

Uoc

**Report of the
*Sindicatura
de Greuges***

2019/2020 academic year

Universitat Oberta
de Catalunya

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Introduction



The report of the Office of the *Síndic de Greuges* of the Universitat Oberta de Catalunya (UOC) provides information about the *Síndic de Greuges*' activity during the 2019/2020 academic year.

In performing this task, the document you are now holding has compiled the main indicators of the activity performed, summarizing the recommendations made and how they have been implemented at the University.

During 2019/2020, there has been a significant increase in the *Síndic de Greuges*' activity, with the Office receiving 270 complaints from members of the University community, 83 more than during the 2018/2019 academic year.

Based on the complaints received, 89 procedures were opened, as a result of which 65 decisions were drafted and 3 recommendations were issued to the University to improve its regulations or processes.

A large part of the *Síndic de Greuges*' increased activity corresponds to complaints generated by the health crisis in which we have been immersed since March 2020 and which has impacted on many people in very different ways. In particular, between April and June, a large number of students have contacted the *Síndic de Greuges* because they believed that the measures adopted by the University infringed their rights.

The *Síndic de Greuges*' institutional activity has also become more intense after my appointment as secretary of the Executive Committee of the Conferència Estatal de Defensores Universitaris (CEDU). Since March 2020, this Committee's activity has been severely disrupted by the pandemic, and all meetings with other *síndics de greuges* and university ombudsmen are now held online.

To help me in my work, I have been able to draw on the invaluable technical support provided by Teresa Girona, the Office of the *Síndic de Greuges*' administration manager, and the work carried out by the University's academic and administrative staff, who have engaged actively in resolving the complaints. And, last but not least, my work as *síndic* has benefited from the support provided by the University's governing bodies. Yet again this year, 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 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* 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, and amended by the Executive Board on 10 February 2020, to facilitate handling of collective complaints and determine the procedure for resolving complaints related directly with the academic tasks carried out by the *síndic* at the UOC.

The UOC's Office of the *Síndic de Greuges* received 270 written complaints or consultations from students in the 2019/2020 academic year (83 more than the past academic year), of which 260 were accepted for scrutiny (106 more than the past academic year), which represented an increase of 41%. The reason for not accepting the remaining complaints (10) was simply that they were settled prior to any intervention by the *síndic*.

Actions

Accepted for scrutiny	260	96.30%
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Rejected (settled before acceptance)	10	3.70%
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Total	270	100%
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Decisions

Of the 260 matters accepted for scrutiny, the *síndic* opened 89 procedures, of which 65 (1 was pending settlement at the time of closing this report) were accepted and settled directly by the *síndic*, who issued the corresponding decision, accompanied in 3 cases by recommendations to the University.

As provided in the Regulations of the *Síndic de Greuges*, the remaining cases (172) had not exhausted all the other options for resolving complaints provided by the UOC and were forwarded to the University's services which, at the *síndic's* request, settled the complaints directly.

Forwarded to the department managers	1
Forwarded to the deans	6
Forwarded to the office of the vice presidents	1
Forwarded to the Help Service	60
Awaiting an answer from the Help Service	58
Under review by the Help Service	46
Total	172

In the 2019/2020 academic year, the Office of the *Síndic de Greuges* ruled in favour of the complainant in 23.60% of cases.

Complaints resolved

Ruled in favour of the complainant	21	23.60%
Ruled against the complainant	67	75.28%
Other	1	1.12%
Total	89	100%

Profile of complainants and type of complaints



**3.4 x 1,000
alumnes**

The complaints ratio at the UOC

As there were 74,661 students enrolled in the UOC in the 2019/2020 academic year, the ratio of complaints accepted (260) was 3.4 per 1,000 students.

This ratio of complaints is higher than the ratio for the previous year (2018/2019), which stood at 2.2 complaints per 1,000 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 2019/2020, practically all the complaints came from students.

Only two came from the affiliated teaching staff.

Most of the complaints came from students who were studying for bachelor's degrees (228, 87.69% of total complaints). The highest number of complaints came from the Faculty of Psychology and Education Sciences (24, 26.97% of the total), closely followed, with just 1 complaint less, by the Faculty of Law and Political Science (23, 25.84% of the total). These were followed by the Faculty of Computer Science, Multimedia and Telecommunications (18, 20.22% of the total), and then by the other faculties, who had significantly fewer complaints.

Complaints by faculty

Faculty	Students	Complaints settled	Percentage (complaints / total students)	Percentage (complaints / total complaints)
Faculty of Psychology and Education Sciences	12,918	24	0.038%	26.97%
Faculty of Economics and Business	10,213	7	0.011%	7.87%
Faculty of Computer Science, Multimedia and Telecommunications	16,502	18	0.028%	20.22%
Faculty of Law and Political Science	10,240	23	0.036%	25.84%
Faculty of Information and Communication Sciences	5,311	6	0.009%	6.74%
Faculty of Arts and Humanities	4,592	8	0.012%	8.99%
Faculty of Health Sciences	2,132	1	0.001%	1.12%
Doctoral School	279	0	0	0
Other		2	0.003%	2.25%
Total	62,187	89		100%

Profile of complainants and type of complaints

Complaints by type of course

Type of course	Students	Complaints accepted	Percentage (complaints / total no. of students)	Percentage (complaints / total no. of complaints)
Bachelor's degrees	42,750	228	0.53%	87.69%
Master's degree and postgraduate courses	23,959	28	0.11%	10.77%
Centre for Modern Languages	5,810	2	0.03%	0.77%
Open courses	1,288	0	0	0
Open programmes	575	2	0.34%	0.77%
Doctoral programme	279	0	0	0
Total	74,661	260		100%

Distribution of the complaints by months



Profile of complainants and type of complaints

	Accepted	Procedures
September 2019	5	0
October	12	3
November	18	6
December	12	7
January 2020	21	7
February	40	15
March	8	0
April	35	5
May	34	14
June	23	10
July	32	14
August	11	5
September	9	3

The highest numbers of complaints were received between April and July, coinciding with the final assessment periods and the COVID-19 lockdown.

Complaints by sex



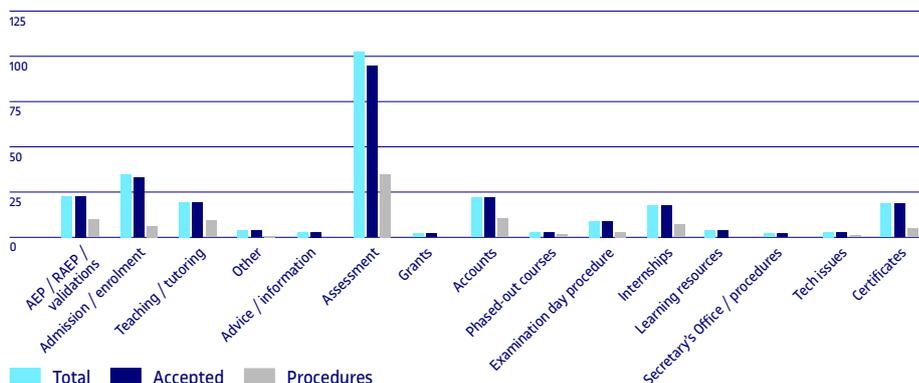
Profile of complainants and type of complaints



**95 cases
(36.53%)**

The highest number of complaints were related to the assessments

Tipologia de queixes



The assessment was the area that received most complaints this year too, with an increase above last year. There were 95 recorded cases in total (36.54%), followed at considerable distance by complaints about admission and enrolment, with 35 complaints (13.46%); the prior studies assessment (AEP) and validations, with 23 complaints (8.85%); Accounting and Finance, with 22 complaints (8.45%), and the internship, with 18 complaints (6.92%).

The most numerous have been the complaints about the final assessment, 51 (53.68%), followed by complaints about the continuous assessment and complaints related with cases of copying or plagiarism, 19 in both cases (20% each), and, last of all, by complaints related with the final bachelor's degree and master's degree projects, which totalled 6 (6.32%). This year, there have been two collective complaints related with the change of assessment proposed by the University in response to COVID-19: one at the Faculty of Psychology and Education Sciences and another at the Faculty of Economics and Business. Specifically, the *Síndic de Greuges* has resolved complaints on the following subjects:

By type of complaint:

Academic



Prior studies assessment	5
Assessment	51 (4 resolved positively)
Teaching	9 (1 resolved positively)
Phased-out courses	2
Internships	6 (1 resolved positively)

Management



Admission and enrolment	4 (1 resolved positively)
Accounts	7 (2 resolved positively)
Examination day procedure	2
Certificates/academic records	5

COVID-19



10 related procedures (9 resolved positively)

Number of complaints

During the 2019/2020 academic year, there has been a significant increase in the number of complaints received by the *Síndic de Greuges*.



Number of complaints

	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020
Complaints received	103	145	131	185	187	270
Accepted	75	136	106	173	154	260
(% of complaints received)	72.81%	93.79%	80.92%	93.51%	82.35%	96.29%
Referred to other services	18	64	51	85	92	171
(% of complaints accepted)	17.47%	47.06%	48.11%	49.13%	59.74%	66.77%
Resolved by the <i>sindic</i>	57	72	55	88	62	89
(% of complaints accepted)	76.00%	52.94%	51.89%	50.87%	40.26%	34.23%

The *Síndic de Greuges*' activity during the COVID-19 health crisis

Unfortunately, the 2019/2020 academic year has been directly impacted by the health crisis caused by COVID-19 and the declaration of the state of emergency on 14 March 2020.

Since then, and over a period of several months, the UOC has initiated several actions to facilitate continuation of the University's activities during the COVID-19 crisis and, ultimately, to guarantee the rights of the students and the rest of the University community.

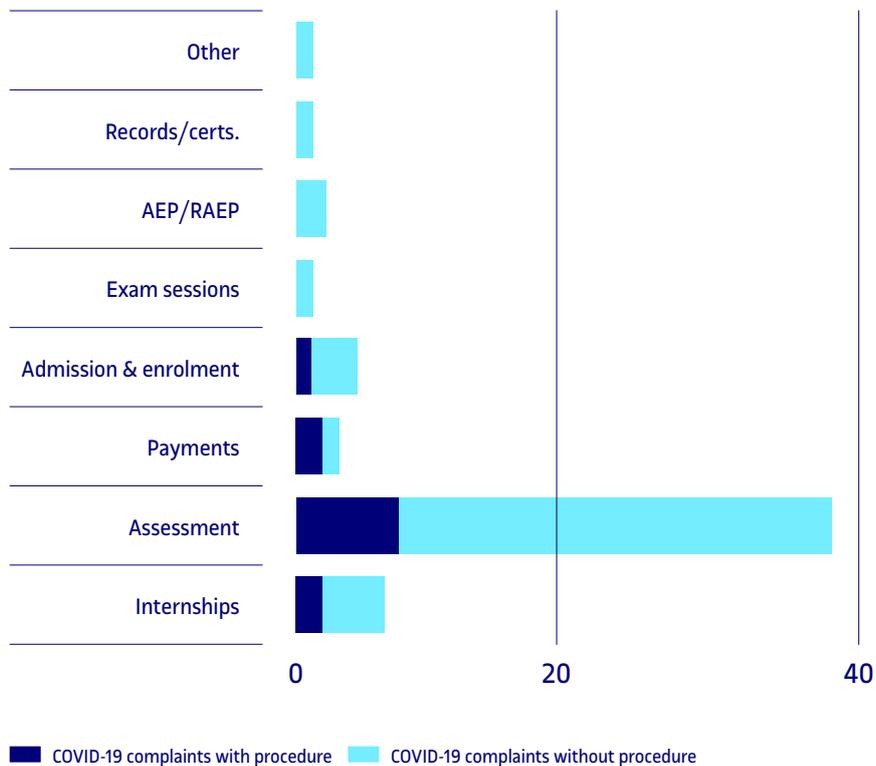
The *Síndic de Greuges* has followed the actions undertaken by the University and the complaints generated during this period.

In regard to teaching during this period, among other measures, the University made continuous assessment more flexible for those people who had been impacted most directly by COVID-19 (sick people, essential services employees, carers of sick people, etc.) In addition, internships were either carried out online or were postponed, and the final tests and defence of final bachelor's degree and master's degree projects were carried out online.

Finally, a series of financial measures were put in place to temporarily lower or even cancel enrolment fees for people directly affected by COVID-19.

The *Síndic de Greuges*' activity during the COVID-19 health crisis

Complaints related with COVID-19, by type



On 30 April, the *Síndic de Greuges* issued a recommendation to guarantee students' rights during this period, particularly in regard to the performance of the final assessment tests, as explained in the following section.

During the 2019/2020 academic year, the *Síndic de Greuges* made three recommendations to the University authorities or staff related with the complaints received. This means that 8.06% of the decisions issued directly by him 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 forwarded to the Office of the Vice President for Teaching and Learning, the Office of the General Manager, and Business Development.

Implementation of the recommendations made during the 2019/2020 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 had been confirmed, except for one. In the latter case, although the intention is to implement it too, it cannot be done immediately due to lack of technological resources, although it is planned to put it into effect in the near future.

Recommendation 1 (March 2020) *Implementation: March 2020*

With respect to the complaint submitted to the Universitat Oberta de Catalunya's *Síndic de Greuges* by a master's degree student, the recommendation was made that the notifications of awards and other recognitions include a special mention of their regulations or rules, providing precise information about the effects that may arise from these recognitions.

Recommendations

In order to apply this recommendation, the Office of the Vice President has asked Academic Services to include a reference to the regulations governing special awards in the notifications sent to students who have won prizes for the best academic records. It has also asked that a paragraph be included in the specific certificate for the final bachelor's degree and master's degree projects that explicitly states that the final project prizes do not give any exemption from payment of the fee charged for issuing the certificate. Lastly, it has asked that an instruction be added in the internal document concerning the final project to the effect that reference must be made to the academic regulations, and specifically to the final project certificate, when sending notifications to students with award-winning final projects.

Recommendation 2 (April 2020) Implementation: May 2019

With respect to the complaints received about the new assessment model implemented during the COVID-19 lockdown in April 2020, the *Sindic de Greuges* made the following recommendations:

Students should be given precise information by the programme's management about the reasons for the decision to maintain the synthesis test in each course, so that they can see that the decision to keep it is not only not arbitrary but also does not lead to any type of discrimination. All students should be guaranteed sufficient means and time to complete the final tests, with the understanding that the circumstances in which the tests have to be taken may make it more difficult to perform them correctly, and they should be informed, in advance, that these special personal circumstances, if necessary, will be analysed appropriately.

In applying the recommendation, the programme directors have informed that all the queries have been answered and more information has been provided about the reasons for maintaining a given assessment model.

In any case, this message has been developed so that students perceive that the arguments are solid and are not an attempt to justify arbitrary measures.

Recommendations

As regards the problems that may arise during performance of the tests, mechanisms were put in place to provide coverage for all students, considering all the queries and all the possible situations and giving alternatives if any student should have specific problems for taking the tests. Thus, different possible situations have been considered and mechanisms have been put in place to provide an adequate solution for all of them.

Recommendation 3 (May 2020) *Implementation planned for January 2021*

With respect to the complaint submitted to the Universitat Oberta de Catalunya's *Síndic de Greuges* by a postgraduate student, the following recommendations were made to the Office of the General Manager and Business Development:

- I. The financial regulations should allow cancellation of enrolment without having to give justifiable reasons in the case of programmes lasting more than one semester when there are specialization or other courses that have not been taken on the date of requesting cancellation because they were programmed at a later date. It should be possible to send the cancellation request up to two weeks before commencement of the following semester.
- II. The financial regulations should specify the financial effects of cancelling enrolment for the specialization or other courses that have been taken and, in particular, reimbursement of the amounts paid by the student for specialization or other courses that would be taken after submitting the cancellation request.
- III. The University should assess the financial impact of cancelling course enrolment. If necessary, the financial regulations should state that cancelling enrolment for courses that have not been taken in the circumstances specified in section I may entail payment by the student of certain amounts that should only be related with the costs directly incurred in processing withdrawal from the programme, the discounts that may have been given for enrolling for the complete programme or the cost of processing the student's academic record. However, they should not include the cost of teaching that has not been given or the cost of learning resources that have not been made available to the student.

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 2019/2020 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 2019/2020 academic year, the UOC's *Síndic de Greuges* attended the annual meeting of the Conferencia Estatal de Defensores Universitarios (CEDU) in Valladolid (2-4 October 2019).

At the CEDU's General Assembly, the UOC's *síndic* was elected to be member of the Executive Committee and, subsequently, he was proposed to be the Committee's secretary.

As secretary, the *síndic* has taken part in several meetings of the Executive Committee (Madrid, December 2019, and Alicante, March 2020) and several videoconferences held online in April, May and September 2020 due to the lockdown.

The *síndic* also participated in the webinar held on 17 June titled "The new normality of university ombudsmen and *síndics*", organized by the CEDU.

During the 2019/2020 academic year, the *Síndic de Greuges* has answered the queries sent by the Catalan ombudsman with respect to ex officio actions undertaken to study the mobilizations that took place at the universities as part of the protests against the Supreme Court's sentence on Special Case 20907/2017 and the impact of the health crisis on rights within the university environment.

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
- Conferencia Estatal de Defensores Universitarios (CEDU): www.cedu.es; it is currently a member of its Executive Committee.
- Red de Defensores de los Derechos Universitarios: www.reddu.org.mx
- Red Iberoamericana de Defensorías Universitarias: www.riddu.org

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.

In the 2019/2020 academic year, no action specifically related to enforcing the University's Code of Ethics was taken by the *Síndic de Greuges*.

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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Published by:
Communications.

Design and layout:
Ortogràfic Disseny i Comunicació COOP. V.

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