

STUDENT OMBUDSMAN

ANNUAL REPORT 2018



VRIJE
UNIVERSITEIT
AMSTERDAM

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FOREWORD

The year to which this report relates was a year in which there were no formal complaints that led to the student ombudsman issuing an opinion. In the majority of cases, it was possible to resolve matters by providing advice or mediation. Ombudsman-led mediation is different from full-fledged mediation, in that the aim is to find a resolution within a shorter timeframe, within one or two meetings and that it focuses on the complaint itself. This can mean a three-way meeting, led by the student ombudsman, or it can mean the ombudsman acting as a go-between, meeting with both parties separately (in a kind of 'shuttle diplomacy'), with the matters discussed then being fed back to the other party. In some cases, the student ombudsman starts out with shuttle diplomacy and later arranges a three-way meeting. In order for ombudsman-led mediation to take place, all participants must consent to this in advance. After all, they cannot be forced to cooperate. Obtaining that consent means explaining the benefits to all participants in the process. However, in cases where it seems impossible to resolve a complaint through such meetings, there is clearly little point in proceeding in this manner. When a complaint has been lingering for a long time and the parties involved have already 'dug in' with respect to their positions, it is generally difficult to find a common frame of reference. However, if the preliminary

meeting (based on 'shuttle diplomacy') reveals that an apology may be offered, then a three-way meeting is more likely to bear fruit. The complaint can then be discussed further at that three-way meeting, which is led by the student ombudsman. Such a meeting is also more likely to be productive when the parties involved are familiar with each other's positions in advance, so that no surprises are sprung on them during the meeting.

In practice, few formal complaints are submitted to the student ombudsman. Generally, students only wish to submit a formal complaint after they have already completed the course that the complaint relates to, or after they have graduated. But even in those cases, it seems that many students prefer ombudsman-led mediation or advice.

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

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GENERAL

THE OFFICE OF STUDENT OMBUDSMAN

Anyone studying at VU Amsterdam may enlist the services of the student ombudsman. This also applies to external PhD students who do not have a contract of employment with VU Amsterdam¹, VU students at the Academic Centre for Dentistry Amsterdam (ACTA) and students at Amsterdam University College (AUC). No matter how meticulously procedures and policy are formulated, human error can never be entirely eliminated, and things may still go awry. This gives rise to complaints.

In the first instance, a student can try to solve the problem independently, with advice from the student ombudsman. What is more, a student should first give the faculty or service department the opportunity to handle the complaint. It is only when that option does not work or fails to produce a satisfactory response that the ombudsman is in a position to act.² She does not take sides but works to form an objective view of the matter at hand in order to give advice, make a referral or arrive at a decision. The ombudsman checks whether the applicable regulations have been followed and whether procedures have been correctly implemented. All this is done

to answer the question of whether or not the student has been treated properly and with all due respect. Complaints about general policy can therefore not be dealt with. Other avenues exist for this purpose, such as the Faculty Student Council, the University Student Council or the Programme Committee.

As stated in the Student Ombudsman Regulations (*Regeling Studentenombudsman*), the ombudsman is an independent and neutral person with whom a student can discuss a problem or grievance about the university, the faculty, or a member of staff in an informal and confidential setting (a duty of confidentiality applies). The student ombudsman has the resources to investigate a complaint and the position to issue an official statement on the matter, and in this respect she differs from other officials whom students are able to consult. It is in the interest of both the students and the university that complaints are taken seriously, and the office of student ombudsman plays an important part in this regard. If a complaint is well-founded, the student ombudsman can formulate recommendations to resolve the case and to prevent recurrence in future. In some instances, the student ombudsman may also offer recommendations after a mediation process or in response to a report. Accordingly, some complaints lead to recommendations

that help improve the quality of services, communication, regulations and procedures.

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

Besides discussing matters with students, the ombudsman utilizes the 0.8 FTE currently available on a wide variety of tasks, such as establishing facts³, combing files, recording findings, and compiling interim and final reports. The assistance provided by the secretarial staff of the Administration Office is limited to the distribution the annual report. The student ombudsman personally takes care of registration and filing.

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

COMPLAINT PROCEDURE

Most students submit their case to the ombudsman by email or WhatsApp. Even if they have already finished their studies, they are still entitled to do so, on condition that the event to which the complaint relates occurred when those directly involved were studying at VU Amsterdam, and within one year of the event taking place. In the first interview, the student ombudsman checks whether she is authorized to handle the complaint. For instance, the ombudsman cannot deal with complaints regarding inappropriate conduct,⁴ as that is the job of the confidential counsellor.

1 PhD students who have an employment contract with VU Amsterdam are entitled to consult the staff ombudsman. The student ombudsman also fulfils this position, and her working hours have therefore been increased by 0.2 FTEs.

2 The duties and responsibilities are set out in: *Student Ombudsman Regulations* (https://www.vu.nl/nl/Images/Regeling-studentenombudsman-2010_tcm289-152866.pdf).

3 This includes the assessment of competence and admissibility.

4 Accessibility: <http://www.vu.nl/nl/studenten/studiebegeleiding/contacten/vertrouwenpersonen/index.asp>

Nor can she deal with complaints that are still open to appeal or objection (Examination Appeals Board, Cobex).⁵ However, in almost all of these cases, the exact nature of the problem can only be determined in discussion with the student concerned, along with the matter of whether the ombudsman is able to deal with the complaint or a particular aspect of the complaint, as often applies when multiple issues are involved. In simpler cases, the response “not part of the ombudsman’s remit” may suffice. There are, however, other reasons why the student ombudsman may decide not to deal with a complaint, for example because it is clear that the complaint is unfounded. In such cases, it is sufficient to explain to the student that the laws and regulations have been complied with. And if the student has not yet discussed the complaint with the faculty or service department, the ombudsman will first give them the opportunity to resolve the complaint. In some cases, the student is able to solve the problem on their own after talking to the student ombudsman, who can provide information about the relevant regulations, procedures, rights, obligations and options. Often, the student ombudsman will have to conduct a preliminary inquiry before being able to provide the required information. In that case, the other party is asked to respond and documents can be requested and verified if necessary.

On matters relating to internal regulations, the student ombudsman may request advice from a legal expert at VU Amsterdam or a member of staff from Student & Educational Affairs (SOZ). At faculty level, for example, she seeks contact with an academic advisor, a Bachelor’s or Master’s coordinator, or the head of the Education Office. In all cases, it is important that a complaint is clearly monitored, as this generates information that contributes to finding a solution. And both the student and the organization often benefit more from finding a solution than from obtaining a statement that the complaint is well-founded.

If another body has jurisdiction, the student ombudsman will refer the case. For instance, allegations of infringement of academic integrity should be reported to the confidential counsellor for Academic Integrity.⁶ In many cases, issues concerning examinations or final degree assessments can be submitted to the Examination Board. Complaints about inappropriate conduct, such as discrimination, can be submitted to the confidential student counsellor. The student ombudsman also provides information about this.⁷ However, the system is configured in such a way as to ensure that students are referred to the right place as soon as possible. The student ombudsman aims to resolve problems through ombudsman-



led mediation, which frequently leads to the retraction of the complaint. This also helps to restore confidence in the faculty or service department. The student ombudsman can act as an independent party. Free from affiliation with a degree programme, she can look for ways in which parties can find a common reference framework and restore the relationship between student and university staff. Ombudsman-led mediation is different from standard mediation in that it is an expedited process aimed at resolving the complaint in question. This type of mediation is a more pleasant and expedient option for all concerned, and faster and less taxing than a formal inquiry. If the preliminary inquiries give reason to do so, both parties will be invited to a three-way interview (invol-

ving and chaired by the student ombudsman) with the aim of resolving the complaint. However, the student ombudsman remains impartial throughout. Ombudsman-led mediation is not always less labour-intensive for the student ombudsman than a formal inquiry. Investigating the complaint, hearing the parties and bringing them together in the course of mediation often requires a number of sessions. If mediation is no longer possible, or if this intervention has failed to yield a result, a formal investigation of the complaint can be initiated at the request of the student. This will be followed by a decision from the student ombudsman, with possible recommendations to remedy the consequences of the problems and prevent recurrence.

5 More information: <http://www.vu.nl/studenten/geschillenloket/bezwaar-en-beroep/index.asp>

6 For more information, go to: <https://www.vu.nl/nl/over-de-vu/wi/vertrouwenspersoon/index.aspx>

7 More information: <http://www.vu.nl/nl/over-de-vu/contact-routebeschrijving/adressen-en-telefoonnummers/vertrouwenspersonen/index.asp>

CASES HANDLED

CASES IN 2018

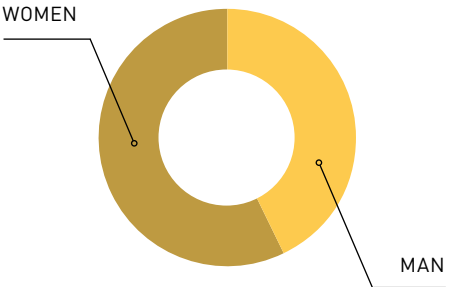
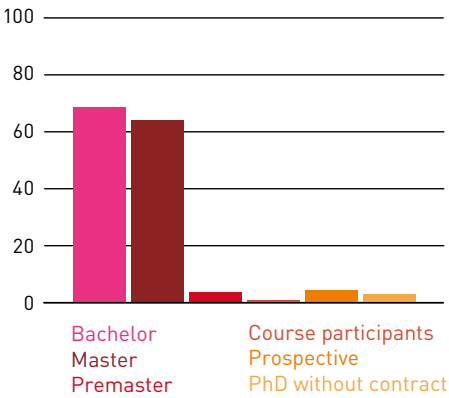
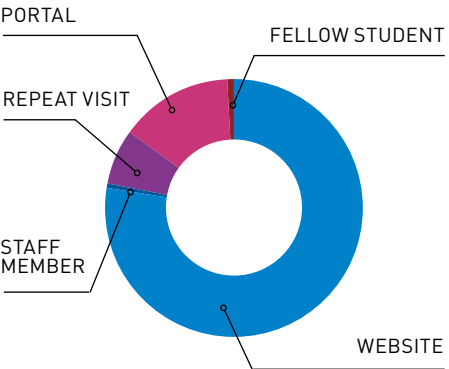
Of the 147 cases submitted to the student ombudsman in 2018, 139 were accepted and handled. In the cases over which the student ombudsman had no authority (8), the student was referred instead to the proper individual or agency, such as the confidential counsellor for students or the Data Protection Officer because the complaint concerned a possible breach of privacy. But even in cases that fall outside the remit of the student ombudsman, she listened to problems, discussed options and passed on relevant information. After all, it is important that there is a place in the organization where these problems find a sympathetic ear and from where complainants can be referred to the correct authorities. Experience has shown that students otherwise tend to send emails to a variety of staff, often to the wrong office, which is simply a frustrating waste of time that does nothing to foster a resolution of the problem at hand. In two cases, several students engaged the student ombudsman simultaneously. Because the complaint from those students was the same, the issue was handled as one case. Both these cases

were dealt with through ombudsman-led mediation. Of the 147 cases, fifteen were presented by students from a migrant background. This is ten percent of the total number of students who engaged the services of the student ombudsman. This percentage had remained the same for several years, but this year the percentage rose slightly. Eleven of the university's approximately [5412 in 2018]⁸ international students consulted the student ombudsman in 2018. Most students found their way to the student ombudsman by using the website or were referred by a member of staff. Students recorded as 'repeat visit' had previously consulted the student ombudsman on other issues. No formal complaints were submitted in 2018. In such a case, provided that she is authorized under the terms of the regulations, the student ombudsman determines whether "the body or individual mentioned in the petition exhibited appropriate conduct in the circumstances that are the subject of the inquiry".⁹ The ombudsman sends copies of her report with assessment "to the student, the body or individual cited in the petition, the Executive Board, and where appropriate, the head of the organizational unit in question".¹⁰ A formal complaint submitted by a Master's student from the School of Business and Economics in 2017 concerning procedures, educational

supervision and the provision of information led to an opinion being issued in 2018. Three aspects of the complaint were found by the student ombudsman to be valid, while one aspect relating to the provision of information was found not to be valid. In the complaint report, the student ombudsman advised the faculty to apologize with respect to the aspects of the complaint that were found to have been valid. The faculty acted on that recommendation.

NUMBER OF COMPLAINTS

Students from the School of Business and Economics, the second largest faculty at VU Amsterdam, submitted the highest number of cases to the student ombudsman in 2018. These mainly concerned procedural matters (ten cases), such as a marking deadline or the addition of grades earned elsewhere to the student's transcript. Students at the Faculty of Behavioural and Movement Sciences also submitted a high number of cases to the student ombudsman. These also concerned alleged procedural irregularities (8) as well as academic supervision (7). For example, in a number of cases, academic supervision was reported not to have been available from the start of the academic year for students who had not completed their thesis before 1 September. When students need to wait for academic supervision, they suffer delay to their academic progress. Many of these complaints were deemed to be incidents, and the student ombudsman provided recommendations or mediation, leading to resolution.



8 VU Amsterdam's provisional registration figures: 1 October 2018. Acknowledgement for figures: Student Desk, Student & Educational Affairs.
 9 Idem N2 Art. 9.
 10 Idem N2 Art. 10:2.

COMPLAINTS RELATING TO

Faculty	Registered students 2016 ¹¹	Cases 2016	Registered students 2017	Number of cases	Registered students 2018	Cases 2018
Earth and Life Sciences ¹²	3,047	20	n/a	n/a	n/a	n/a
Sciences			5,840	26	7,649	14
School of Business and Economics ¹³	3,588	19	3,642	12	4,499	31
Sciences	2,668	10	n/a	n/a	n/a	n/a
Humanities	1,172	6	1,180	13	1,391	6
Medicine	2,360	12	2,390	4	2,346	3
Religion and Theology	248	4	262	1	276	3
Behavioural and Movement Sciences	2,924	15	2,987	18	3,315	27
Law	2,996	9	2,951	18	3,228	8
Social Sciences	2,785	16	2,563	9	2,384	5
Dentistry	430	4	441	5	460	3
Amsterdam University College	363	1	350	0	362	3
Support Services ¹⁴	n/a	23	n/a	14		17
University administration	n/a	2	n/a	2		2
Non-VU students ¹⁵		1		3		6
Consultations by staff members		0		9		1
Others (parents, Faculty Student Councils)		19		12		10
Not part of the ombudsman's remit		5		5		8
TOTAL		154		151		147

11 Acknowledgement for figures: Student Desk, Student & Educational Affairs.

12 The Faculty of Earth and Life Sciences merged with the Faculty of Sciences in 2017 to form the Faculty of Science.

13 In 2017, the Faculty of Economics and Business Administration changed its name to the School of Business and Economics.

14 Student and Educational Affairs, VU Amsterdam University Library, Marketing & Communication, Corporate Real Estate and Facilities, Finance & Audit, HRM, Occupational Health, Safety and Environment and Information Technology, the Administration Office.

15 Prospective students; students enrolled at other universities.

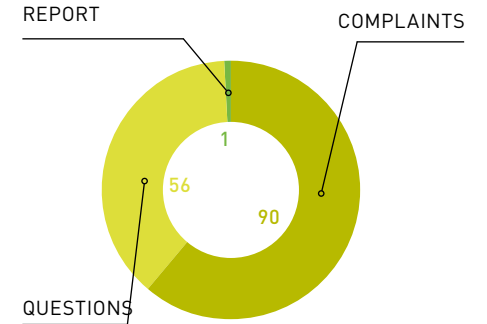
The problems that reach the student ombudsman are those the student believes have not been properly addressed by the faculty or service department, or where attempts at resolution have led to a stalemate or escalation. <0.5% of all students consult the student ombudsman.

HANDLING CASES

The way a case is handled depends on the form in which it is submitted to the student ombudsman. For example, a question often leads to information or advice being given, although mediation may still follow at a later stage. In many cases, complaints were handled by means of mediation in 2018.

A mediation session can help identify the exact nature of a complaint – because it elicits a response from the other party – and can steer the complaint in a totally different direction and point the way to a solution. If the student feels that mediation has failed, a formal inquiry can be requested. This is then done in accordance with the procedure described in the Student Ombudsman Regulations.¹⁶

A student can also report a problem or abuse to the student ombudsman. The ombudsman may then pass the report on to the faculty or service department in question.



NATURE OF THE CASES IN 2018

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

In 2018, most complaints concerned alleged procedural anomalies and examinations. Students are very attuned to following proper procedures, because they know that lapses in procedure can easily result in study delays. If a procedure is not observed correctly, students also perceive this as unfair treatment, especially if they complain to a lecturer and do not receive a timely – or any – response.

Complaints concerning examinations concerned, for example, cases where a student who was initially told that they could not take part in an examination even though he had registered for it. Ultimately, the student was admitted to the examination but submitted the case to the student ombudsman. It turned out that he had not met the entry requirements and that the staff member had explained this, but the student felt that

16 http://www.vu.nl/nl/Images/Regeling-studentenombudsman-2010_tcm289-152866.pdf

NATURE OF THE CASES IN 2018

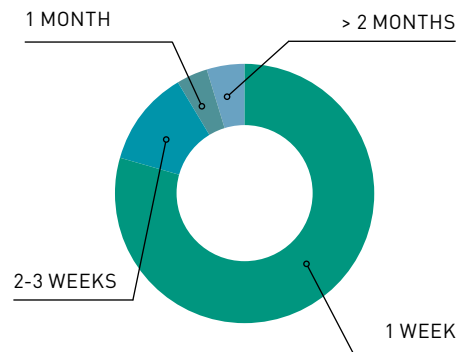
Organizationan	0
Administration	0
Accessibility	1
Treatment	10
Communication	1
Information (incorrect or lacking)	19
Facilities/provisions	5
Procedures (e.g. right of inspection or marking deadline)	37
Financial	7
Teaching	
- educational guidance	14
- educational quality	4
- coordination (e.g. planning)	1
Research	0
Examinations/final degree assessments	21
Legality (e.g. in connection with Academic and Examination Regulations)	14
Registration	8
Other	10

he had been treated unfairly. The student ombudsman was able to clarify this issue.

In some cases, the student ombudsman referred the student to bodies such as the Examination Board or the Examination Appeals Board (Cobex). In other cases, it was sometimes sufficient to explain the regulations to the student, while sometimes it proved necessary for the ombudsman to intervene.

The category *Other* covers cases that could not be included elsewhere, such as complaints regarding the Canvas digital learning environment (where some students had received unsolicited advertising) and questions from student associations. Although the student ombudsman is not authorized to handle complaints from a student association, she can offer a sympathetic ear and discuss ways of ensuring that a problem does not escalate. This is in the interests of both the students and the university.

HANDLING TIMES



It was possible to handle 120 cases within one working week of the intake interview. As always, this was largely thanks to the cooperative attitude of the staff concerned. The other cases took more time. Five cases took over two months. This was partly due to scheduling issues – many employees have a full diary – and partly due to the complexity of the cases. Five cases continued into 2019.

PREVENTION

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

CONCLUSIONS AND RECOMMENDATIONS

In 2018, the student ombudsman identified the following problem areas and reported them to the faculty or service department in question, and the Executive Board if necessary.

TEACHING COORDINATION

Article 4.2a in the Student Charter states: *You should be able to progress through your studies at a reasonable pace while adhering to the norm of 60 credits per academic year, putting you on course to complete your degree within the allotted timeframe. The faculty is responsible for ensuring that the programme's structure allows for this kind of progress ('programme feasibility')*.¹⁷

If the first submission deadline for a final product is on a given date, the Academic and Examination Regulations state that there must be 20 working days to mark the work and that the resit must also fall within the same nominal academic year.

THESIS SUPERVISION

Some students begin their thesis at the start of the academic year or complete their thesis in the new academic year. However, at a number of faculties, it is difficult to supervise a student after 1 September because a great deal of

¹⁷ More information: <https://vunet.login.vu.nl/services/pages/practicalinformation.aspx?cid=tcm%3a164-856607-16>



teaching takes place during the first periods of the academic year.

If it is not possible to provide supervision, students will fall behind in their academic progress. Degree programmes are advised to ensure that there is sufficient staffing capacity available right from the start of the academic year.

RESPONSE TIMES

When students e-mail an employee who acts as the contact person for students, in many cases no confirmation of receipt is sent to advise students how long they may need to wait for a reply. This can cause concern among some students, and after a few days they start to ask about the e-mail they have sent and may sometimes make a complaint to various employees. It is recommended that students are informed about response times for e-mails and that employees adhere to this response time.

PUBLICITY

To ensure that students are aware that the university has a student ombudsman and what the ombudsman's role is, a university website is maintained in Dutch and in English. Since the university welcomes new students each year, an introduction to various student organizations was given after the opening of the academic year. Students were introduced to the boards of student societies and associations and of the participatory bodies for students at the *Ontvangst van de rector* (Rector's Welcome) event. The event took place in March and November 2018 at the Griffioen cultural centre.

In February, the student ombudsman gave a presentation about her work and position at the university-wide meeting of academic advisors, and in September

to the employees of the Student Counselling Service (CSB). The student ombudsman also presented the 2017 Annual Report not only to the Rector Magnificus but also to the University Student Council and a number of employees. These activities were aimed at providing information in order to improve the visibility, image and accessibility of the student ombudsman.

PROFESSIONALIZATION

There is an intrinsic link between the effectiveness of the student ombudsman and the quality of her work. If she is to continue to perform the job well, training and continuing professional development is therefore necessary on an ongoing basis. This is why the ombudsman is also a member, and indeed chairperson, of the Association of Ombudsmen in Higher Education (VOHO).¹⁸ This involves taking part in general meetings every three months. Membership of the European Network for Ombudsmen in Higher Education (ENOHE) and the American International Ombudsman Association provide all manner of information on the most recent developments in the field of complaint law and jurisprudence in the field of ombudsman work. The ombudsman is a member of the ENOHE

steering committee and takes part in its video conference meetings, which take place three times per year on average. The organization of the annual congress is discussed during those meetings. She attended the ENOHE conference entitled *Resolving conflicts on campus: strategies for enhanced policies and effective operations*, which was held at the University of Edinburgh from 6-8 June 2018.¹⁹ There, on Friday 8 June, the student ombudsman of Vrije Universiteit Amsterdam held a workshop together with her colleague Stephen Querido, staff ombudsman at the Hague University of Applied Sciences: *You learn more from your mistakes than from successes*. We used this opportunity to present a framework for successful operation. Seventy-five ombudsmen from higher education in Europe, but also from the US, Canada, Australia, Israel and Georgia, took part in the conference. In May and June, the ombudsman attended a training programme in conversational techniques at the Facility Campus Organization service for members of the Expert Team for Undesirable Conduct. In addition, within this team the ombudsman received information about honour-related violence. Within VU Amsterdam, there appears to be a need for an expert team to deal with undesirable conduct, so that reports are not assessed and handled by a single official. This facilitates an integrated approach to assessment and handling.

¹⁸ <http://www.enohe.net/netherlands-de-vereniging-ombudsmannen-in-het-hoger-onderwijs-voho/>

¹⁹ More information: <http://www.enohe.net/past-conference/>



Meanwhile, an expert team can gather and share relevant information, thus preventing the risk of unnecessary escalation and limiting the damage. The ombudsman has been asked to take part in this team from 2018, on the initiative of the Corporate Real Estate and Facilities service department. The team meets at least three times a year. On 28 May, the ombudsman participated in the *In-depth Session on Privacy Law and Regulation* organized by two privacy lawyers from the Administrative Affairs Service regarding the new privacy legislation.

Another initiative in 2018 took the form of peer review events held during the VOHO general meetings and with the staff ombudsman from Amsterdam University of Applied Sciences. During these meetings, ideas and best practices were exchanged based on experiences and expertise.

The *Vereniging voor Klachtrecht* (Association for Right of Recourse) publishes a newsletter and organizes symposiums, providing the ombudsman with more information in this field. This association is committed to professionalizing and further improving the internal and external handling of complaints, developing right of recourse and promoting the competencies required to deal with internal and external complaints.

In order to stay thoroughly informed, the ombudsman maintains contacts with the university's Student Council. Furthermore, the ombudsman occasionally participates in the regular discussions held by the university's legal

advisors and consults the university's head of legal affairs on a number of occasions throughout the year to learn about which laws and regulations are about to be introduced or amended.

Twice a year, she also attends the meetings of the student confidential counsellors. She consults with the Director of Student & Educational Affairs at least once a year to find out about developments in that area and to discuss potential improvements in the light of complaints.

On 4 October, the ombudsman participated in the *Diversity in Education* debate organized by KNOW-VU.

OTHER INTERNAL AND EXTERNAL CONTACTS

The student ombudsman not only gathers information from various bodies, but in some cases also contributes to the discussions that they hold. However, this is only possible on condition that her independence is not compromised, and this limits her participation in certain bodies. As mentioned, she does participate in the meetings of the Expert Team on Undesirable Conduct and occasionally in the student counsellors' meetings. If requested, the student ombudsman will provide information on her duties and the nature of her job to VU staff and students and to bodies not directly associated with the university.

EXAMPLES OF CASES HANDLED

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

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

CASE 1 PROCEDURE AND TREATMENT

METHOD:
OMBUDSMAN-LED MEDIATION
HANDLING TIME: 1 WEEK

A student from a post-graduate programme was due to take an oral examination with a lecturer, but the lecturer rescheduled this appointment three times. On the fourth occasion, the student was himself not present (a 'no show') because he reported having been involved in an accident. When he tried to make a new appointment, the lecturer asked him for evidence, such as a police report, to prove that he had a good reason not to have attended the examination. The student argued that this was contrary to regulations and, because the teacher refused to make a new appointment for the examination, a dispute arose between the student and the lecturer by e-mail. The student then presented the matter to the student ombudsman. At a meeting, he explained that he thought it unfair that the lecturer had cancelled three times while he himself had been asked to provide evidence to show why he could not participate. The student ombudsman then submitted the complaint to the lecturer (right to reply). The latter replied that the examination regulations of the study programme state that if a student fails to attend an oral

examination 'without a valid reason, then admission to the next opportunity to take the examination in question will be refused.'²⁰ However, he had not referred the student to these regulations. The lecturer also said that he had already consulted the Examination Board and that the latter had decided to give the student the opportunity to come up with a valid reason. If the student were to provide this, a date for another oral examination could be set. The student ombudsman then explained to the lecturer that because the student had received no explanation on several occasions as to why the examination date had been rescheduled and had not heard from the teacher that the request for evidence was based on the relevant regulations, the student had felt it unfair to have been asked to provide evidence. An explanation from the teacher could have prevented this situation. The student was satisfied with the clarification obtained by the student ombudsman and will approach the examination committee. The student ombudsman closed the file.

20 Examination regulations for the relevant study programme, art. 12, on file with student ombudsman.

CASE 2 LEGAL ISSUES

METHOD:
OMBUDSMAN-LED MEDIATION
HANDLING TIME: 1 WEEK

A Bachelor's student approached the student ombudsman with a complaint regarding the refusal of his degree programme to allow him to take a 'combined examination'. This was because two examinations were scheduled to be held at the same time. Because the faculty has a Simultaneous Examinations scheme, the student requested to be allowed to take a combined examination on that day based on this scheme. That would have allowed him to take both examinations on the same day. His request was rejected, however, and the student did not have time to appeal against the decision. The examinations were due to take place within two weeks. He therefore contacted the student ombudsman. From the correspondence provided, it appeared to the student ombudsman that the

reason for the rejection of the student's request was that both courses were compulsory; however, the relevant regulations make no mention of this. The Simultaneous Examinations scheme also states that a student is eligible for the combined examination if it relates to a compulsory subject and a recommended optional subject. Those criteria were applicable in this case. The student ombudsman then contacted the study programme that had rejected the request, asking them to explain the rejection. The study programme revised the request on the basis of the information provided by the student ombudsman and allowed the student to take the combined examination. The student ombudsman then closed the file.



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