
Report of the *Sindicatura de Greuges*

2018-2019 Academic Year

Introduction

This annual report from the Universitat Oberta de Catalunya's (UOC) Office of the *Síndic de Greuges* is our way of giving account of the activities we carry out. The document you have in your hands gathers the main indicators of the activity undertaken during the 2018/2019 academic year and includes a summary of the recommendations made and their implementation at the University.

During the 2018/2019 academic year, the Office of the *Síndic de Greuges* received 187 complaints from members of the university community, 2 more than the previous year (2017/2018).

Based on the complaints received, 62 procedures were opened, as a result of which 52 decisions were drafted and 5 recommendations were issued to the University to improve its regulations or processes.

During the 2018/2019 academic year, as the University's *Síndic de greuges*, I have continued to attend the meetings organized by different networks of university ombudsmen. These have allowed me to share experiences and knowledge with other *síndics* and ombudsmen, taking part actively as a speaker.

I have been supported in my work by the University's governing bodies and its academic and administrative staff, and, in particular, by the technical assistance provided by Teresa Girona, the Office of the *Síndic de greuges*' administration manager.

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 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 *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

During the 2018/2019 academic year, the UOC's Office of the *Síndic de Greuges* received a total of 187 written complaints or consultations from students (2 more than the previous year), of which 154 were accepted for scrutiny (19 less than the previous year), which represents a 12.3% decrease. Non-acceptance of the remainder (33) was mainly because the issues raised were not within the *síndic's* jurisdiction, they 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 for the functions and responsibilities 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 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	154	82.35%
Rejected	33	17.64%
Total	187	100%

Decisions

Of the 154 matters accepted for scrutiny, the *síndic* opened 62 procedures, of which 52 were handled directly by the *síndic*, who issued the corresponding decision, accompanied in 5 cases by recommendations to the University.

The remaining complaints (92) 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 in 13.

In the 2018/2019 academic year, the Office of the *Síndic de Greuges* ruled in favour of the complainant in 20.96% of cases.

Table 2. Complaints settled and dismissed

Settled in favour of the complainant	13	20.96%
Settled against the complainant	49	79.03%
Total	62	100%

Profile of complainants and type of complaints

As there were 69,349 students enrolled in the UOC in the 2018/2019 academic year, the ratio of complaints accepted (154) was 2.2 per 1,000 students.

This ratio of complaints is slightly lower than the ratio for the previous year (2017/2018), which stood at 2.6 complaints per 1,000 students. Accordingly, the increase in the number of students this year has not led to a significant 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 2018/2019 academic year, practically all the complaints came from students.

Only one complaint came from a person who had taken part in a selection process to fill a vacancy as faculty member. Even though this person is not a member of the University community, it led the *Síndic de Greuges* to open a procedure *ex officio* because he considered that the issues raised could affect the University's quality.

2.2 complaints were received per 1,000 students at the UOC.

Most of the complaints came from students studying for bachelor's degrees (95, 61.69%). Reversing the trend of recent years, the highest number of complaints came from students enrolled in Law and Political Science (24, 38.71% of the total number of complaints), followed, with only 1 complaint less, by the students enrolled in the Faculty of Psychology and Education Sciences (23, 37.10% of the total number of complaints), and, at some considerable distance, by complaints from students in the other faculties.

Table 3. Complaints by subject area

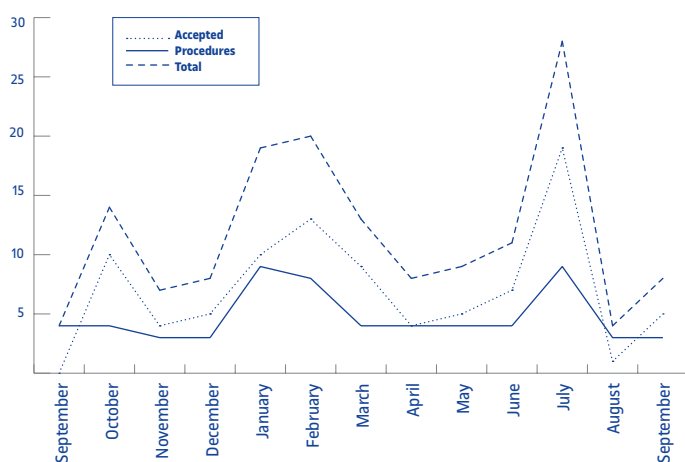
	Students *	Complaints settled	Percentage (complaints / total students)	Percentage (complaints / total complaints)
Faculty of Psychology and Education Sciences	15,676	23	0.039%	37.10%
Faculty of Economics and Business	11,976	5	0.0086%	8.06%
Faculty of Computer Science, Multimedia and Telecommunications	9,610	1	0.0017%	1.61%
Faculty of Law and Political Science	9,580	24	0.041%	38.71%
Faculty of Information and Communication Sciences	4,615	4	0.0069%	6.45%
Faculty of Arts and Humanities	4,336	1	0.0017%	1.61%
Faculty of Health Sciences	2,095	2	0.0034%	3.23%
Doctoral School	280	1	0.0017%	1.61%
Other		1	0.0017%	1.61%
Total	58,168	62		100%

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

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	40,024	95	0.23%	61.69%
Master's degrees / Postgraduate studies	17,864	49	0.27%	31.82%
Centre for Modern Languages	5,516	4	0.07%	0.07%
Open courses	1,082	0	0%	0%
Open programmes	586	2	0.34%	1.30%
Doctoral programmes	280	2	0.71%	1.30%
Other	3,997	2	0.05%	0.05%
Total	69,349	154	1.67%	100%

Table 5. Distribution of the complaints by months



	Accepted	Procedures	Total
September	0	4	4
October	10	4	14
November	4	3	7
December	5	3	8
January	10	9	19
February	13	8	21
March	9	4	13
April	4	4	8
May	5	4	9
June	7	4	11
July	19	9	28
August	1	3	4
September	5	3	8

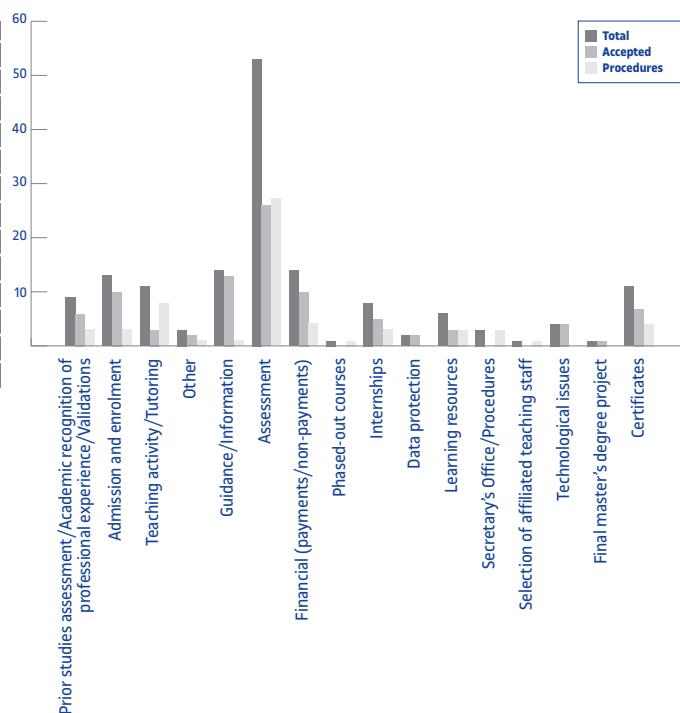
The highest numbers of complaints were received in January-February and July-September, coinciding with the assessment and enrolment periods

Table 6. Complaints by sex

Sexo	Complaints	%
Men	74	48.05%
Women	80	51.95%
Total	154	100%

The greatest number of complaints received in the year related to teachers' assessments, a total of 53 cases (34.41%).

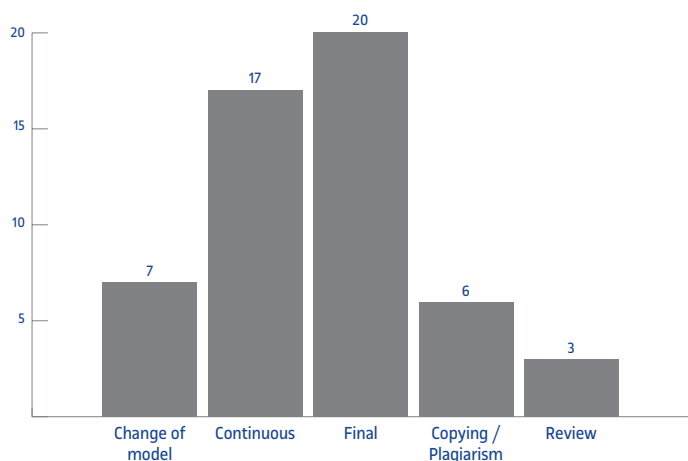
Table 7. Type of complaint



Assessment was again the area that received most complaints this year, with an increase above last year. There were 53 recorded cases in total (34.41%), followed at some distance by complaints about guidance or information, and finance (payments/non-payments), with 14 complaints each (9.09%), admission and enrolment, with 13 complaints (8.44%), and teaching activity or tutoring, and academic or administrative certificates, with 11 (7.14%).

The complaints about final assessment were the most numerous (20, 37.73%), followed by the complaints about continuous assessment (17, 32.07%). This year, there have also been several collective complaints in relation to a change in two bachelor's degree programmes' final assessment process.

Figure 1. Assessment-related complaints

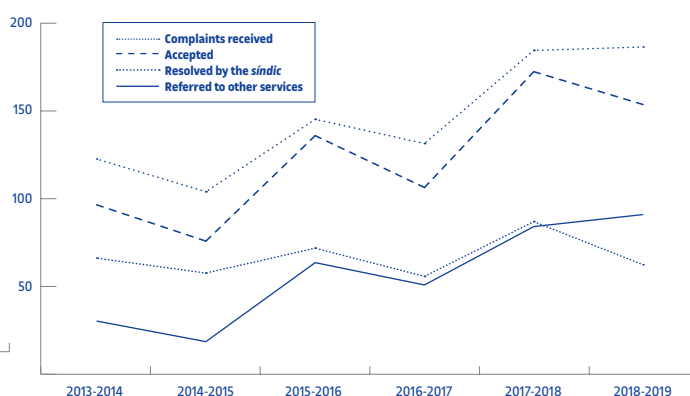


Number of complaints

During the 2018/2019 academic year, there has not been any significant increase in the number of complaints received by the *Síndic de Greuges*.

Table 8. Number of complaints

	2013	2014	2015	2016	2017	2018	2019
Complaints received	122	103	145	131	185	187	
Accepted	96	75	136	106	173	154	
(% of those received)	78.70%	72.81%	93.79%	80.92%	93.51%	82.35%	
Referred to other services	30	18	64	51	85	92	
(% of those accepted)	24.60%	17.47%	47.06%	48.11%	49.13%	59.74%	
Resolved by the <i>síndic</i>	66	57	72	55	88	62	
(% of those accepted)	75.40%	76.00%	52.94%	51.89%	50.87%	40.26%	



Recommendations

During the 2018/2019 academic year, the *Síndic de greuges* made five recommendations to the University authorities or staff related with the complaints received. This means that 8.06% 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 were sent to various bodies within the University (the deans, Office of the Vice President for Teaching and Learning, Library and Learning Resources, Academic Services, and the Legal Office).

Implementation of the recommendations made during the 2018/2019 academic year implies changing the University's academic and financial regulations and its teaching and administrative staff recruitment policy. At the date of closing this report, implementation of all of these recommendations has been confirmed, except for one. In the latter case, although the intention is also to implement it, it cannot be done immediately due to lack of technological resources, although this is planned for the near future.

Recommendation 1 (November 2018) – accepted

Planned Implementation: Pending Regulations 2020

With respect to the complaint submitted to the *Síndic de Greuges* by a student enrolled on the bachelor's degree programme in Communication, it is recommended to amend the financial regulations and internal processes to guarantee that students can gain access to the learning resources they have paid for, irrespective of whether or not they subsequently enrol on the course in question.

It is also recommended to evaluate whether access should be postponed until the student re-enrols on the course. In any case, if this is the criterion that should be applied, students who do not re-enrol on the course (for example, because the programme ends or the pathway changes) must be guaranteed access to the learning resources they have paid for.

A solution has been implemented so that students who have enrolled, paid, and then cancelled their enrolment are able to access their learning resources in the *My learning resources* section.

Recommendation 2 (November 2018)

Application: October 2019

With respect to the complaint submitted to the Universitat Oberta de Catalunya's *Síndic de Greuges* by a student enrolled on the bachelor's degree programme in Marketing in July 2018, the *síndic* makes the following recommendations:

- The University's academic regulations should be amended so that the prohibition to change a student's mark downwards is explicitly recognized.
- Marks may only be revised downwards when a material, factual or arithmetic error is detected in the mark initially given.

On 28 October 2019, the Executive Board agreed to amend the UOC's academic regulations and, for the specific case of the *reformatio in peius*, a paragraph 7 has been added to Article 100 that states the following: "7. The outcome of any review of the marks cannot give a mark below that obtained initially".

Recommendation 3 (January 2019) – accepted in part

Application: January 2019

With respect to the complaint submitted to the Universitat Oberta de Catalunya's *Síndic de Greuges* by 7 students enrolled on the bachelor's degree programme in Marketing, the *síndic* makes the following recommendations to the faculties:

- The necessary technical and organizational measures should be implemented to facilitate and ensure compliance with the academic regulations when reviewing the final assessment tests, particularly with respect to the course instructor's and coordinating professor's involvement in the different stages of the review process.
- Following the recommendation made by the Office of the *Síndic de Greuges* in June 2016 and pursuant to the provisions of the University Student's Statute, the University's academic regulations are amended to include an extraordinary and independent review mechanism for the final assessment tests. Along the same lines, it is recommended to include the protocol adopted by the Office of the Vice President for Teaching and Learning in June 2016 in the academic regulations in order to give greater security and transparency to the planned procedure.

The faculties have stated that they are including the action of sending a message to students who wish to apply for an extraordinary review of the test, following the guidelines given in the protocol adopted in 2016. In those cases where students opt for this review, provision is made for forming the committee, as stipulated in the above-stated protocol.

The Office of the Vice President for Teaching and Learning has confirmed the existence of a protocol for extraordinary reviews of final tests, and has notified its decision to not include it in the academic regulations.

Recommendation 4 (March 2019) – accepted (pending approval of the regulations 2020)

With respect to the complaint submitted to the Universitat Oberta de Catalunya's *Síndic de Greuges* by a student enrolled on the bachelor's degree programme in Psychology, the following recommendations are made to the Office of the General Manager, the Legal Office, Business Development and Admissions Services:

- The University's financial regulations should be amended to provide for full refund of enrolment fees when enrolment is cancelled due to voluntary waiver in the situations defined in Article 25, paragraph 2 of these regulations. At the very least, this recommendation should be applied to learning resources that are returned with the original seal intact or, in the case of online resources, those that students were not able to access. This could also include classrooms that were not accessed, for example, because the semester had not yet started.
- The University's financial regulations should be amended to clearly and proportionately establish the scope of application and effects of the sanction due to payment default. The regulations should specify that the sanction due to payment default is only applied to the academic records that are open and the services that are actually rendered by the University, and not generically to all the items included in the enrolment fee. In addition, it should also be provided that its effects only apply to the services related with the academic records that are open and not to other academic records held by the student referring to programmes that have already ended at the time of imposing the sanction.

An analysis of the status of the present situation has been carried out and shared along with the proposed amendments of the financial regulations that work that are already under way to align them with the *síndic's* recommendations. The money paid for learning resources by students who cancel their enrolment for justified reasons before semester commencement will also be refunded, and this stipulation will be added to the financial regulations.

Recommendation 5 (June 2019)

Under assessment

With respect to the complaint submitted to the Universitat Oberta de Catalunya's *Síndic de Greuges* by a student enrolled on the bachelor's degree programme in Law, the following recommendations are made to the Office of the Vice President for Teaching and Learning:

- The University should put in place suitable measures to guarantee that affiliated teaching staff answer the students' questions promptly in order to increase the quality of the teaching activity, improve student mentoring and enhance personalized interactions with the students. In particular, it is recommended to encourage affiliated teaching staff to answer students' messages as quickly as possible and, in any case, within the stipulated times.
- The University should evaluate the desirability of shortening the maximum response time of 48 hours stipulated in the contracts signed with affiliated teaching staff. This could help to align response times with the need to provide students with personalized support in their learning process, taking full advantage of the current level of availability and accessibility of the Virtual Campus as well as information and communication technologies.

The Office of the Vice President for Teaching and Learning has said that student mentoring is one of the keystones of the UOC's educational model and, as such, measures are taken to ensure that it is given with the greatest possible quality and in compliance with established response undertakings. It has also said that, with the tools currently used, it is not feasible to shorten the current maximum response time of 48 hours. However, the Office of the Vice President for Teaching and Learning is working to improve the resources available to teachers to provide feedback and monitoring in the classroom, although there is no set implementation schedule as yet.

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 2018/2019 academic year, the *Síndic de Greuges* has not activated the mediation procedure in response to any of the complaints received.

Institutional Activities

During the 2018/2019 academic year, the UOC's *Síndic de greuges* attended the following events as speaker:

- 21st National Meeting of University Ombudsmen, CEDU (17–19 October 2018, León)
- Human Rights Agora “The right to university education” (2 April 2018, Barcelona)

The UOC's *Síndic de greuges* also attended the following events:

- 12th Meeting of University Síndics de Greuges, Ombudsmen and Mediators organized by the Vives Network of Universities (July 2019, University of Barcelona)

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: www.vives.org/en/about-us
- Conferencia Estatal de Defensores Universitarios (CEDU): www.cedu.es
- European Network of Ombudsmen in Higher Education (ENOHE): www.enohe.net
- Red de Defensores de los Derechos Universitarios: www.reddu.org.mx

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.

No specific action was taken by the *Síndic de Greuges* during the 2018/2019 academic year related with enforcement of the University's Code of Ethics.

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Published by: Communications. Digital Communication.

Design and Layout: Inés Atienza.

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