

Uoc

Annual Report of the *Sindicatura de Greuges* (ombuds office)

Academic year 2020/2021

Universitat Oberta
de Catalunya

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Introduction



This report of the Universitat Oberta de Catalunya's *Sindicatura de Greuges* publicizes and renders accounts for the activities of the *sindic de greuges* (ombuds officer) during the academic year 2020/2021.

The following pages provide information on a variety of indicators (number of complaints received, types of complainants, resolutions and recommendations issued by the *sindic*, and institutional activities) to analyse the work carried out by the *sindic de greuges* in the academic year 2020/2021 and changes compared with previous years.

As shown in the following pages, the increase in the *sindic de greuges'* activity seen in recent years continued during this academic year. In addition to the greater needs brought about by the University's growth and the higher number of students and programmes, we also undoubtedly owe this rise to the academic community's greater awareness of the *Sindicatura de Greuges* as a way of upholding the rights and freedoms of every member of the UOC's academic community and ensuring the protection of every aspect of quality at the University.

A total of 345 complaints were received in academic year 2020/2021 (21.80 % more than in 2019/2020), leading to 110 procedures that ended in 108 rulings and two recommendations for the University.

It is worth noting, however, that the *sindic de greuges* issued fewer rulings in favour of the complainant in academic year 2020/2021 (10.91%) than in the previous year (23.60%). This shows that the increase in the number of complaints received is not necessarily an immediate or direct result of lower standards in the University's respect for people's rights and freedoms or in the quality of its services.

However, in this presentation I would particularly like to highlight the institutional activities carried out by the UOC's *Sindicatura de Greuges* as secretary of the Executive Committee of the State Conference of University Ombudsmen (CEDU), which has significantly highlighted its work as part of the activities of this association of Spanish university ombudsmen.

Finally, as every year, I could not possibly finish this presentation without thanking Teresa Girona, administrative manager of the *Sindicatura de Greuges*, for her support, which has undoubtedly made my job easier. I would similarly like to thank the University's programme directors and teaching and administrative staff, who have been actively involved in the

Introduction

resolution of complaints and the implementation of my recommendations. And, finally, I would like to thank the University's governing bodies for their support throughout this academic year.

Dr. Agustí Cerrillo i Martínez

Síndic de greuges

The UOC's *Sindicatura de Greuges*

The *Sindicatura de greuges* of the Universitat Oberta de Catalunya is responsible for defending the rights and freedoms of all members of the UOC community in the face of any action or situation that is discriminatory, arbitrary or against which they have no defence, ensuring compliance with all the provisions of the Fundació per a la Universitat Oberta de Catalunya's statutes and the regulations implementing them and making every effort to maintain standards in all areas.

The UOC's *Sindicatura de Greuges* is independent, objective and impartial in its actions.

As stipulated in Article 44 of the UOC's Organizational and Operational Regulations, the *sindic de greuges* of the Universitat Oberta de Catalunya is appointed by the Foundation's Board of Trustees on the recommendation of the president.

Since the post was created, it has been held by Josep Coll (2008-2013), Pere Fabra (2013-2015) and Agustí Cerrillo (2015-present).

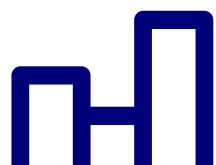
The activities of the UOC's *sindic de greuges* are governed by the provisions of the UOC's Organizational and Operational Regulations and the Regulations for the functions and responsibilities of the *sindic de greuges* approved on 1 September 2008 and amended by the Management Committee on 10 February 2020.

The UOC's *Sindicatura de Greuges* received a total of 345 written complaints or queries in the academic year 2020/2021 (75 more than the previous year). Of these, 343 were accepted for scrutiny (83 more than the previous year), an increase of 31.9%. The rest (2) were rejected because the complainants had failed to provide the minimum details about themselves required for the *síndic* to start proceedings.

Actions

Accepted for scrutiny	343	99.42 %
Rejected (settled before acceptance)	2	0.58 %
Total	345	100 %

Profile of complainants and types of complaints



3.9 x 1,000 students

Complaints ratio at the UOC

As there were 87,645 students enrolled in the UOC in academic year 2020/2021, the ratio of complaints accepted (343) was 3.9 per 1,000 students.

This ratio is slightly lower than that of the previous year (2019/2020), which stood at 3.4 complaints per 1,000 students. The increase in the number of students this year has thus also led to an increase in the number of complaints submitted to the *síndic de greuges*.

Although the UOC's *síndic de greuges* is responsible for defending the rights and freedoms of the whole academic community, in academic year 2020/2021 practically all complaints came from students.

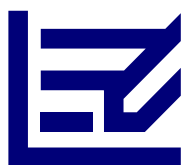
Only two complaints came from non-students: one from a course instructor and one from an applicant for a teaching staff position at the University.

Most complaints came from students who were studying for bachelor's degrees (232 students, 67.63% of all complaints). Furthermore, the highest number of complaints came from the Faculty of Psychology and Education Sciences (32, accounting for 29.09% of the total), followed by the Faculty of Law and Political Science (29, 26.36% of the total), the Faculty of Economics and Business (26, 23.64% of the total), and the Faculty of Computer Science, Multimedia and Telecommunications (20, 18.18% of the total). This was followed, with much lower numbers, by the other faculties.

Complaints by faculty

	Students	Complaints resolved	Percentage (complaints / total no. of students)	Percentage (complaints / total no. of complaints)
Faculty of Psychology and Education Sciences	17,272	32	0.18 %	29.09 %
Faculty of Economics and Business	15,292	26	0.17 %	23.64 %
Faculty of Computer Science, Multimedia and Telecommunications	12,046	20	0.17 %	18.18 %
Faculty of Law and Political Science	11,829	29	0.24 %	26.36 %
Faculty of Information and Communication Sciences	6,328	2	0.032 %	1.82 %
Faculty of Arts and Humanities	5,823	1	0.02 %	0.91 %
Faculty of Health Sciences	2,079	0	0 %	0 %
Doctoral School	151	0	0 %	0 %
Total	70,820	110		100 %

Profile of complainants and types of complaints



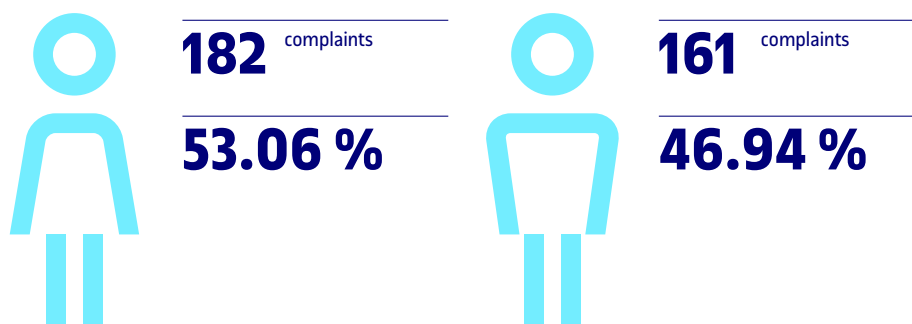
34.40 %
The
assessment
of teaching

was the area with the most complaints.
 118 cases

Complaints by type of course

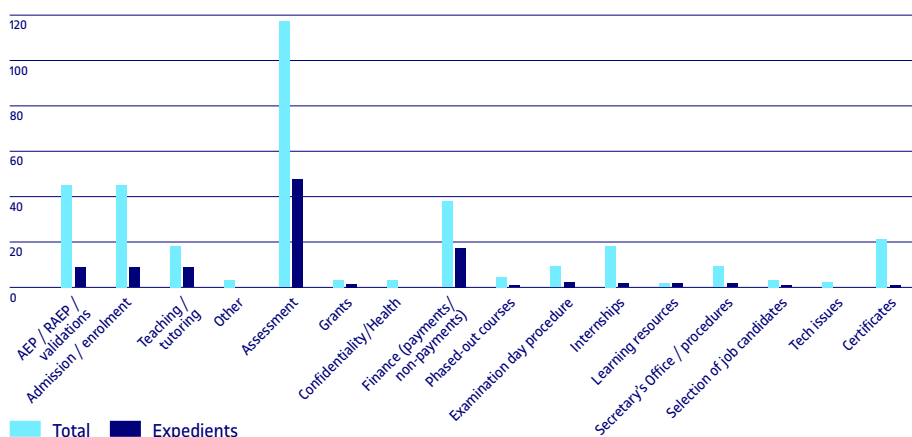
	Students	Complaints accepted	Percentage (complaints / total of students)	Percentage (complaints / total of complaints)
Bachelor's degrees of the Faculty of Economics & Business	48,074	79	0.16 %	71.82 %
Master's degrees and postgraduate courses	22,595	22	0.09 %	20 %
Centre for Modern Languages	6,524	0	0 %	0 %
UOC X	8,445	4	0.047 %	3.64%
Doctoral programme	151	3	1.98 %	2.73 %
Other		2		1.82 %
Total	87,645	110		100 %

Complaints by sex



343 complaints in total

Types of complaint



Profile of complainants and types of complaints



The order and increase in complaints remained similar to the previous year, headed by assessment-related complaints, with a total of 118 recorded cases (34.40%), followed (significantly behind) by complaints relating to admission and enrolment with 48 (13.99%), complaints about prior studies assessment and validations, with 46 cases (13.41%), complaints relating to the Accounting and Finance department, with 38 cases (11.08%), and complaints relating to Degrees and certificates, with 22 cases (6.41%). The number of internship-related complaints, on the other hand, fell from 18 to 16 (4.66%).

The most common complaints related to the final assessment, in spite of falling from 51 to 43 (36.44%). They were followed by those relating to copying or plagiarism, at 37 (31.35%), and by complaints about continuous assessment, with 24 cases (20.34%). Finally, there were 8 complaints relating to the bachelor's and master's degree final projects, two more than the previous year (6.78%), and only 1 complaint (0.85%) relating to the change in model.

No group complaints were received this year.

Specifically, the *síndic de greuges* has resolved complaints on the following subjects: (108 out of the 110).

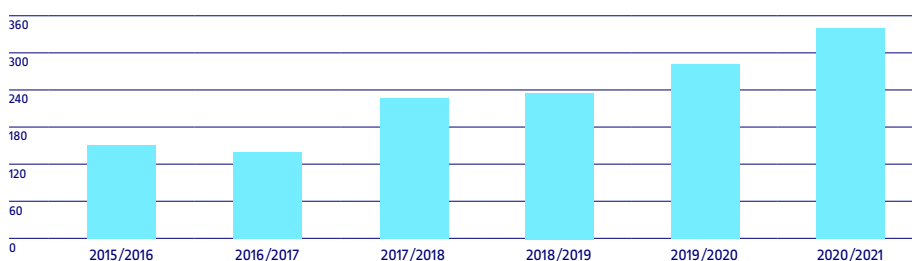
By types of complaint:

Academic		Prior studies assessment	11
		Assessment	51
		Teaching	8
		Phased-out courses	1
		Internships	2
Management		Admission and enrolment	9
		Grants	4
		Economics	15
		Procedures on exam days	3
		Learning resources	2
		Secretary's office / Procedures	2
		Selection	1
		Degree certificates, certifs. issued:	1

Number of complaints

Academic year 2020/2021 saw another significant increase in the number of complaints received by the *síndic de greuges*.

Complaints received

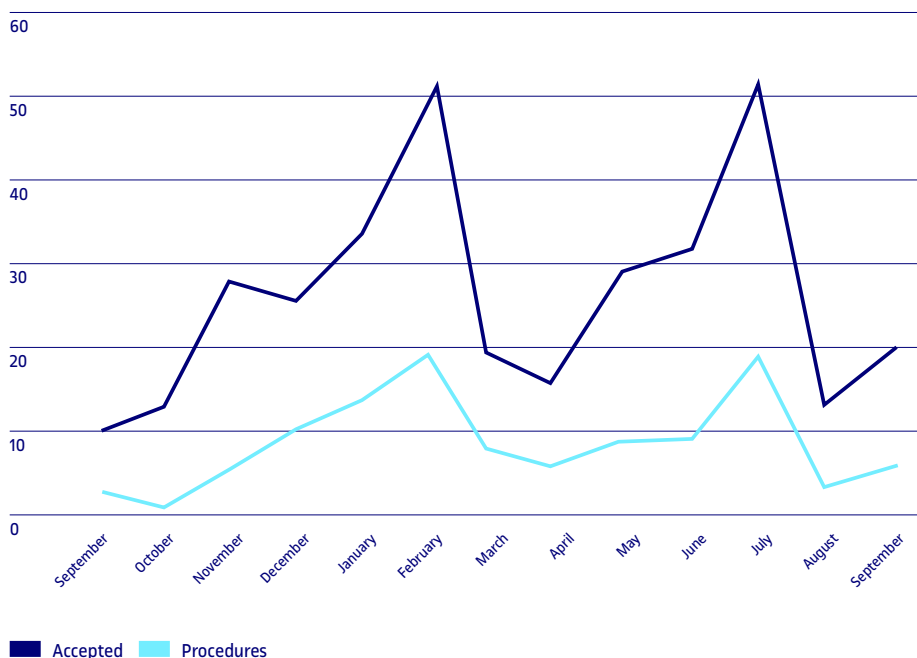


Number of complaints

	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021
Complaints received	145	131	185	187	270	345
Accepted	136	106	173	154	260	343
(% of complaints received)	93.79 %	80.92 %	93.51 %	82.35 %	96.29 %	99.42 %
Forwarded to other services	64	51	85	92	171	233
(% of complaints accepted)	47.06 %	48.11 %	49.13 %	59.74 %	66.77 %	67.93 %
Settled by the <i>síndic</i>	72	55	88	62	89	110
(% of complaints accepted)	52.94 %	51.89 %	50.87 %	40.26 %	34.23 %	32.07 %

Number of complaints

Distribution of complaints by month



The period with the highest number of complaints was between February and July, coinciding with the final assessment periods.

Decisions

Of the 343 matters accepted for scrutiny, the *síndic* opened 110 procedures, of which 96 (2 were pending settlement at the time of closing this report) were accepted and settled directly by the *síndic* itself, which issued the corresponding decision, accompanied in two cases by recommendations to the University.

In addition to these general recommendations, recommendations were made in response to the various complaints received.

As provided in the Regulations of the *síndic de greuges*, the remaining cases (233) had not exhausted all the other options for resolving complaints provided for by the UOC and were therefore forwarded to the University's services which, at the *síndic's* request, settled the complaints directly.

Complaints resolved before starting any procedures or in which the <i>síndic</i> was merely copied in	14
Forwarded to the deans	1
Forwarded to the Legal Office	6
Forwarded to the Help Service	64
Awaiting an answer from the Help Service	79
Assistance Service indicators	69
Total	233

In academic year 2020/2021, the *Sindicatura de Greuges* ruled in favour of the complainant in 10.91% of cases.

Complaints resolved

Complaints settled in the complainant's favour	12	10.91 %
Ruled against the complainant	96	87.27 %
Other	2	1.82 %
Total	110	100 %

Recommendations

During academic year 2020/2021, the *síndic de greuges* made two recommendations to the University authorities or staff in relation to the complaints received. This means that 1.82% of the decisions issued directly by the *síndic* included a recommendation to the University. In addition to these general recommendations, recommendations were also made in response to the various complaints received.

These have been forwarded to the Office of the Vice President for Teaching and Learning and the Academic Services department.

Giving effect to the recommendations made in academic year 2020/2021 entails changes to the University's academic regulations. As at the date of closing of this report, the implementation of both recommendations has been confirmed.

Recommendation 1 (October de 2020) Applied on: June 2021

In relation to a complaint submitted to the Universitat Oberta de Catalunya's *síndic de greuges* by a bachelor's degree student regarding the criteria for accepting or rejecting their enrolment in a UOC course or qualification, in view of the following:

- I. Law 3/1995 of 6 April 1995 on the recognition of the Universitat Oberta de Catalunya provides that "in the event of excess demand, in order to preserve the quality of education, the University may set restrictions and entrance tests based mainly on academic criteria. These entrance tests and criteria must be authorized by the competent bodies".
- II. The financial and academic regulations do not lay down any criteria for restricting enrolments in a course or access to the UOC's degrees.
- III. Due to the significant increase in demand for some degrees and/or courses and the difficulty hiring new course instructors, it was decided in semester 20201 to close the enrolment for some courses in the affected programmes.

Recommendations

IV. According to the information available to the *síndic*, all potentially affected students were informed of the situation through their tutors and, in general, no student who had applied to enrol within the enrolment period was left unable to enrol.

V. The only criterion used to restrict enrolment in semester 20201 was the time criterion.

In order to deal with this situation in an appropriate manner, protect students' rights and ensure the quality of the University, the UOC's *síndic* deemed it appropriate to make the following recommendations to the University's Office of the Vice President for Teaching and Learning:

I. To take the necessary steps to prevent an excessive number of enrolments in certain courses (for example, by recruiting new course instructors for high-demand courses or drawing up enrolment guidance plans, or through actions by tutors).

II. To use academic criteria, as provided by the Law on the Recognition of the University, to decide which students can enrol in a course with higher demand than available teaching resources in order to ensure the quality of teaching.

III. To ensure that students are informed before the start of the enrolment period about the exceptional or extraordinary possibility that the enrolment period for a particular course may end early due to excessive demand for reasons of quality, and of the criteria to be used to decide which students will be able to enrol.

This information could be general information for the University as a whole or specific information for programmes with high numbers of students or courses that are more likely to be oversubscribed.

IV. To update information in a timely manner as students enrol in the various courses.

In order to give effect to this recommendation, the Office of the Vice Presidents requested its inclusion in the academic regulations relating to enrolment. Article 20.4 x Resolution of the Executive Board was added on 28 June 2021.

20.4. The UOC reserves the right to end admission and/or enrolment in any programme or course available when there is a higher-than-expected number of enrolments that may jeopardize the quality and organization of teaching. The UOC must strive to guarantee students' right to complete their degree within the time envisaged. As a result, any student in this situation will be able to enrol in the relevant course(s).

Recommendations

Recommendation 2 (September 2021) Applied on: December 2021

Regarding the complaint received from a bachelor's degree student about an error identified in the assessment of previous vocational training studies in which the University interpreted the current rules to mean that the equivalence envisaged between the *tècnic especialista de la formació professional de segon grau* qualification and the *tècnic superior de formació professional* qualifications were applicable for academic and professional purposes but not at curricular level.

The current regulations do not provide an express criterion to be applied by the University when assessing previous studies originating from a *formació professional II qualification*, and it is reasonable to continue to use the criterion initially applied to the student, since the current regulations consider the two qualifications to be academically equivalent.

In order to deal with this situation appropriately, protect students' rights and ensure the quality of the University, the *síndic de greuges* of the Universitat Oberta de Catalunya made the following recommendation to the University's Academic Services department:

To recognize the relevant *formació professional II* courses taken, in accordance with the academic equivalence between *formació professional II* qualifications and *cicle formatiu de grau superior* (CFGS) qualifications laid down by the current legislation, as equivalent to the CFGS courses recognized in the Bachelor's Degree in Psychology programme of study.

For the second consecutive year, in academic year 2020/2021 the UOC's *síndic de greuges*, as Secretary of the State Conference of University Ombudsmen (CEDU), attended various online meetings of the Executive Committee (2 and 23 October 2020; and 29 January, 12 March, 23 April and 21 June 2021).

In addition, it also attended the 13th online General Meeting of University Ombudsmen (6 November 2020) and the Extraordinary General Meeting of the CEDU itself (11 June 2021), as well as the Virtual Meeting of the RidDU (Red Iberoamericana de Defensorías Universitarias – Ibero American Network of University Ombudsmen) on 22 and 23 June 2021.

The *síndic de greuges* also attended the webinar “Docencia en línea y protección de datos en tiempos de pandemia (“Online teaching and data protection in pandemic times”) on 7 May 2021.

Finally, it also attended the meeting of Ombudsmen of the Vives Network of Universities, which was held online on 8 July 2021.

The UOC's *Sindicatura de Greuges* is a member of a number of Catalan, Spanish and international networks and associations of university ombudsmen:

- Ombuds officers' group within the Vives Network of Universities: www.vives.org
- Conferencia Estatal de Defensorías Universitarias (Spanish Conference of University Ombuds Officers), as part of its Executive Committee: www.cedu.es
- Red de Defensores de los Derechos Universitarios (Mexican Network of University Ombuds Officers): www.reddu.org.mx
- Red Iberoamericana de Defensorías Universitarias (Ibero-American Network of University Ombuds Officers): www.riddu.org

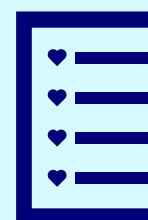
Compliance with the Code of Ethics

The UOC's Code of Ethics, which was approved by the Governing Council in July 2009, sets out the values, principles and commitments that inspire and guide the conduct of all members of the academic community. Far from merely providing behaviour guidelines for the academic community's various members (people and groups), the Code of Ethics also provides guidance for the University's and its staff's relations with third-party companies and organizations that collaborate with the UOC or provide services to it. The Code of Ethics is a very important tool, together with the above-mentioned principles of legality, justice, fairness and proportionality, in the resolution by the *Sindicatura de Greuges* of many of the disputes brought before it.

In addition, Articles 43 and following of the Code of Ethics state that the University's *síndic de greuges* is responsible for monitoring and assessing compliance with the Code. Any person who refers to the Code of Ethics in any appeal procedure must inform the *síndic*, which will add a note on such compliance in its annual report.

No action specifically relating to the application of the University's Code of Ethics was taken by the *síndic de greuges* in academic year 2020/2021.

The UOC's Code of Ethics sets out the values, principles and commitments that inspire and guide the conduct of all members of the academic community.





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Address:

Universitat Oberta de Catalunya,
Av. del Tibidabo, 39-43
08035 Barcelona.

Barcelona
Bogotá
Mexico City
Madrid
Palma
Seville
Valencia

Headquarters

Av. del Tibidabo, 39-43
08035 Barcelona
(+34) 932 532 300

All the UOC's centres at
seus.uoc.edu