

Ombudsman's Report

2013-2014 Academic year

Introduction



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Síndic de Greuges (Ombudsman)

The Regulations for the functions and responsibilities of the *Síndic de Greuges* (Ombudsman) of the Universitat Oberta de Catalunya state that the ombudsman must present an annual report on his/her activities to the FUOC Board of Trustees.

This report details the activities of the Office of the *Síndic de Greuges* in the 2013-2014 academic year. This was my first year as ombudsman, having been appointed by the Foundation's Board of Trustees on 25 November 2013 to replace Dr Josep Coll. As the first UOC ombudsman, Dr Coll drew up the initial procedures that ensured the Office of the *Síndic de Greuges* became an established part of university life, making my work much easier when I took over this role.

The report summarises the actions carried out by the Office of the *Síndic de Greuges*, principally dealing with and resolving complaints, together with figures on the number and type of complaints received. Specific details of each case are not provided, but the report does contain general thoughts on the cases seen and discusses the recommendations passed on to the University's governing bodies following the resolution of certain cases.

Following this, my first year as ombudsman, I would like to thank everyone in the University, its governing bodies, academic and management staff, for their goodwill and assistance when I have asked for information, opinions or advice on resolving the issues that have come before me. Most particularly, I wish to thank the Office Manager, Teresa Girona, for her support and efficiency.



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Statutes and regulations

Article 24 of the Organizational and Operational Regulations of the UOC establish that the FUOC's Trustees, under proposal from the president, will appoint a University ombudsman. This ensures that the University is in compliance with additional provision 14 of Organic Law 6/2001, of 21 December, modified by Organic Law 4/2007, on universities, establishing a requirement for universities to have an ombudsman.¹

In compliance with these regulatory requirements, the Board of Trustees of the Fundació per a la Universitat Oberta de Catalunya (FUOC) approved the Regulations for the functions and responsibilities of the *Síndic de Greuges* (Ombudsman) of the Universitat Oberta de Catalunya, establishing the following:

Art. 1. Nature

"1. The ombudsman is responsible for protecting and defending the academic community concerning issues submitted to him/her or which he/she decides to address. There is also a reporting aspect to the role, whereby the ombudsman may attend meetings of the University's collegiate bodies as non-voting participant."

Regulations for the functions and responsibilities of the *Síndic de Greuges* (Ombudsman)
Spanish version: http://www.uoc.edu/portal/_resources/ES/documents/la_universitat/sindic/reglamento_sg.pdf
Catalan version: https://seu-electronica.uoc.edu/portal/_resources/CA/documents/seu-electronica/Art_Ins_21_reglament_sindicatura_greuges.pdf

Art. 2. Scope of action

"1. The UOC's ombudsman is responsible for defending the rights and freedoms of every member of the academic community in the event of any discrimination, abuse of power or arbitrary treatment and for ensuring compliance with the University's Statutes and rules."

"2. The actions of the ombudsman must always focus on protecting academic excellence (...) and the values of the University as a place for the exchange and creation of knowledge and training (...), defending them against any behaviour that could damage the institution from within or without."

Art. 6. Functions

"6. The University is governed by the principles of legality, justice, equity and proportionality, taking into account and, where applicable, attending to the recommendations of the independent and autonomous internal and external bodies that are responsible for protecting people's rights and duties, in particular the reports presented by the University's ombudsman."

Rules on rights and duties
Spanish version: https://seu-electronica.uoc.edu/portal/_resources/ES/documents/seu-electronica/NORMATIVA_DE_DRETS_I_DEURES_20130410_ESP.pdf
Catalan version: https://seu-electronica.uoc.edu/portal/_resources/CA/documents/seu-electronica/Art_Ins_12_Normativa_drets_i_deurescorrectex.pdf

1. Additional provision 14 of Organic Law 6/2001, of 21 December, modified by Organic Law 4/2007, of 12 April, on universities, establishing a requirement for universities to have an ombudsman". *Official Gazette of the Government of Spain (BOE)*, no. 307, of 24 December 2001, pages 49400 to 49425.
<http://www.boe.es/buscar/act.php?id=BOE-A-2001-24515&tn=1&p=20140917&vd=#dadecimocuarta>

Actions

The UOC's Office of the *Sindic de Greuges* received 122 written complaints or consultations from students in the 2013-2014 academic year, of which 96 were accepted for scrutiny. The complaints which were not accepted did not meet the conditions and requirements stated in the Regulations or Protocol of the Office of the *Sindic de Greuges*. For a complaint to be accepted the following are required:

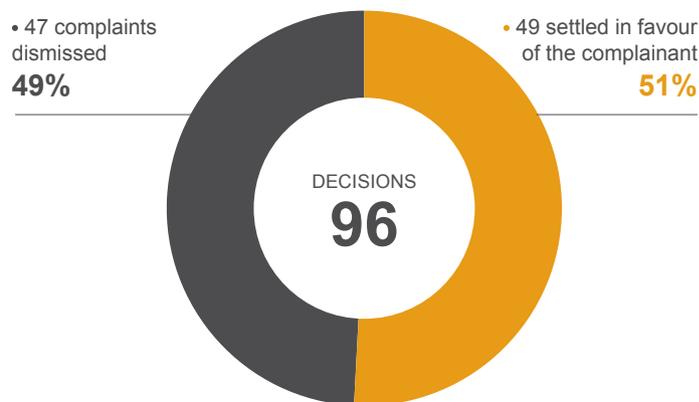
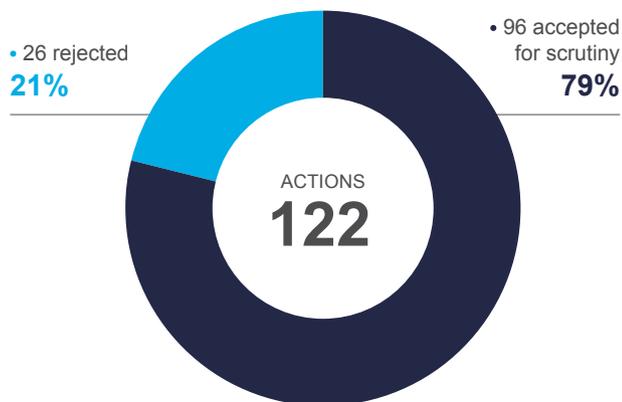
- > The complainant must be identified.
- > The complainant must be a member of the University's academic community (student, teacher or member of staff).
- > The matter must not be the subject of any legal claim or proceedings.
- > The claimant must have already made use of the University's channels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

In the 2013-2014 academic year, the Office of the *Sindic de Greuges* ruled in favour of the complainant in 51% of cases.

Decisions

Of the 96 complaints accepted for scrutiny, 66 were examined directly by the ombudsman, who ruled on the case, issuing recommendations to the University in some cases. The remaining 30 were resolved directly by University services on the request of the ombudsman.

The ombudsman ruled fully or partially in favour of the complainant in 49 of the 96 cases.



Profile of complainants and type of complaints

As there were 52,513 students enrolled in the UOC in the 2013-2014 academic year, the ratio of complaints was 2.3 per thousand students.

All the complaints came from students. One consultation was received from a member of the teaching staff while no member of the administrative staff approached the ombudsman.

Virtually all the complaints were made by individuals, with just three collective com-

plaints received. The collective complaint with the greatest number of complainants was received from students studying the Psychology degree, demanding changes to the current course plan. The other two were from Law students: one from students on the old pre-EHEA degree course complaining about the removal of continuous assessment from subjects being taken off the curriculum, and the other from students on the Law degree in respect of certain changes made to the activities subject to continuous assessment.

2.3 complaints were received per thousand students at the UOC.

Table 1. Complaints by subject area

Subject	Students (official programmes only)	Complaints	Percentage (complaints / students)	Percentage (complaints / total complaints)
> Economics and Business Studies	11,062	24	0.22%	20%
> Information Science	2,985	12	0.40%	10%
> Law and Political Science	6,181	39	0.63%	32%
> Arts and Humanities	2,686	7	0.26%	6%
> Psychology and Education	10,221	21	0.21%	17%
> Computer Science and Telecommunications	7,085	18	0.25%	15%
> Health Sciences	501	1	0.20%	1%
Total	40,721	122	0.30%	100%

The majority of the complaints received (86.89%) were made by bachelor's degree students. By subject area, Law students submitted the greatest number of complaints to the Office of the *Síndic de Greuges* (32%), followed by Economics and Business Studies (20%).

Table 2. Complaints by type of course

Type of course	Students	Complaints	Percentage (complaints / total students)	Percentage complaints / total complaints)
> EHEA degree, pre-EHEA degree or diploma	35,758	106	0.30%	86.89%
> Master's degree and postgraduate courses	7,095	11	0.16%	9.02%
> Doctoral degree	147	3	2.04%	2.46%
> Others (School of Languages, UOC-certified, etc.)	9,513	2	0.02%	1.64%
Total	52,513	122	0.23%	100%

The table shows that three times as many students from the Global Campus submitted complaints (0.66%) than students from the Main Campus (0.25%)

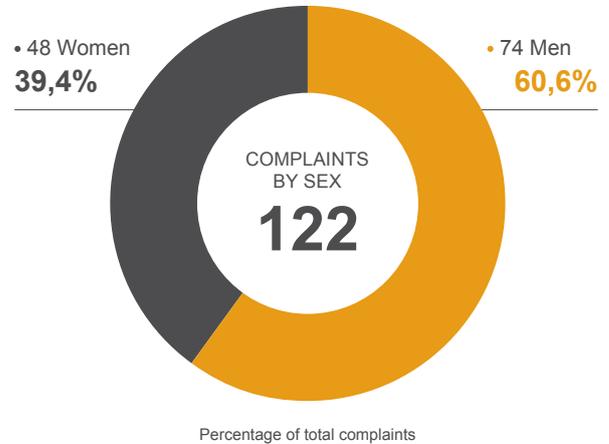
Table 3. Complaints by campus

	Complaints	% (of all complaints)	‰ (of students on each campus)
> Main Campus	92	75.41%	0.25%
> Global Campus	30	24.59%	0.66%
Total	122	100%	

There is also a gender bias, with 0.167% of women students submitting complaints compared with 0.31% of men, twice as many.

Table 4. Complaints by sex

	Complaints	%	‰
> Men	74	60.6%	0.31%
> Women	48	39.4%	0.167%
Total	122	100%	

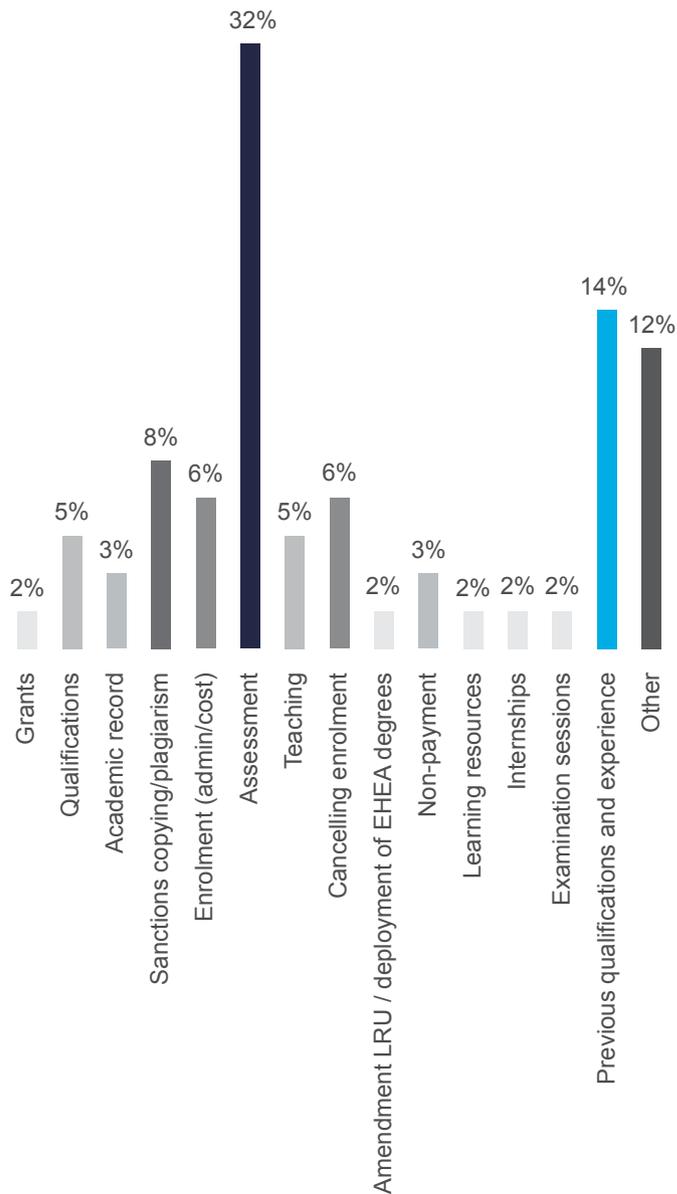


The greatest number of complaints received in the year related to teachers' grading of both continually assessed work and final examinations, a total of 21 cases. This was followed by issues related to the recognition of previously awarded qualifications and professional experience (9 cases).

The greatest number of complaints received in the year related to teachers' assessments, a total of 21 cases (17.2%).

With respect to complaints received concerning teachers' assessments, the Office of the *Síndic de Greuges* dismissed the majority, as it does not have powers to revise the content of specific tests, only to monitor to ensure that assessments are performed in line with the procedures and guarantees set out in the academic regulations. In certain cases the ombudsman did recommend that the University give the students a more detailed explanation of the marks awarded. The ombudsman also stressed the need to standardise criteria on the recognition of previously awarded qualifications and professional experience.

The Ombudsman's Office also recommended improvements to the rules concerning aspects of enrolment and the financial implications of withdrawing from courses, in respect of 8 complaints. It also made a specific recommendation to teaching staff with regard to five cases of sanction procedures initiated, concerning cheating or plagiarism in continuously assessed work or final examinations.



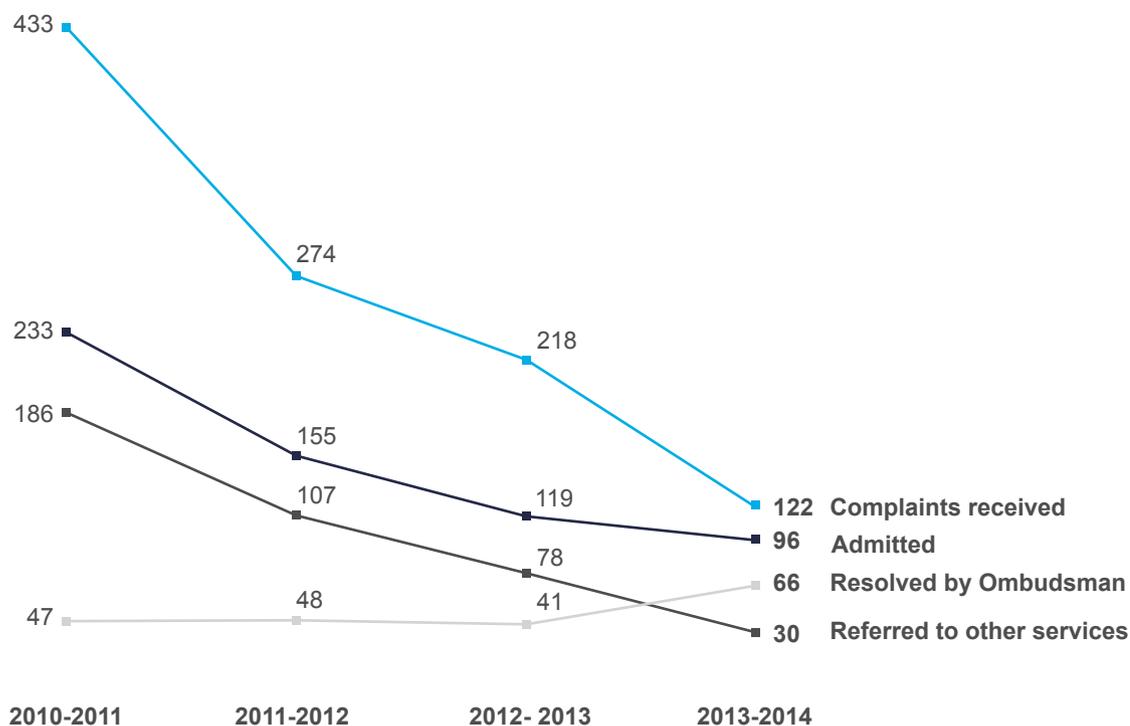
Number of complaints

The number of complaints referred to the Office of the *Sindic de Greuges* has fallen progressively in recent years. This is partly due to a better understanding by students of the role of the Office of the *Sindic de Greuges* and the University's internal mechanisms for dealing with complaints, and partly due to better handling of complaints by the University's student services and complaints services.

Table 5. Number of complaints

Type	2013-2014	2012-2013	2011-2012	2010-2011
> Complaints received	122	218	274	433
> Admitted	96	119	155	233
> (as a % of those received)	78.70%	54%	56.50%	51.50%
> Referred to other services	30	78	107	186
> (as a % of those admitted)	24.60%	65.50%	69%	79.80%
> Resolved by the ombudsman	66	41	48	47
> (as a % of those admitted)	75.40%	34.50%	31%	20.20%

The number of cases resolved directly by the Office of the *Sindic de Greuges*, both in total and as a percentage of those submitted, has increased significantly. This is because, although fewer complaints were submitted, they are the most complex cases, for which a solution could not be found via the University's normal channels.



Institutional activities

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/>

As a member of these networks, the ombudsman attended the following events during the 2013-2014 academic year:

- > 16th Conference of University Ombudsmen, organized by the CEDU (6-8 November 2013 at the University of Seville and Universidad Pablo de Olavide).
- > Higher Education Ombudsmen and Empowerment: How to Make it Work. 11th Annual Conference of the ENOHE (15-17 May 2014, University of Warsaw).
- > 7th Meeting of University Ombudsmen and Mediators of the Vives Network of Universities (3-4 July 2014, Pompeu Fabra University).

The ombudsman held meetings with representatives of the UOC's Student Council to explain the mission and functions of the Office of the *Síndic de Greuges* and to listen to students' concerns. He also met representatives of the Works Council, representing teaching and administration staff.

Article 46 of the UOC's Code of Ethics specifically states that the ombudsman must meet annually with designated members of the Works Council to review the provisions of the Code.

Following the Code of Ethics

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.

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 ombudsman 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 ombudsman, who will incorporate a note on said procedure in the annual report.

During the 2013-2014 academic year, the Office of the *Síndic de Greuges* was notified of just one case in which a direct appeal to the Code of Ethics was made: https://seu-electronica.uoc.edu/portal/_resources/CA/documents/seu-electronica/Codietic_UOC_2012-cat_CA.pdf (in Catalan)



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