
Report of the *Sindicatura de Greuges*

2017-2018 Academic Year

Presentation

The main functions of the Universitat Oberta de Catalunya's Síndic de Greuges are to defend the rights and freedoms of all members of the university community against any action or situation of discrimination, powerlessness or arbitrariness and to preserve the University's quality in all spheres.

During the 2017/2018 academic year, the Síndic de Greuges received 185 complaints from members of the university community, 41% more than the previous year.

On the basis of the complaints received, 88 procedures were opened, as a result of which 71 decisions were drafted and 6 recommendations were issued to the University to improve its regulations or processes.

During the 2017/2018 academic year, the Síndic de Greuges has consolidated his participation in various ombudsmen networks (the Xarxa d'Ombudsman de Catalunya, Xarxa Vives d'Universitats, Conferencia Estatal de Defensores Universitarios and Red de Defensores de los Derechos Universitarios), in which he has been able to share experience and knowledge with other síndics and ombuds. Within the framework of these networks, the UOC's Síndic de Greuges has given a number of lectures on the ombudsman's function, the protection of personal data at the university or the role played by ombudsmen in university transparency.

In its annual report, the Universitat Oberta de Catalunya's Office of the Síndic de Greuges outlines the main indicators of the activity carried out during the 2017/2018 academic year and summarizes the recommendations that have been implemented.

In the course of this activity, the Síndic de Greuges has been supported by the University's governing bodies and academic and administrative staff, and benefited from the invaluable assistance provided by Teresa Girona, the Office of the Síndic de Greuges' administrative manager. I would like to thank each and every one of them.

Dr. Agustí Cerrillo Martínez
Síndic de Greuges

The UOC's *Síndic de Greuges*

The *Síndic 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 which is discriminatory, arbitrary or against which they have no defence, ensuring compliance with all the provisions of the University's statutes and the regulations implementing them and making every effort to maintain standards in all areas.

The UOC's *Síndic de Greuges* acts independently, objectively and impartially.

As stipulated in Article 44 of the UOC Organizational and Operational Regulations, the *Síndic de Greuges* 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 (since 2015).

The activities of the UOC's *Síndic de Greuges* are governed by the provisions of the UOC Organizational and Operational Regulations and the Regulations for the functions and responsibilities of the *Síndic de Greuges*, approved on 1 September 2008.

Actions

The UOC's Office of the *Síndic de Greuges* received 185 written complaints or consultations from students in the 2017/2018 academic year (54 more than the past academic year), of which 173 were accepted for scrutiny (67 more than the past academic year), which represented an increase of 63%. Non-acceptance of the remainder (12) was mainly because the issues raised had not exhausted all the settlement possibilities provided by the UOC or did not meet one or more of the requirements stipulated in the Regulations of the *Síndic de Greuges*:

- The complainant must be identified.
- The complainant must be a member of the University's academic community (student, teacher or administrative staff).
- The matter must not be the subject of any legal claim or proceedings.
- The claimant must have already made use of the University's channels for submitting complaints.

Table 1. Actions

Accepted for scrutiny	173	93.51%
Rejected	12	6.49%
Total	185	100%

Decisions

Of the 173 matters accepted for scrutiny, the *síndic* opened 88 procedures, of which 71 were handled directly by the *síndic*, who issued the corresponding decision, accompanied in 6 cases by recommendations to the University. Seventeen remained unsettled as they were pending a decision by other services.

The remaining complaints (85) were settled directly by University services on the request of the *síndic*.

Of the total number of cases, the *síndic* ruled fully or partly in favour of the complainant 24.

In the 2017/2018 academic year, the Office of the Síndic de Greuges ruled in favour of the complainant in 27.27% of cases.

Table 2. Complaints settled and dismissed

Settled in favour of the complainant	24	27.27%
Settled against the complainant	47	53.41%
Complaints not settled (due to appeals in progress)	17	19.32%
Total	88	100%

Profile of complainants and type of complaints reclamantes

As there were 65,360 students enrolled in the UOC in the 2017/2018 academic year, the ratio of complaints accepted (173) was 2.6 per thousand students.

This ratio of complaints is significantly higher than the ratio for the previous year (2016/2017), which stood at 1.8 complaints per thousand students. Accordingly, the increase in the number of students this year has 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 the academic year 2017/2018, practically all the complaints came from students.

Three complaints came from applicants for affiliated teaching posts. Although these people are not members of the university community, the complaints led to an ex officio action by the *Síndic de Greuges*, who considered that the issues raised could affect the University's quality.

2.6 complaints were received per thousand students at the UOC.

The majority of the complaints received (60.70%) were made by bachelor's degree students. Following the trend of previous years, the largest number of complaints came from students from the Faculty of Psychology and Education Sciences (43.18%), followed by Law and Political Science (15.91%), Economics and Business (14.77%), and Computer Science, Multimedia and Telecommunications. (12.5%).

Table 3. Complaints by subject area

Students only from official programmes in which the UOC is the coordinating university (interim data as at 21 September).

Faculty	Students (official programmes only)	Complaints settled	Percentage (complaints / total students)	Percentage (complaints / total complaints)
Doctoral School	261	0	0%	0%
Faculty of Arts & Humanities	3,618	2	0.05%	2.27%
Faculty of Information and Communication Sciences	2,981	2	0.07%	2.27%
Faculty of Health Sciences	1,898	1	0.05%	1.14%
Faculty of Law and Political Science	8,759	14	0.16%	15.91%
Faculty of Psychology and Education Sciences	15,358	38	0.25%	43.18%
Faculty of Economics and Business	11,147	13	0.17%	14.77%
Faculty of Computer Science, Multimedia and Telecommunications	9,579	11	0.11%	12.50%
Other		7	0.01%	7.95%
Total	53,601	88		100%

Table 4. Complaints by type of course

Type of course	Students	Complaints accepted	Percentage (complaints / total students)	Percentage (complaints / total complaints)
EHEA bachelor's degrees	37,162	105	0.161%	66.04%
Master's degree and postgraduate courses	20,562	49	0.075%	30.82%
Doctoral degree	261	3	0.005%	1.88%
Centre for Modern Languages	5,055	2	0.003%	1.26%
Open courses	1,075	0	0%	0%
Open programmes	1,245	0	0%	0%
Total	65,360	159*	0.24%	100%

* With respect to the difference between the total number of complaints in tables 4 and 5, the additional complaints making up the total of 173 were from alumni and applicants in recruitment processes.

Table 5. Complaints by sex

Sex	Complaints	%
Men	95	54.9%
Women	78	45.1%
Total	173	100%

The greatest number of complaints received in the year related to teachers' assessments, a total of 40 cases (23.12%).

The assessment, which includes both the continuous assessment and the final assessment, again received the most complaints this year, with a total of 40 recorded cases (23.12%), followed at some distance by the complaints due to incidents during enrolment (22%), financial issues (16%), prior studies assessment/academic recognition of professional experience/validations (15%), and teaching activity and plagiarism (14% each).

Assessment complaints were related in the main part to final assessment (26 complaints, 65%).

Figure 1. Type of complaint

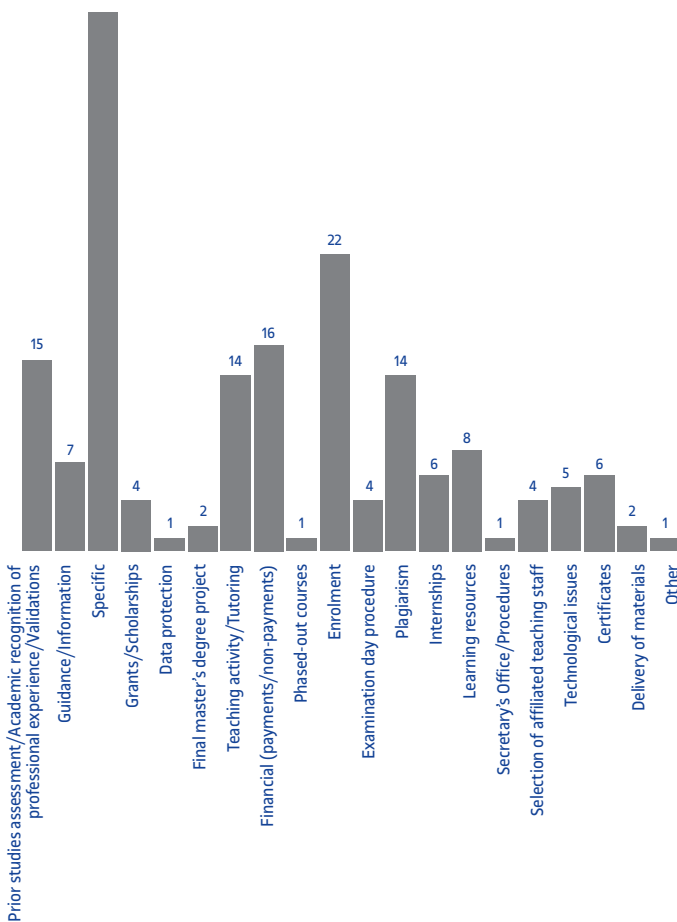
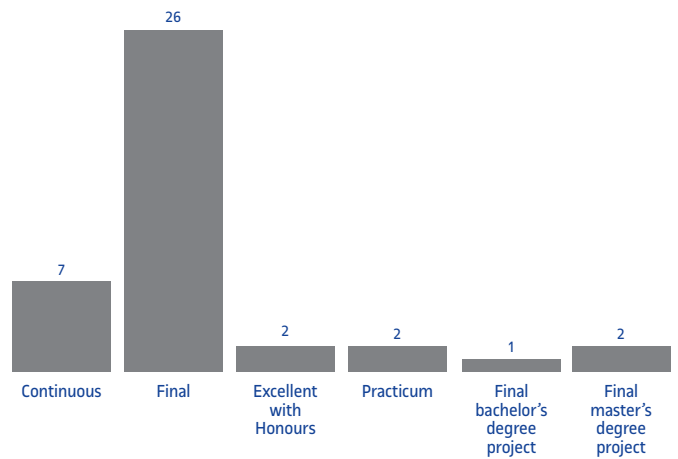


Figura 2. Assessment complaints

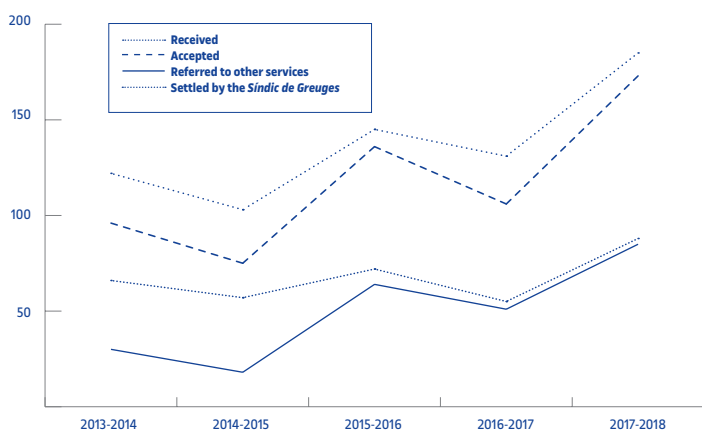


Number of Complaints

During the 2017/2018 academic year, there has been an increase in the number of complaints received by the *Síndic de Greuges*. This increase has been greater than the increase in the number of students at the University.

Table 6. Number of complaints

Complaints	2013	2014	2015	2016	2017
	2014	2015	2016	2017	2018
Received	122	103	145	131	185
Accepted (% of complaints received)	96 78.70%	75 72.81%	136 93.79%	106 80.92%	173 93.51%
Referred to other services (% of complaints accepted)	30 24.60%	18 17.47%	64 47.06%	51 48.11%	85 49.13%
Resolved by the <i>síndic</i> (% of complaints accepted)	66 75.40%	57 76.00%	72 52.94%	55 51.89%	88 50.87%



Recommendations

During the 2017/2018 academic year, the *Síndic de Greuges* has made six recommendations to the University authorities or staff related with the complaints received. This means that 8.45% of the decisions issued directly by him have included a recommendation to the University. In addition to these general recommendations, there are also the recommendations that have been made in response to the various complaints received.

The recommendations have been sent to various bodies within the University (the deans, Office of the Vice President for Teaching and Learning, Personnel, Academic Services, and the Legal Office).

Implementation of the recommendations made during the 2017/2018 academic year implies changing the University's academic and financial regulations and its teaching and administrative staff recruitment policy. On the date of closure of this report, the implementation of three of the six recommendations has been confirmed.

Recommendation 1 (December 2017)

Implementation: pending

With respect to a complaint submitted to the *Síndic de Greuges* by a postgraduate student, a review is recommended of the financial regulations for exemptions considered applicable as a result of obtaining an Excellent with Honours as a result of alternative types of achievement marking the end of the course, analysing what the financial consequences in these cases should be.

It is also recommended to review the academic regulations to explicitly include the possibility of obtaining an Excellent with Honours for alternative types of achievement marking the end of the course, for example at the end of a postgraduate programme, and to define the limits that govern the granting of this type of credit.

Recommendation 2 (January 2018)

Implementation: pending

With respect to a complaint submitted to the *Síndic de Greuges* by a student, the *síndic* recommends assessing the possibility of changing the University's financial regulations so that, in the cases in which it is impossible to re-enrol (due to death) or in which the student states that he or she does not want to continue with a course programme and asks for voluntary cancellation of the enrolment (due to severe illness or exceptional personal, financial or force majeure circumstances), not only is the amount charged for academic services reimbursed, but also the amount that has been paid for the learning resources – as is already done in the case of withdrawal – because no use has been made of them.

Recommendation 3 (January 2018)

Implemented: January 2018

With respect to a complaint submitted to the *Síndic de Greuges* by a student enrolled on the University Master's Degree in Nutrition and Health, the faculty is recommended to take the necessary steps to avoid excessive similarity in the continuous assessment activities from one semester to another.

Recommendation 4 (February 2018)

Implemented: November 2018

With respect to a complaint submitted to the *Síndic de Greuges* by an applicant for an administrative staff position, it is recommended to review and update the procedures established for selecting the University's staff in order to ensure that vacancies are announced with sufficient prior information about the intended qualification and scoring criteria to enable all candidates to know why they have been selected or not and, if appropriate, to find out which candidates have been selected.

Recommendation 5 (June 2018)

Implemented: November 2018

With respect to a complaint submitted to the *Síndic de Greuges* by an applicant for a position within the affiliated teaching staff, it is recommended to review and update the procedures established for selecting the University's affiliated teaching staff and, if applicable, the University's faculty members and administrative staff, in order to ensure adequate announcement of the selection procedures, with sufficient prior information about the established qualification and scoring criteria to enable all candidates to know why they have been selected or not and, if appropriate, to find out which candidates have been selected.

Recommendation 6 (July 2018)

Implementation: pending

With respect to a complaint submitted to the *Síndic de Greuges* concerning a penalty for non-payment, the *síndic* recommends an analysis to determine whether the current regulations concerning penalties due to non-payment guarantee the principles that govern sanctioning activity and, in particular, the principles of proportionality and legal security so that each circumstance can be assessed on an individual basis and, if this is not so, to implement the necessary regulatory reforms.

Mediation

Mediation is an alternative system for managing conflicts within a context of growth, acceptance, learning and mutual respect.

It consists of a voluntary, flexible, participative process for the pacific resolution of conflicts, in which two opposing parties voluntarily turn to a third impartial person, the mediator, to arrive at a satisfactory agreement for the parties.

During the 2017/2018 academic year, the *Síndic de Greuges* has not activated the mediation procedure in response to any of the complaints received by his office.

Institutional Activities

During the 2017/2018 academic year, the UOC's *Síndic de Greuges* participated in the following events as speaker:

- The Ombuds' Contribution to University Transparency. 14th International Conference of University Ombuds (18 to 20 October 2017, El Salvador).
- Round table "Presentation of the Xarxa Ombudsman de Catalunya" (29 November 2017, Cornellà de Llobregat).
- Round table "The functions of the Catalan Ombudsman" (22 March 2018, Barcelona).
- CEDU technical working meeting "Personal data protection's impact on the university and the university's obligations" (11-12 May 2017, Salamanca).

The UOC's *Síndic de Greuges* also took part in:

- 11th Meeting of University *Síndics de Greuges*, Ombudsmen and Mediators organized by the Vives Network of Universities (July 2017, University of Alacant).

The UOC's Office of the *Síndic de Greuges* participates in a number of Catalan, Spanish and international networks and associations of university ombudsmen:

- Ombudsmen's Group of the Vives Network of Universities: <http://www.vives.org/en/about-us/>
- Conferencia Estatal de Defensores Universitarios (CEDU): <http://www.cedu.es/>
- European Network of Ombudsmen in Higher Education (ENOHE): <http://www.enohe.net/>
- Red de Defensores de los Derechos Universitarios: <http://www.reddu.org.mx/>

The UOC's *Síndic de Greuges* and the University of Vigo's *Síndic de Greuges* have published the article "La contribución de los defensores universitarios a la transparencia y el buen gobierno de las universidades" (The ombuds' contribution to university transparency and good governance). *Revista Universidad, Ética y Derechos*, no. 2 (2017).

Compliance with the Code of Ethics

The UOC's Code of Ethics, approved by the Governing Council in July 2009, sets out the values, principles and commitments that guide the conduct of all the members of the academic community. It not only provides guidelines for the conduct of the individuals and groups that form that community, it also governs the relations of the University and its staff with the external entities and companies that provide services to or work with the University. The Office of the *Síndic de Greuges* pays particular attention to this document, as well as to the aforementioned principles of legality, fairness, equity and proportionality when considering the disputes referred to it.

In addition, articles 43ff 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*, who will incorporate a note on said procedure in the annual report.

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

In the 2017/2018 academic year, no action specifically related to enforcing the University's Code of Ethics was taken by the *Síndic de Greuges*.

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