
Report of the office of the Síndic de Greuges 2015-2016 Academic Year

Presentation

This report details the activity of the Universitat Oberta de Catalunya's Office of the Síndic de Greuges during the 2015-2016 academic year.

It has been written with the initial purpose of informing the Fundació per a la Universitat Oberta de Catalunya's Board of Trustees about the Síndic de Greuges' activity, as provided in the regulations. However, this report also seeks to be an instrument of transparency and, in general, a tool for rendering account to the University community of the activity undertaken by the Síndic de Greuges during the 2015-2016 academic year.

The report summarizes the actions carried out by the Office of the Síndic de Greuges, principally dealing with and settling complaints.

During the 2015-2016 academic year, more complaints, of varying typology, have been received than during previous years. Specifically, during the 2014-2015 academic year, 103 complaints were received, of which 75 were accepted, and this year (2015-2016), 145 complaints have been received (42 more than the previous year), of which 136 (61 more) have been accepted. This is an increase of 44.85% over the previous year. As regards the complaints as such, the report compiles a series of data that provides information on their evolution, typology and features.

The report also includes a reference to the recommendations that the Síndic de Greuges has made to the University's governing bodies during this year and which have helped improve its functioning as a result of addressing some of the complaints that have been made. The report also gives account of the follow-up by the University of the recommendations that have been made.

The Universitat Oberta de Catalunya's Síndic de Greuges has broadened the scope of activity during the 2015-2016 academic year.

First of all, the first online mediation procedure has been carried out between two members of the University community. Second, at the request of a programme manager, the Síndic de Greuges has issued a report on the impact that the programme's design could have on the University's functioning.

We would also highlight the intense institutional activity undertaken by the Universitat Oberta de Catalunya's Síndic de Greuges during 2015-2016. In particular, the Vives University Network's 9th Meeting of University Ombudsmen and Mediators organized by the UOC, the talks given by the *síndic* at the 18th National Meeting of University Ombudsmen and the Technical Seminar of the National Conference of University Ombudsmen, organized by the National Conference of University Ombudsmen.

The Síndic de Greuges' activity has been simplified thanks to the support and cooperation received from the University's academic and administrative staff and the support provided by the governing bodies, which have given at all times the information requested to settle the complaints and have listened to the recommendations that have been made. The work and support provided by Teresa Girona, our administrative manager at the Office of the Síndic de Greuges, has also made the task a lot easier. My sincere thanks to everyone.

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 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 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 145 written complaints or consultations from students in the 2015-2016 academic year, of which 136 were accepted for scrutiny. The complaints which were not accepted (9) did not meet the conditions and requirements stated in the Regulations or Protocol of the Office of the Síndic 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.

Table 1. Actions

| | | |
|-----------------------|-----|--------|
| Accepted for scrutiny | 136 | 93.79% |
| Rejected | 9 | 6.21% |
| Total | 145 | 100% |

Decisions

Of the 136 matters accepted for scrutiny, the *síndic* opened 72 procedures, of which 42 were handled directly by the *síndic*, who issued the corresponding decision, accompanied in 10 cases by recommendations to the University.

The remaining complaints (94) were settled directly by University services on the request of the *síndic*.

On one occasion, the *síndic* acted at the request of the UdL's Ombudsman and, on another two occasions, he requested the action of the UdG's Ombudsman.

Of the 136 cases, 73 were decided fully or partially in favour of the complainant (9 directly by the *síndic* and 64 by other services of the University).

In the 2015-2016 academic year, the Office of the Síndic de Greuges ruled in favour of the complainant in 53.68% of cases.

Table 2. Complaints settled and dismissed

| | | |
|--------------------------------------|-----|--------|
| Settled in favour of the complainant | 73 | 53.68% |
| Complaints dismissed | 63 | 46.32% |
| Total | 136 | 100% |

Profile of complainants and type of complaints

As there were 54,022 students enrolled in the UOC in the 2015-2016 academic year, the ratio of complaints accepted (136) was 2.5 per thousand students.

Although the UOC's Síndic de Greuges is responsible for defending the rights and freedoms of the whole academic community, in the 2015-2016 academic year, all complaints except two came from students. The remaining two came from affiliated teaching staff (course instructors).

2.5 complaints were received per thousand students at the UOC.

The majority of the complaints received (61.03%) were made by bachelor's degree students. The largest number of complaints came from students of the Faculty of Psychology and Education Sciences (32.26%), followed by the Faculty of Law and Political Science, with 25.81%.

Table 3. Complaints by subject area

| Faculty | Students (official programmes only) | Complaints Settled | Percentage (complaints/total students) | Percentage (complaints/total complaints) |
|-----------------------------------------------------|-------------------------------------|--------------------|----------------------------------------|------------------------------------------|
| Psychology and Education Sciences | 11,562 | 40 | 9.34% | 29.41% |
| Economics and Business | 10,096 | 24 | 5.61% | 17.65% |
| Computer Science, Multimedia and Telecommunications | 7,23 | 10 | 2.34% | 7.35% |
| Law and Political Science | 7,039 | 32 | 7.47% | 23.53% |
| Centre for Modern Languages | 4,294 | 4 | 0.93% | 2.94% |
| Arts and Humanities | 3,039 | 6 | 1.40% | 4.41% |
| Information and Communication Sciences | 2,647 | 6 | 1.40% | 4.41% |
| Health Sciences | 1,137 | 2 | 0.47% | 1.47% |
| Alumni/@thenaemum | 851 | 11 | 2.57% | 8.09% |
| Doctoral School | 196 | 1 | 0.23% | 0.74% |
| Total | 42,813 | 136 | | 100.00% |

Table 4. Complaints by type of course

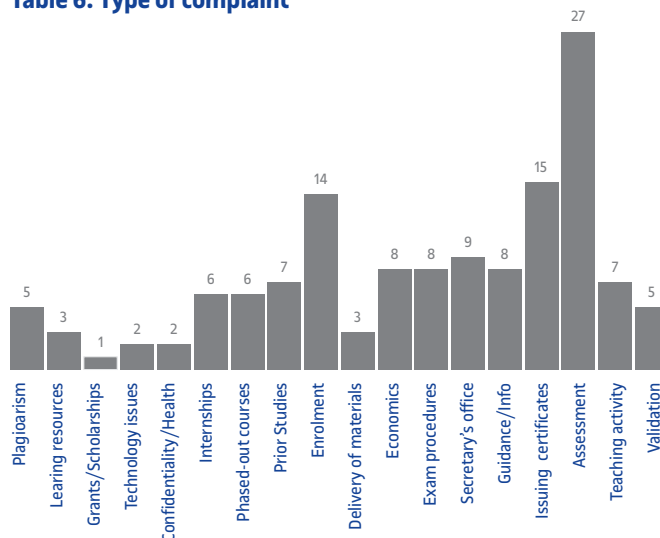
| Type of course | Students | Complaints | Percentage (complaints/total students) | Percentage (complaints/total complaints) |
|-----------------------------------------|---------------|------------|----------------------------------------|------------------------------------------|
| Bachelor's degrees | 31,993 | 83 | 0.26% | 61.03% |
| Master's degrees / Postgraduate studies | 12,105 | 40 | 0.46% | 23.41% |
| Doctoral degrees | 196 | 1 | 0.51% | 0.74% |
| Alumni/@thenaemum | 851 | 8 | 0.34% | 5.38% |
| Centre for Modern Languages | 4,294 | 4 | 0.93% | 2.34% |
| Total | 54,022 | 136 | 0.25% | 100.00% |

Table 5. Complaints by sex

| Sex | Complaints | % |
|--------------|------------|-------------|
| Men | 72 | 53% |
| Women | 64 | 47% |
| Total | 136 | 100% |

The greatest number of complaints received in the year related to teachers' assessments, a total of 27 cases (32.08%).

Table 6. Type of complaint



Teachers' assessments, both of the continuous assessment and the final assessment, were the area that received most complaints during this year, with a total of 27 cases recorded (13.85%), followed by issue of certificates, with 15 complaints (11.03%), and enrolment-related issues, with 14 complaints (10.29%).

As in the previous year, 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 and specific tests, only to monitor to ensure that assessments and assessment reviews are performed in line with the procedures and guarantees set out in the academic regulations.

Number of complaints

Although the number of complaints received by the Office of the Síndic de Greuges had fallen steadily in recent years, there has been an upward trend during the 2015-16 academic year, both in the number of complaints received and in the number of complaints accepted for scrutiny, with the highest percentage in the Síndic d Greuges' history (93.79%).

Due to the University's constant growth and diversification, particularly during this last year, and the fact that students have better knowledge of the Síndic de Greuges' functions, the complaints received address issues that must either be settled by the *síndic* himself or can be channelled by him, by sending requests to other services within the University.

Comments on the most frequent complaints:

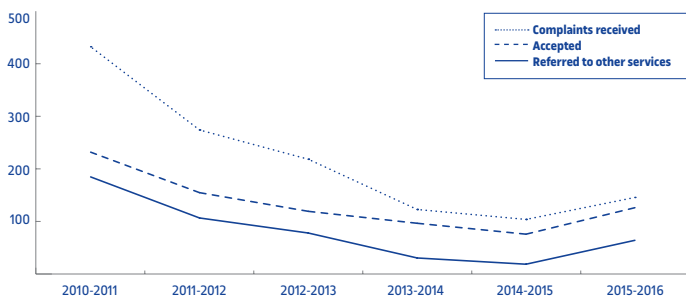
Assessment (27): In certain cases, the *síndic* recommended to the University that it give students more specific feedback about the mark obtained and issued two recommendations intended to guarantee both the level of information and the quality of the assessment process.

Certificate issue (15): For the first time ever, the number of complaints in this area has climbed to second place among the most common subjects, basically because of the difficulty in validating foreign students' certificates and the delays in sending certificates (for different reasons).

Enrolment (14): Enrolment-related complaints have come close behind in third place and are basically due to the perception of a lack of clear information in the recommendations about credits, application deadlines and enrolment cancellation criteria, and also to the increase in fees for non-EU students.

Table 7. Number of complaints

| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 |
|----------------------------|---------|----------|---------|---------|---------|--------|
| | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 |
| Complaints received | 433 | 274 | 218 | 122 | 103 | 145 |
| Accepted | 233 | 155 | 119 | 96 | 75 | 136 |
| (% of those received) | -51,50% | -56,50% | -54% | -78,70% | -72,81% | 93,79% |
| Referred to other services | 186 | 107 | 78 | 30 | 18 | 64 |
| (% of those accepted) | -79,80% | (69,- %) | -65,50% | -24,60% | -17,47% | 47,06% |



Recommendations

The Síndic de Greuges can issue warnings, recommendations and suggestions to the University's staff or authorities when making decisions and passing resolutions.

In the 2014-2015 academic year, the Síndic de Greuges formulated 10 recommendations. This gives a recommendation rate of 23.81% with respect to the decisions issued directly by him.

The recommendations have been sent to various bodies within the University (management of different faculties, Office of the Vice President for Teaching and Learning, and Legal Office). All of these bodies have subsequently reported to the Office of the Síndic de Greuges on the actions undertaken for follow-up purposes and the recommendations that have been implemented (fully or in part in 9 out of the 10 cases).

Recommendation 1 (September 2015)

Implementation October 2016

Provide more accurate information about the requirements for obtaining the UOC-certified degree in Legal Studies.

Recommendation 2 (October 2015)

Implementation December 2015

Notify the penalties for non-payment not only to the UOC email address but also to the personal email address and/or by registered post to the student's permanent address.

Recommendation 3 (November 2015)

Implementation November 2015

Ensure that students receive the information about practicum places and, in general, any information that includes short deadlines for submitting applications.

Recommendation 4 (December 2015)

Implementation October 2016

Review the academic and financial regulations so that they provide for a transitional system for reopened records.

Recommendation 5 (December 2015)

Implementation: pending

Analyse whether the current regulations concerning penalties due to non-payment guarantee the principles that govern the sanctioning activity and, in particular, those of proportionality and legal security and, if this is not so, implement the necessary regulatory reforms.

Recommendation 6 (January 2016)

Implementation October and November 2016

Review the academic regulations for doctoral studies to agree on principles and mechanisms for preventing the conflicts of interest, as set forth in the CBPRI.

Assess the viability of an appeal procedure against certain decisions made by the doctoral programme's Academic Committee before the Research and Doctoral Committee.

Recommendation 7 (May 2016)

Implementation October and November 2016

Implement measures to guarantee the necessary information about courses with right to examination to ensure adequate preparation of the course and update the information every semester.

Assess the desirability of creating an extraordinary, independent mechanism for reviewing final tests for cases where the student justifiably argues that there may have been clear irregularities in the correction and/or review of the final tests, as provided in Article 31 of the University Student's Statute.

Recommendation 8 (May 2016)

Implementation of the first part, June 2016

Universally extend the period given for exercising the right of withdrawal to fourteen (14) days to align with general legislation currently applied to consumers and users and that this period be calculated from the start of the academic year and not from the time enrolment is completed in order to guarantee the opportunity to become familiar with the University's functioning before expiry of this period.

Recommendation 9 (June 2016)

Implementation October 2016

Provide information about the assessment criteria applicable to correction of the continuous assessment tests to adequately guarantee students' right to fair, objective assessment of their knowledge and skills, and to sufficiently guarantee the quality of the assessment process.

Recommendation 10 (July 2016)

Implementation October 2016

Guarantee that students living abroad have access at all times to accurate information about the tests' structure and content prior to performance of the oral tests, using the same terms as the information provided to students taking the written tests. Guarantee that the course plans include information about the functioning of the oral tests.

Guarantee that a document is drafted of all the oral tests, with sufficient detail on the test's structure, the answers given by the student and any other circumstance concerning performance of the oral test that may be of interest.

Mediation

During the 2015-2016 academic year, the Síndic de Greuges has fostered a mediation procedure between a course instructor and a student. The mediation took place on the Virtual Campus and enabled the two parties to come to an agreement.

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.

Being a new tool for this Office, a new process was required for a virtual mise-en-scène and, in the light of successful results achieved, the University will provide the necessary resources for its implementation during this academic year, 2016-17.

Report

On 29 February 2016, at the request of the Faculties of Law and Political Science, this Office of the Síndic de Greuges issued a report on certain aspects of the double degree in Law and Business Administration and Management and the requirements that it would be necessary to meet for enrolment.

Institutional activities

During the 2015-2016 academic year, the UOC's Síndic de Greuges organized the Vives University Network's 9th Meeting of University Ombudsmen and Mediators (7-8 July 2016), as part of the celebrations of the 20th anniversary of the UOC, at its Av. Tibidabo centre in Barcelona.

The Meeting was attended by 26 ombudsmen and women from various Catalan universities, and the Ombudsman of Catalonia, Rafael Ribó, who gave a talk on the "Ombudsmen's contribution to university transparency".

Other speakers were Juanjo Martí, manager of the Support Office for the director of UOC Technology, and Dr Miquel Peguera, professor of Corporate Law at the UOC, who gave the talk entitled: "When technology comes into the classroom, what role does the ombudsman play?".

In addition, during the 2015-2016 academic year, the *síndic* attended the following events as speaker:

- Technical Seminar of the National Conference of University Ombudsmen, organized by the CEDU (15 April 2016, Rey Juan Carlos University, Madrid) to give the lecture "University and regulatory changes: Law 39/2015, of 1 October, and Law 40/2015, of 1 October".
- 18th National Meeting of University Ombudsmen, organized by the CEDU (19-21 October 2016, University of Cordoba), to give the lecture "The contribution by university ombudsmen to the transparency and good governance of universities", prepared jointly with the Ombudsman of the University of Vigo.

The UOC's Síndic de Greuges has also taken part in the following activities:

- 1st Ombudsmen's Meeting of the IDIBELL, Bellvitge Institute for Biomedical Research (7 June, Hospital Duran i Reynals, Hospital de Llobregat).
- Meeting of Catalan university ombudsmen and women. University of Barcelona (11 March, Office of the Ombudsman. University of Barcelona (UB).

As is customary, the *síndic* submitted the report for the 2014-2015 academic year to the Fundació per a la Universitat Oberta de Catalunya's Board of Trustees and the University's Governing Council. He also held a meeting with representatives from the UOC's Student Council to present the report and gain first-hand knowledge about students' concerns (13 May). He also met representatives of the Employees' Committee, representing faculty and administrative staff (18 May).

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.eweb.unex.es/eweb/cedu/>
- European Network of Ombudsmen in Higher Education (ENOHE): <http://www.enohe.net/>
- Red de Defensores de los Derechos Universitarios: <http://www.reddu.org.mx/>

Following 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 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.

In the 2015-2016 academic year, no action was taken by the Síndic de Greuges to enforce the University's 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.

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Written by: Agustí Cerrillo and Teresa Girona.

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Editorial Coordinator: Maria Boixadera.

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Design and Layout: Inés Atienza.

Address: Universitat Oberta de Catalunya, av. del Tibidabo, 39-43,
08035 Barcelona.

Registered office

Avinguda del Tibidabo, 39-43
08035 Barcelona
Phone: +34 93 253 23 00

Barcelona

Rambla del Poblenou, 156
08018 Barcelona
Phone: +34 93 481 72 72

Madrid

Plaza de las Cortes, 4
28014 Madrid
Phone: +34 91 524 70 00

Mexico City

Paseo de la Reforma, 265, floor 1
Col. Cuauhtémoc
06500 México D.F.
Phone: + 52 (55) 55 114206 to 08

uoc.edu

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Oberta
de Catalunya
