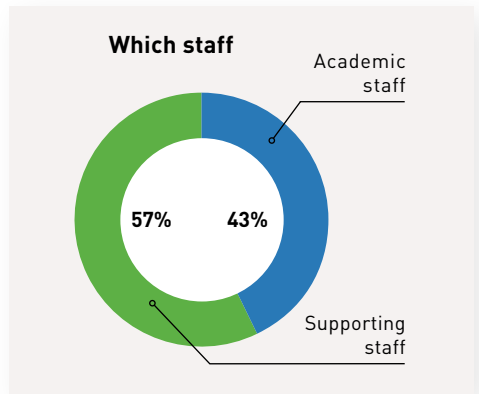
In 2021, 47 cases were submitted to the ombudsman. This number is slightly higher than in previous years. The majority of cases in 2021 were again not related to the coronavirus crisis, although employees did indicate that the workload and working from home conditions still made their work more difficult. Most of the complaints concerned questions on legal issues e.g. timetables or allocation of duties. In nine cases, the ombudsman had no authority and referred the complainant to another one-stop shop such as the confidential counsellor for inappropriate conduct or to a notice of objection.

The ombudsman was able to deal with all other cases through advice, referral or ombudsman-led mediation. In 2021, no formal complaints were submitted that led to a complaint report and assessment. There were also no reports made to the Executive Board about possible systematic shortcomings in the regulations or problematic patterns in the organisation.

### Origin of complaint

It is the number of cases that is counted and not the number of employees who contact the ombudsman. In one case, three employees submitted their complaint to the ombudsman. This case was resolved through ombudsman-led mediation.

The highest number of complaints (19) was submitted by staff in the service departments, VU Amsterdam's largest division in terms of the number of employees (FTE). In the year under review, the service de-



partments were only mentioned in the table above if they had at least 100 employees so as to prevent traceability to individuals. Because the *Ombudsman personnel Regulations* state: "These reports will routinely contain details of the number of cases dealt with, together with an anonymised summary of each one."<sup>17</sup> The proportion of staff who approach the ombudsman is <1%. Most cases were incidents.

### Handling cases

How a case is handled depends on the form in which it is submitted to the ombudsman. For example, a question often leads to information or advice being given, although mediation may still follow at a later stage. A complaint is usually dealt with through ombudsman-led mediation.

<sup>17</sup> <https://assets.vu.nl/d8b6f1f5-816c-005b-1dc1-e363dd7ce9a5/7b9c0a8a-7087-4ed1-834b-1756f4ace2ff/Ombudsman%20for%20VU%20University%20Amsterdam%20personnel.pdf> Art. 16.

In 2021, the majority of cases were resolved by advice or mediation. 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. The ombudsman clarifies, explains regulations and in many cases helps employees resolve their complaint and move on. If the employee feels that mediation has failed, a formal inquiry can still be requested by the employee.

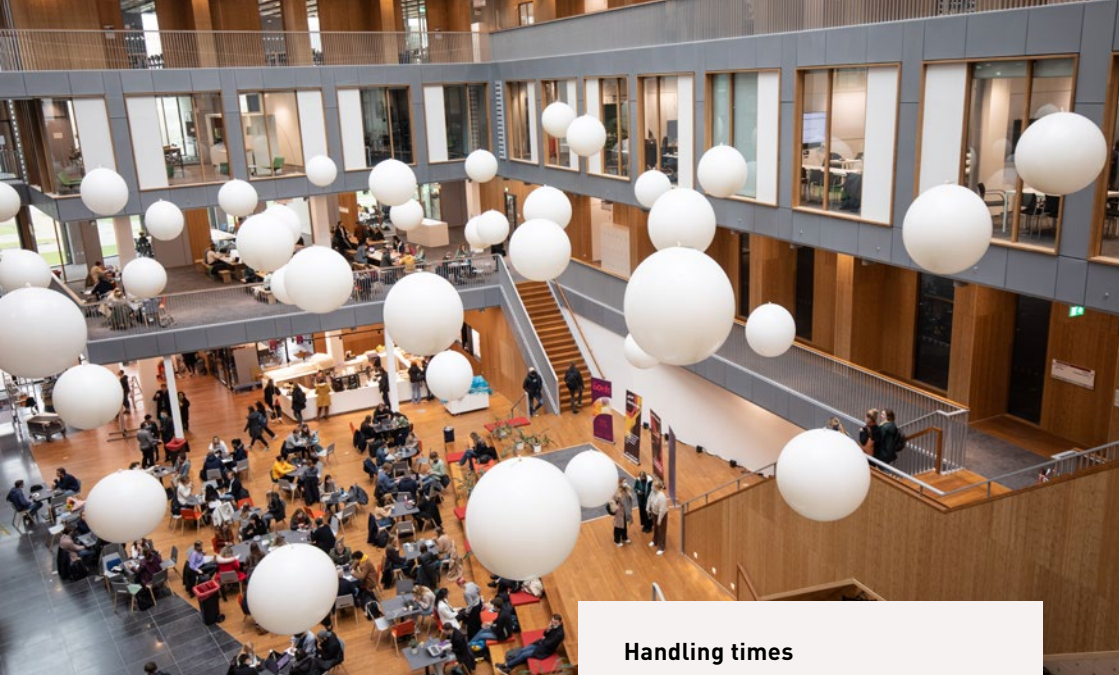
Incidentally, staff can report general wrongdoing or suspicion thereof to their supervisor or their supervisor's supervisor and make use of the Whistleblower Regulations (*Klokkenluidersregeling*).<sup>18</sup>

# Nature of the cases

A case can be about more than one problem area. That explains why there are more topics than handled cases. All matters reported, whether founded or unfounded, are registered.

Appointment	5
Treatment	6
Supervision of PhD students	3
Accessibility	0
Communication	2
Facilities/provisions	0
Financial	3
Performance and appraisals	2
Re-employment/internal mobility	1
Information provision	1
Career development	4
Dismissal/termination of employment	2
Procedures	9
Legal issues	8
Vocational rehabilitation	3
Reorganisation	0
Cooperation	3
Application	0
Allocation of duties/workload	3
Other (including consultations)	8

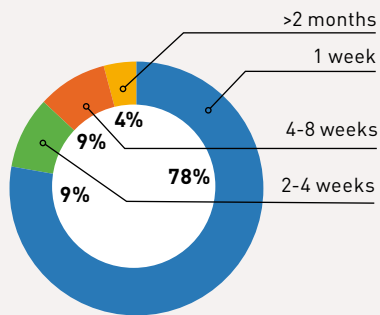
<sup>18</sup> *Klokkenluidersregeling* VU (Whistleblower Regulations): <https://vu.nl/en/employee/policy-and-organisation/whistleblowers-regulations>



Most of the complaints concerned questions on procedures and legal issues. Legal issues, for example, included problems with timetables or workload. The question as to whether a change may be implemented, for instance, was in those cases a reason to discuss this in private with the ombudsman. The ombudsman will explain legislation and will mention the options available to the employee in such a case. With regard to procedures, it concerned vocational rehabilitation, for instance. In such cases, in addition to explaining laws and regulations, the ombudsman can play a mediating role.

In nine cases, the ombudsman had no authority and referred the complainant to another one-stop shop such as the confidential counsellor for inappropriate conduct or to a notice of objection.

### Handling times



The handling times in 2021 were slightly shorter than in previous years. This was partly due to the method used to deal with the problem or complaint. More employees preferred to solve their problem themselves after obtaining advice, and ombudsman-led mediation was used slightly less often. The method used and the reason for choosing it is often related to the nature of the problem.



# Conclusions and recommendations

In 2021, the ombudsman identified the following problem areas and reported them to the faculty or service department in question, and the Executive Board, where necessary. These are areas that are taken for granted in many cases, but which are particularly likely to give rise to complaints if they are neglected.

## Explanation

In some cases, employees with a fixed-term employment contract (i.e. with an end date) are given the impression by a supervisor that their contract will be extended. It would be advisable for the supervisor to explain well in advance and in detail to the employee why their contract will end by operation of law and no new contract will be offered, especially if the employee had previously been told that the contract would be extended. The explanation can, on the one hand, give an employee the opportunity to improve themselves, for example, and on the other hand it can adjust the employee's expectations and thus help prevent complaints.

## PhD students

Every year, a few PhD students report to the ombudsman because problems have arisen in the PhD programme. The problems may relate to the style of supervision by the doctoral thesis

supervisor or co-supervisor, the sudden termination of a PhD programme or, in some cases, the long waiting period before the doctoral candidate receives a response to a version of their dissertation. The agreements laid down in the training and supervision plan could therefore include response deadlines. According to *Doctorate Regulations*, it is the dean who has a role in resolving problems and disputes, and not the ombudsman.<sup>19</sup> Nevertheless, in a number of cases, PhD students report to the ombudsman first. They indicated that they were either not aware of this option or that contacting the dean was difficult because they are often also the supervisor of their doctoral thesis supervisor. They then feel they are bypassing their doctoral thesis supervisor and co-supervisor and would like to deal with this carefully. Moreover, they feel they are dependent on the doctoral thesis supervisor and co-supervisor and would prefer a private discussion with the ombudsman. She did not handle the complaints (not authorised<sup>20</sup>) but did help analyse the problem. Furthermore, she explained the legislation. After these discussions, the ombudsman referred the PhD students to the dean.

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19 <https://vu.nl/en/research/more-about/doctorate-regulations> Art.35(2).

20 *VU Ombudsman personnel Regulations* Art. 7(1)(g).

# Publicity

To ensure that employees are aware that the university has an ombudsman and what the ombudsman's role is, this is explained on the university's website, in Dutch and in English. On request, the ombudsman also provides VU Amsterdam staff with information on their duties and the nature of their work.

## Internal

The ombudsman explained her annual report and provided information to the Staff Council, HRM staff and Legal Affairs. In addition, she provided information to a staff member of the Marketing & Communications Department on the new VUweb.

But she also conducted an introductory interview with the newly appointed Data Protection Officer. And the ombudsman conducted an introductory interview with the new trade union official of the FNV (Federation of Dutch Trade Unions).

In October, the ombudsman had an appointment about restorative justice and ombuds work with Dr N. (Nienke) Elbers, Faculty of Law, and Prof. A. (Antony) Pemberton, University of Leuven, both affiliated with the Netherlands Institute for the Study of Crime and Law Enforcement (NSCR).

## External

On request, the ombudsman also provides information about the office of ombudsman outside of VU Amsterdam. In this context, for example, discussions were held with the new ombudsmen of the University of Amsterdam, the Delft University of Technology (TU Delft) and Erasmus University Rotterdam. In addition, the ombudsman also provided information about the position to the new ombudsman of Amsterdam UMC, VUmc location and to Stenden University of Applied Sciences and the University of Groningen. Furthermore, she also had a meeting with the chair of the Network of University Confidential Counsellors (NUVP). The ombudsman also provided a member of the WOinActie group with information (WOinActie is a movement that defends the interests of university education and the link with scientific research).<sup>21</sup>

In 2021, the ombudsman also participated in meetings of the university ombudsmen.

## Lectures

The ombudsman gave a lecture to the members of the German network of ombudsmen entitled *Social media and the ombuds practice* on 9 June.

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21 <https://woinactie.blogspot.com/p/over-wo-in-actie.html>

On 19 November, the ombudsman delivered a lecture for the webinar of the European Network for Ombuds in Higher Education: *Social Media, Ombuds Offices and Confidentiality: Friends or Foes?* The theme of her lecture was: *Social Media and Ombuds work: Risks and Benefits.*<sup>22</sup>

## Publication

Experience and expertise gained by the ombudsman in ombuds work resulted in the book *Ombudswerk in het hoger onderwijs: een praktische gewwijzer* (Ombuds work in Higher Education: a practical guide), which was published in 2021.<sup>23</sup> The publication was made possible by the Administration Office and the Executive Board and was published by VU University Press. The ombudsman addresses the implementation and importance of the office of ombudsman in the book. The everyday practice of an ombudsman (m/f/x) is also discussed. The book is not only relevant for ombudsmen, but also for administrators, policy staff and any potential users of an ombudsman and was therefore widely distributed within VU Amsterdam.

Following the publication of the book, the ombudsman gave interviews to Science-Guide<sup>24</sup>, an information platform, Ad Valvas (VU Amsterdam's newspaper)<sup>25</sup> and to Zestor (labour market and training fund for higher professional education).<sup>26</sup>

All these activities are aimed at providing information to strengthen the visibility, image and accessibility of the ombudsman, but also to create ties between the officers of the social assistance structure and thus improve the quality.

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22 <https://www.enohe.net/2021/11/social-media-ombuds-offices-and-confidentiality-friends-or-foes-enohe-webinar/>

23 <https://www.vuuniversitypress.com/product/ombudswerk-in-het-hoger-onderwijs/>

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24 <https://www.scienceguide.nl/2021/09/houding-student-als-consument-vraagt-om-studentenombudsman/>

25 <https://www.advalvas.vu.nl/verhalen/er-hangt-nu-een-prijkskaartje-aan-de-problemen-van-studenten>

26 <https://zestor.nl/ombudsman-draagt-bij-aan-veilig-werk-en-studieklimaat>



# Professionalisation

There is an intrinsic link between the effectiveness of the ombudsman and the quality of their work. If they are to continue to perform the job well, training and continuing professional development is therefore necessary on an ongoing basis. This is why the ombudsman is also a member, and indeed chair, of the Association of Ombudsmen in Higher Education (VOHO).<sup>27</sup> This involves taking part in general meetings every three months. On 4 November 2021, the ombudsman stepped down as chair. She was appointed honorary member by the association for her accomplishments for VOHO.

Membership of the European Network for Ombuds in Higher Education (ENOHE<sup>28</sup>) and the American International Ombudsman Association provide all manner of information on the most recent developments in the field of the right of recourse and jurisprudence in the field of ombudsman work.

## Social Safety Expert Team <sup>29</sup>

The ombudsman has been a member of the VU Social Safety Expert Team since 2018. Within VU Amsterdam, there appears to be a need for such 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.

On the other hand, an expert team can gather and share relevant information, thus preventing the risk of unnecessary escalation, ensuring that help is available and limiting the damage. The team meets at least three times a year. One of the meetings focussed on problems and the position of PhD students. The members of the team are also provided with training courses.

## Training

The ombudsman attended the *Racism & Discrimination* training session given by Mrs A. (Amrita) Das (Faculty of Social Sciences), which was organised by the Corporate Real Estate and Facilities service department for members of the VU Social Safety Expert Team. She also attended the training: *Signaleren en response bij seksuele intimidatie* (Spotting and responding to sexual harassment), by sexologist Mr R. (Robert) Hubers for members of the VU Social Safety Expert Team.

On November 18, the ombudsman also attended the afternoon conference organised by the Association for Right of Recourse and the National Ombudsman on *Goed communiceren bij klachtbehandeling* (Communicating well in complaint procedures) by emeritus professor of the University of Groningen, Prof. C. (Carel) Jansen.

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<sup>27</sup> <https://verenigingombudsmannenho.nl/>

<sup>28</sup> <https://www.enohe.net/>

<sup>29</sup> <https://vu.nl/en/about-vu/more-about/safe-social-setting-on-campus>

Another initiative in 2021 took the form of peer review events held 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, an initiative by the National Ombudsman) publishes a newsletter and organises symposiums, providing the ombudsman with more information in this field. This association is committed to professionalising and further improving the internal and external handling of complaints, developing the 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 Staff Council and is occasionally present during the Council's consultation meetings with the Executive Board. Furthermore, the ombudsman occasionally participates in the discussions held by the university's legal advisors and consults the university's head of legal affairs at least once a year. Additionally, the ombudsman attends the meetings of the staff confidential counselors, which are held at least twice a year. They consult with the Director of Human Resource Management / Occupational Health, Safety and the Environment at least once a year to find out about developments in that area, and to discuss potential improvements in the light of complaints.

## Other internal and external contacts

The 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 the condition that their independence is not compromised, and this limits their participation in certain bodies.

At the request of management, they can, for example, discuss the possibilities

involved in a matter put before them (consultations). But above all, the ombudsman is aware that they cannot give an opinion on legal status in a case that could allow them to become part of the decision. After all, they would then lose their impartial position.

Furthermore, the ombudsman provided general information about the various complaint procedures at VU Amsterdam.



## And lastly: prevention

In addition to resolving complaints, the ombudsman also addressed the issue of complaint prevention at the express request of the Executive Board. The goal, of course, is not only to provide the means of achieving a solution, but also to prevent escalation and absenteeism.

As part of this prevention process, the ombudsman also held consultations in order to share information on specific problem areas. These consultations took place, for example, with a Head of Department or a member of the Faculty Board. Organisational advice in response to issues submitted to the ombudsman was also aimed at preventing complaints about the same issues in the future. In a number of cases, for instance, it turned out that communication had taken place by email, whereas face-to-face or telephone communication may have provided an opportunity for clarification. This can at times be a problem, especially now that working from

home has become the norm. However, it remains important to talk to each other rather than sending emails. If and when employees can talk to each other, questions can be answered immediately, helping to improve communication and cooperation and prevent misunderstandings and complaints. The ombudsman held discussions with the University of Amsterdam's director of Social Safety, the VSNU (Association of Universities in the Netherlands, now called Universities of the Netherlands) and SoFoKles (Social Fund for the Knowledge Sector) on options and focal points in policy to increase social safety at universities. In October, the ombudsman sent the focal points based on the ombuds practice to the confidential counsellors of VU Amsterdam and SoFoKles. These will be included in the 2022 recommendations of the confidential counsellors to the Executive Board and by SoFoKles to the Universities of the Netherlands.

