

Staff ombudsman

Annual report 2022





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Preface

The *VU Ombudsman for personnel Regulations* state that: “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.”¹

In 2022, 42 cases were submitted to the ombudsman. It is important for an organisation to know where complaints arise and where reports are made. They can then use these figures in combination with other data such as the results of job satisfaction surveys, staff turnover rates and sick leave rates. Combining data can provide insights into safe working environments and working conditions so that the Board and management can act on it.

However, the ombudsman’s Annual Report also has another objective. It provides information on the ombudsman’s field of work and working method. This furthers trust and confidence in the ombuds’ role and function and also makes the ombudsman more approachable.

I reached retirement age in November 2022, but have been reappointed as staff ombudsman until 1 May 2024 at the latest. For this reason, the role of ombudsman for staff and students was split in November 2022.²

Acknowledgements

Experience and expertise gained in ombuds work resulted in the book *Ombuds work in Higher Education: a practical guide* being published in 2022. My focus in this book is on the importance of the ombuds function and the international similarities and differences. The everyday practice of an ombudsman (m/f/x) is also discussed in this international edition. The publication was made possible thanks to the Executive Board and the Administration Office and was published by VU University Press.³

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

2 As of 1 October 2022, the student ombudsman is Ms P. (Pelin) Zenginoğlu.

3 <https://vuuniversitypress.com/product/ombuds-work-in-higher-education/>

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.⁴ 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.⁵ 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 because 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. But also how communication took place. To achieve this, they begin by conducting an exploratory investigation. During this phase, they 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.⁶ 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. Experience has shown that complainants 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.

4 PhD students who do not have an employment contract with VU Amsterdam can turn to the student ombudsman.

5 The duties and responsibilities are set out in: *VU Ombudsman for personnel Regulations*. Consulted at: <https://assets.vu.nl/d8b6f1f5-816c-005b-1dc1-e363dd7ce9a5/7b9c0a8a-7087-4ed1-834b-1756f4ace2ff/Ombudsman%20for%20VU%20University%20Amsterdam%20personnel.pdf>

Duty of confidentiality

Any staff member can contact the ombudsman in strict confidence and discuss an

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

issue. The ombudsman will only contact someone else if they have explicit permission from the employee to do so. This duty of confidentiality also applies to other employees involved in a case with the ombudsman.⁷

Purpose of the office

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

eration 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 their 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.

⁷ VU Ombudsman for personnel Regulations Art. 14.

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.⁸

At the first interview, the ombudsman checks whether they are 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.⁹ 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 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.¹⁰ An employee who has received a decision about their legal status

can, in some cases, lodge an objection.¹¹ 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.¹² 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

8 *VU Ombudsman for personnel Regulations* Art. 7(1) (b).

9 More information: <https://vu.nl/en/employee/help-support-and-advice/confidential-counsellors-staff-and-phd-s>

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

11 For more information, see <https://vu.nl/en/employee/help-support-and-advice/dispute-settlement-scheme>

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



asked to respond and documents can be requested and verified if necessary. The employee must agree to this beforehand. On matters relating to internal regulations, the ombudsman may request advice from a legal expert at VU Amsterdam or a member of staff from the HR department. At faculty level, for example, they 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. Moreover, it is part of the ombudsman's mandate to always seek a solution.¹³

¹³ VU Ombudsman for personnel Regulations Art. 8.

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? What does the



employee hope to achieve? 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.¹⁴ The entire system is set up in such a way that members of staff are referred to the right place as soon as possible.

14 Further information: <https://vu.nl/en/about-vu/more-about/academic-integrity>

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 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 be-

ing 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.

Full-fledged 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. Ombudsman-led mediation 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, as mentioned previously. A mediation department for staff was set up at VU Amsterdam's HRM&HSE (Human Resources & Occupational Health, Safety and Environment) department in 2022.¹⁵

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.

Reports

The ombudsman has the mandate 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".¹⁶

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. Of course, the ombudsman will do this in consultation with the persons making the report. 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.

15 <https://vu.nl/en/employee/help-support-and-advice/mediation-information>

16 VU Ombudsman for personnel Regulations Art. 4.

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 discuss their complaint or problem confidentially with 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 super-



visor 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.¹⁷ The ombudsman also does not comment on a person's performance. After all, they are unable to assess this in detail.

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 options in 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".¹⁸ This is the case, for example, if it concerns inappropriate conduct. The ombudsman will then refer the matter to the staff confidential counsellor.



17 *VU Ombudsman for personnel Regulations.*
Art. 7(1) (f) (g).

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

Cases handled

Faculties and service departments	Number of staff ¹⁹	Cases in 2022
School of Business and Economics	672	2
Sciences	1,781	5
Religion and Theology	113	2
Humanities	407	4
Behavioural and Human Movement Sciences	650	2
Law	433	1
Social Sciences	356	4
Medicine	n/a	1
Academic Centre for Dentistry Amsterdam (ACTA) ²⁰	n/a	n/a
Finance	107	1
HRM & HSE	121	4
Information Technology	237	3
Student & Educational Affairs	307	3
Administration Office; Office for University Relations and Fundraising	97/22	0
University Library	101	0
Communications and Marketing	100	1
Corporate Real Estate and Facilities	201	1
Non-VU staff member		2
<i>Not part of the ombudsman's remit</i>		6
<i>Total</i>		42
<i>Consultations by staff members</i>		3

19 As of December 2022. Thanks to the HRM Service Desk of the HRM & Occupational Health, Safety and Environment service department.

20 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 ombudsperson. The VU Amsterdam ombudsman is not authorised.

Cases in 2022

In 2022, 42 cases were submitted to the ombudsman, eleven of which were submitted by staff of the central service departments.

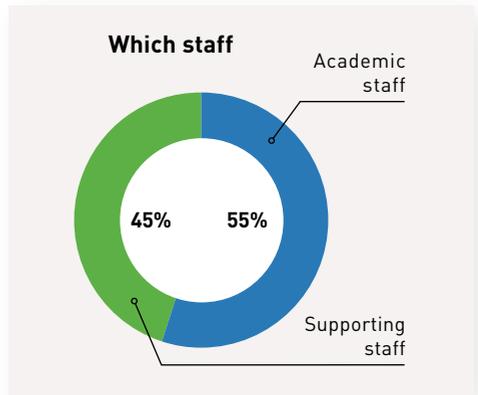
In six cases, the ombudsman had no authority and referred the complainant to another one-stop shop such as a confidential counsellor for Academic Integrity or to the Data Protection Officer. In three cases, several staff members discussed an issue with the ombudsman. These issues were resolved through ombudsman-led mediation.

The ombudsman was able to deal with all other cases through advice, referral or ombudsman-led mediation. In 2022, 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 the year under review, the service departments were only mentioned in the table above if they had at least 100 employees so as to prevent traceability to individuals because the *Ombudsman for personnel Regulations* state: "These reports will routinely contain details of the number of



cases dealt with, together with an anonymised summary of each one.”²¹

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. A question will often lead to information or advice being given, for instance, but mediation may still follow at a later stage. A complaint is usually dealt with through ombudsman-led mediation.

No complaints were filed for assessment in 2022. Most of the cases could be resolved within a week of intake through advice or ombudsman-led mediation. This means that escalation, judicialisation and, in some cases, absence through illness can be prevented. In response to the cases submitted to the ombudsman, recommendations are

²¹ VU Ombudsman for personnel Regulations Art. 16.



sometimes made to prevent complaints in the future, such as the provision of information.

Incidentally, staff can report general wrongdoing or suspicion thereof to their supervisor or their supervisor's supervisor

and make use of the Whistleblower Regulations (*Klokkenuidersregeling*).²²

²² *Klokkenuidersregeling VU* (Whistleblower Regulations): <https://vu.nl/en/employee/policy-and-organisation/whistleblowers-regulations>

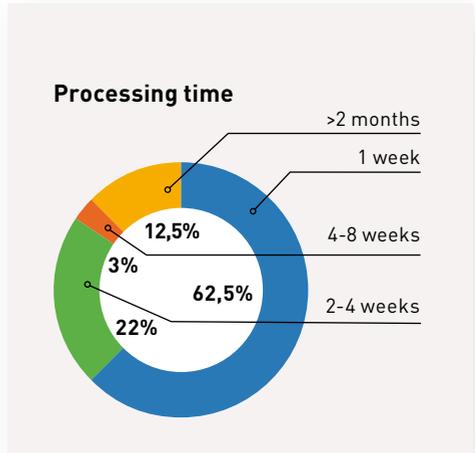
Nature of the cases

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	1
Treatment	7
Supervision of PhD students	3
Accessibility	0
Communication	4
Facilities/provisions	0
Financial	0
Performance and appraisals	2
Re-employment/internal mobility	1
Provision of information	2
Career development	0
Dismissal/termination of employment	3
Procedures	10
Legal issues	4
Vocational rehabilitation	0
Reorganisation	0
Cooperation	6
Job applications	1
Style of leadership	4
Allocation of duties/workload	1
Other (including consultations; privacy)	4

Most of the complaints concerned questions on procedures and treatment. This included issues on procedures concerning contract termination and collaboration. In such cases, the ombudsman will explain legislation and will mention the options available to the employee or will initiate ombudsman-led mediation.

The handling time in 2022 was usually one week. In recent years, the ombudsman has noticed that more and more employees are interested in the ombudsman-led mediation process. The method used and the reason for choosing it is often related to the nature of the problem.



Conclusions and recommendations

In 2022, the ombudsman identified the following problem areas and reported them to the faculty or service department in question, and to the Executive Board, where necessary. In some cases, these are areas that are taken for granted, but which are particularly likely to give rise to complaints if they are neglected.

Informing employees

In a few cases, it became evident that employees had not been informed by their supervisor about the impact on their work of changes in the department. Examples are when a new position was created in the department or after it was decided to have

certain work activities carried out elsewhere. Failure to inform employees creates antagonism and lack of understanding, which can lead to illness, conflict and even to the employee leaving. Those employees will also turn to the ombudsman. It is therefore recommended that when permanent changes are made, supervisors inform employees in a timely manner and explain exactly what this means for their work and also what the reason is for the change.

Support for supervisors in cases of inappropriate conduct

If employees or students complain to the supervisor about inappropriate conduct by



a colleague or lecturer, the supervisor will try to respond to the best of their ability but they will also try to protect the reputation of their department. The ombudsman noticed that at times the supervisor did not refer the person reporting the behaviour to the confidential counsellor or the ombudsman. Sometimes because that route is unknown to the supervisors and sometimes because they will prefer to handle the case themselves. In some cases, the supervisor will not know how to deal with the complaints, especially if the persons making the report want to remain anonymous. The confidential counsellor was rarely consulted by a supervisor in those cases that were put to the ombudsman, even though this is an option according to the Inappropriate Conduct Regulation (*Regeling ongewenst gedrag*). If that step is skipped it can have consequences for how the case is handled and thus for all involved. This can lead to escalation and complaints being submitted to the ombudsman. The confidential counsellor's task is:

- "If the person making the report is unable to put an end to the inappropriate conduct independently, then the confidential counsellor can try to devise a solution together with the accused and the accused's direct supervisor;
- to make proposals to the immediate supervisor(s) concerned before a complaint is made."²³

This regulation should be complied with by supervisors because it facilitates the effective handling of complaints. It is therefore

recommended that the organisation alerts supervisors to the role of the confidential counsellor in such matters and that supervisors make use of this service.

Publicity

Internal

To ensure that employees are aware that the university has an ombudsman and what the ombudsman's role is, a university website is maintained in Dutch and in English. This is why the staff ombudsman provided information to a staff member of the Marketing & Communications Department on the new VUweb.

Furthermore, the ombudsman explained the *2021 Annual Report* to Executive Board member Dr M.J.W.T. (Marcel) Nollen and also to the Staff Council and a number of staff members.

The ombudsman also held introductory meetings with the newly appointed PhD psychologist, with a new public safety coordinator and with the new union official at VU Amsterdam.

In July, the ombudsman gave an interview to Berenschot, a management consultancy firm that conducted a study at VU Amsterdam on the policy and structure of social safety. In that context, in September the ombudsman also participated in the theme table *How social safety is structured at universities*. Other universities were also present at this meeting.

23 <https://assets.vu.nl/d8b6f1f5-816c-005b-1dc1-e363dd7ce9a5/af88bf3f-6714-438b-b415-77811e522e67/Regeling%20Inappropriate%20Conduct%20%28EN%29.pdf> Appendix 1: Art. 4(1)(c)(d).

The ombudsman gave an interview to Ad Valvas (VU Amsterdam's newspaper) on 13 December. The article was published on 24 January 2023 under the title: *Leg data bij elkaar om ongewenst gedrag te bestrijden*. (Combine data to combat inappropriate conduct) ²⁴

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 ombudspersons of Delft University of Technology (TU Delft) and Tilburg University. But the ombudsman also provided information to the individual legal position officer of the University of Amsterdam, to Merlijn Adviesgroep and to Amsterdam UMC. The staff ombudsman also provided information about the office of ombudsman to Stenden University of Applied Sciences.

On 22 November, an interview with the ombudsman was published in newspaper Trouw: "*Een goede onderzoeker maakt op de universiteit nog geen goede leidinggevende.*" (A good researcher at the university is not necessarily a good supervisor) ²⁵

Publication

Experience and expertise gained by the ombudsman in ombuds work resulted in a new book being published in 2022. The book is called *Ombuds work in Higher Education: a practical guide* and is an international edition on ombuds work.²⁶ The publication was made possible thanks to the Executive Board and the Administration Office 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 international differences of ombuds work and the powers and competencies are also covered in this publication.

The European network ENOHE²⁷ and *The Ombuds blog*²⁸ in the US issued a press release on the book. The first book review appeared in the Bulletin of the Association of Canadian College and University Ombudspersons (ACCUO) in November and was written by Ms N. (Natalie) Sharpe, University of Alberta.²⁹

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.

24 <https://www.advalvas.vu.nl/nieuws/leg-data-bij-elkaar-om-ongewenst-gedrag-te-bestrijden>

25 <https://www.trouw.nl/binnenland/een-goede-onderzoeker-maakt-op-de-universiteit-nog-geen-goede-leidinggevende-b6ef3c04/?referrer=https%3A%2F%2Fwww.google.com%2F>

26 <https://vuuniversitypress.com/product/ombuds-work-in-higher-education/>

27 <https://www.enohe.net/2022/07/new-book-on-ombudswork-by-enohe-member/>

28 <https://ombuds-blog.blogspot.com/2022/06/new-book-offers-guidance-for-higher-ed.html>

29 <https://accuo.ca/wp-content/uploads/2022/12/November-Bulletin-ENGLISH-FINAL-1.pdf> p.3.

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 of the Dutch Association of Ombudsmen in Higher Education (VOHO³⁰). This involves taking part in general and other meetings every three months.

Membership of the European Network of Ombuds in Higher Education (ENOHE³¹) provides all manner of information on the most recent developments in the field of the right of recourse, jurisprudence and working methods in the field of ombuds work.

Peer consultations with the ombudspersons of the University of Amsterdam, Delft University of Technology and the University of Groningen also took place in the period under review. During these meetings, ideas and best practices were exchanged anonymously 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 consultation meetings with the Executive Board. Furthermore, the staff ombudsman occasionally participates in the discussions held by the university's legal advisors and consults the head of the HRM&HSE service department at least once a year. In November, the ombudsman received information about the newly established mediation pool at VU Amsterdam from one of the employment lawyers in the HRM&HSE service department.

Additionally, the staff ombudsman attends the meetings of the confidential counselors, which are held at least twice a year.

Training

The ombudsman attended the webinar of the European Network of Ombuds in Higher Education: *Confidentiality, anonymity and general data protection officer – Balancing needs and rights in complaint handling*.

The ombudsman also attended Cornelis van Putten's training course *Theorie notoir klaaggedrag* (Theory on notorious complaint conduct) that was organised for members of the Social Safety Expert Team.

30 <https://verenigingombudsmannenho.nl/>

31 <https://www.enohe.net/>



In the evening of October 12, the ombudsman participated in the science lecture *Sociale veiligheid en grensoverschrijdend gedrag in het hoger onderwijs* (Social safety and transgressive behaviour in higher education) given by Dr M. (Marijke) Naezer, cultural anthropologist and gender studies expert, organised by the General Union of Educational Personnel (*Algemene Onderwijsbond*). The lecture addressed issues about the forms of transgressive behaviour and how an organisation handles and could deal with them. About 90 higher education officials attended the lecture.

On 22 November, the ombudsman attended a half-day seminar organised by the Society for Complaint Rights (*Vereniging voor Klachtrecht*): *De BIFF³²-methode: communicatie met hoog escalerende personen* (The

BIFF method: communication with persons that escalate the situation) by Ms G. (Gerry) Verzett, relationship therapist.

Social Safety Expert Team ³³

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 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 to all concerned. The team meets at least three times a year.

32 BIFF according to B. (Bill) Eddy: Brief, Informative, Friendly, Firm.

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

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 options 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 staff members with general information on 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 for a case, but also to prevent escalation and absenteeism. As part of that prevention process, the ombudsman 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.

