

University Ombudsman

2017-2018 Report



Regulatory Framework

In compliance with the *Regulations Governing the Powers and Functions of the University of Deusto Ombudsman*¹, which are in line with the basic principles set out in provision 14 of the current legislation (Organic Law 6/2001), the Annual Report on the Ombudsman's activities from 1 June 2017 to 31 May 2018 is hereby presented. The date stated marks the end of the period, in accordance with the guidelines contained in article 15: "The University Ombudsman shall draw up an Annual Report which will include a detailed account of the activities carried out during the previous academic year. The Annual Report will include information on the number and type of requests, complaints, etc. submitted, those which were not accepted for consideration and the reasons, as well as those which were accepted and the results of the procedures. The report will not contain any confidential or personal information that may identify those concerned".

This report will subsequently be disseminated among the UD staff and students, through the internal information channels, Extranet and social media sites. The document will be posted on the University Ombudsman's website² where it can easily be consulted together with reports from previous years. At the Academic Board meeting held on 5 June 2018, a summary of this report was presented, in addition to some thoughts on the Ombudsman's role and proposals for improvement.

This report has been elaborated taking the greatest possible care to respect the community members' rights and liberties, and in the strictest confidence with regard to the treatment of the persons and cases put forth, notwithstanding transparency concerning information on the actions carried out throughout the year.

¹ Approved by the Academic Board on 14 March 2013 and published in the BOUD no. 45, Tuesday, 14 May 2013.

² <http://www.deusto.es/cs/Satellite/deusto/es/universidad-deusto/aldezle-defensora-universitaria>

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Introduction

The report I submitted at the Academic Board meeting on 5 June 2018 began as follows:

Good morning distinguished Rector and Board members. Thank you for having given me the opportunity to attend this meeting to inform you about our activities. Although informing the Board has become a yearly tradition, my first words are not mere courtesy but heartfelt appreciation.

When I was offered this position at the end of September, I was honoured to have the opportunity to defend those who feel their rights have been infringed. It is a most rewarding task to assist in improving the University's services.

I would therefore like to express my appreciation to the Rector and Board members for having entrusted me with the task of Ombudsman. I must also recognise the excellent work of the previous Ombudsman, **Rosa Miren Pagola**, who set up this new service, the Ombudsman's Office.

Among her many achievements, she put into practice the yearly presentation of the report to the Academic Board. This report intends to reflect the work carried out throughout a year, as established in the regulations governing the Ombudsman's Office. I would also like to share some thoughts and concerns with you today which arose when writing the report and during my first experiences. My focus is on improving the Ombudsman's services as well as the University's at all times.

First of all, I must point out that the report covers activities from June 2017 to the end of May 2018. For this reason, this report also includes information on activities carried out by the previous Ombudsman.

This report follows the guidelines applied to previous versions to facilitate comparison with information from other years.

In line with activities performed in previous years, the Ombudsman has strived to serve all the people who have contacted the service, requesting help or procedures during the last year. Dialogue has been used in every case as a tool to resolve conflicts, intending to reach consensus based on honesty and integrity.

We would like to express our appreciation to the University bodies and persons who have provided information and help to solve conflicts. We are grateful to all those who have placed their trust in the service and contacted the Ombudsman's Office to file a complaint, claim, request consultation or to point out a problem and request intervention. We would also like to offer our most sincere apologies to any persons who have not felt adequately defended by the Ombudsman's actions or think that their rights have not been recognised.

1. Previous considerations and nature of the requests

The following types of procedures have been addressed during this academic year:

- **Complaints.** These are cases in which the person considers that an action, fact or decision made by a University body or individual undermines their rights. Complaints of this type should be submitted to the Ombudsman's Office after having exhausted all other available channels for solution. Nevertheless, people often contact the Ombudsman's Office for orientation, help or advice although they are aware that the service only takes action after having exhausted other available channels for solution. In some cases, the complaint lodged may not be appropriate for consideration by this service, in which case it is dismissed.
- **Consultations.** Persons contact the service because they require guidance, information or help concerning regulations, administrative matters, etc. and often ask for assistance related to their work or work relationships. The procedures frequently involve personal matters and are submitted to the heads of University management bodies, who generally solve the problem quickly. In some cases, information alone suffices.
- **Mediation** is one of the interventions offered by the Ombudsman's Office. It is increasingly recommended to solve conflicts arising in University life, often at the express request of a community member or group. No mediation has taken place during this academic year.
- And lastly, **ex-officio actions.** When the University or one or more of its members undertake actions or make decisions that infringe the rights of its members, these procedures are undertaken. No ex-officio procedures have taken place this year.

The Ombudsman does not have decision-making power in some types of cases and may make recommendations or suggestions or prepare reports to deal with the complaint submitted. The academic authorities or head office have the responsibility of taking appropriate action according to the case.

Accepting a request for consideration marks the beginning of the process. **Requests may be rejected for consideration** when the requirements established by the *Regulations Governing the Powers and Functions of the University Ombudsman* are not met (Article 9). Four requests for intervention were not accepted for consideration this year.

Finally, we would like to mention that many University members have contacted the Ombudsman's Office because they felt the need to discuss their problem or required personal attention. They have been duly attended in all cases and the service has given them advice according to their different needs.

2. Data, analysis and description of procedures

This section contains the statistics on the issues that the service has addressed, in addition to a summary of the actions carried out during the year. Complaints and queries have been solved through the usual procedures implemented personally by the Ombudsman: analysis of the situation and causes, interview with the authorities, body or services concerned, and requests for information or reports.

.According to the type of case, the most frequent communication channels used with the persons and bodies concerned have been personal appointments with the Ombudsman, phone and often email. According to the type of case, reports were issued or recommendations were sent to the persons, services or bodies concerned in order to make reparation for damages or improve the service concerned.

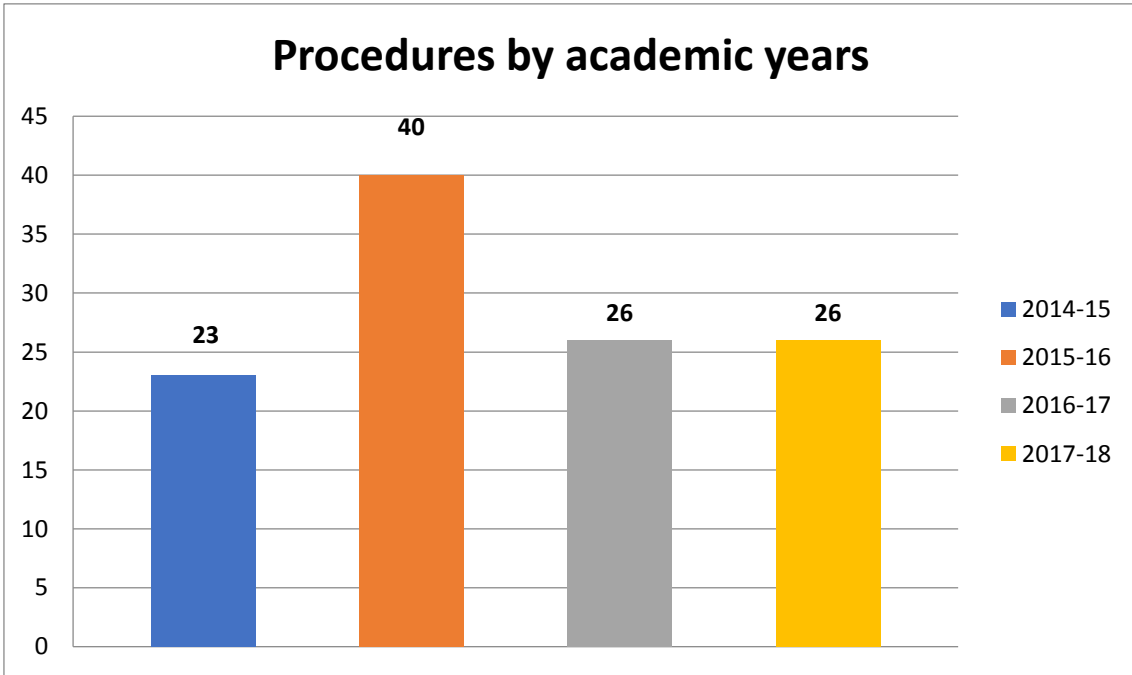
Four cases were not accepted for consideration as they had been dealt with previously and the person concerned was repeating the same request, was not a member of the University community or did not agree with the process implementation. Nevertheless, these requests were attended and as much help as possible was offered.

a. Procedures conducted.

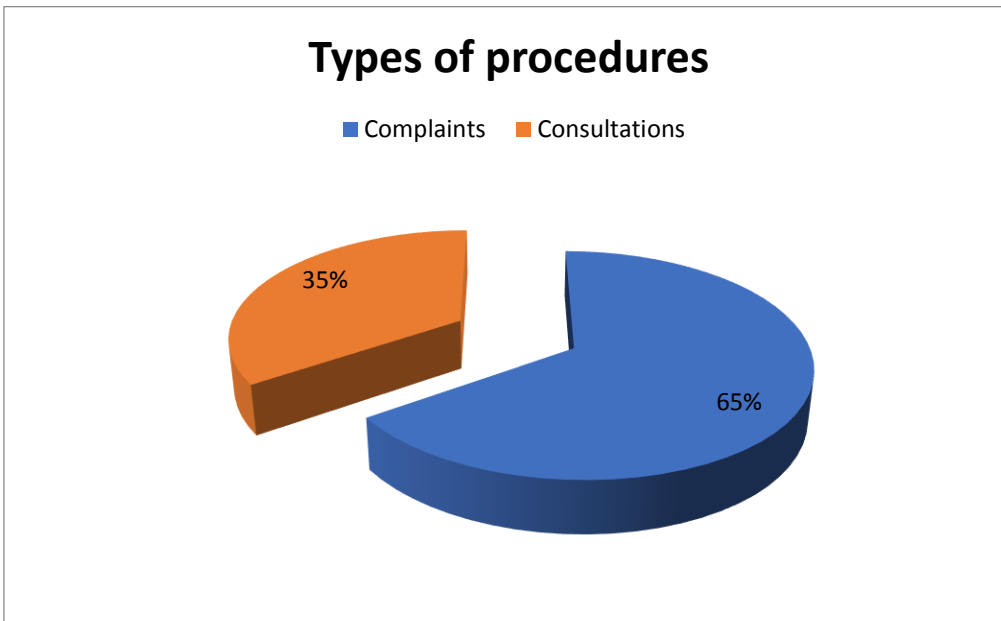
The following sections show the development of the procedures, types of actions, by campus, by language used, distribution by groups, distribution by faculties and services, distribution by groups and sex, issues by faculties and groups, procedures by level of studies, by resolution status and result and lastly, a table with the actions and a description of the reason for the request and distribution by groups.

i. Procedures by academic year

The number of procedures or interventions carried out seems to have stabilised. 26 interventions have been registered this year, which is the same number as the previous year and very similar to other years except for the 40 carried out in 2015-2016.



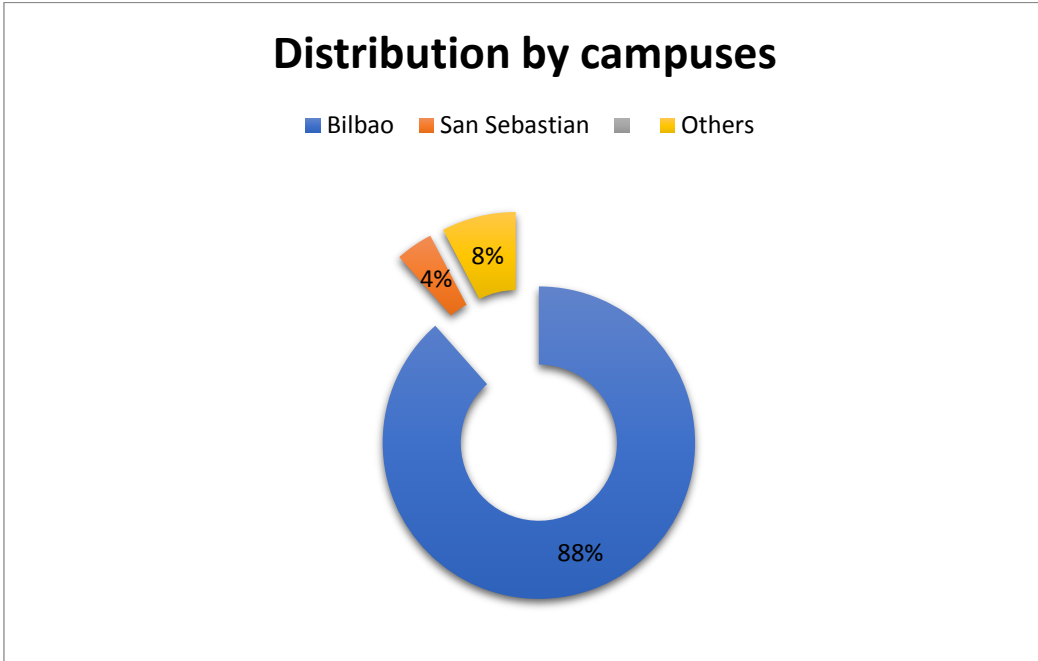
ii. Types of procedures



As per the type of requests, there seems to be a tendency to file fewer complaints and to ask for more consultations. In the year being reported, complaints dropped by 23%, from 88% the previous year to 65%. Consultations rose at the same rate.

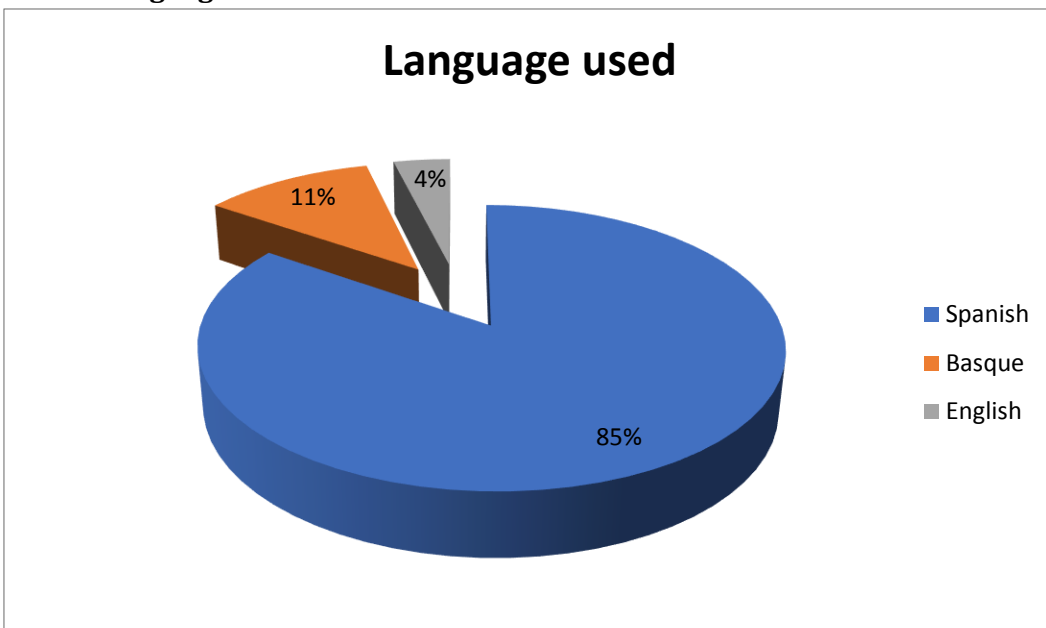
The initial channel used to process requests, etc. was the form available on the University Ombudsman's website. Face to face and personal interviews were also held.

iii. Distribution by campuses



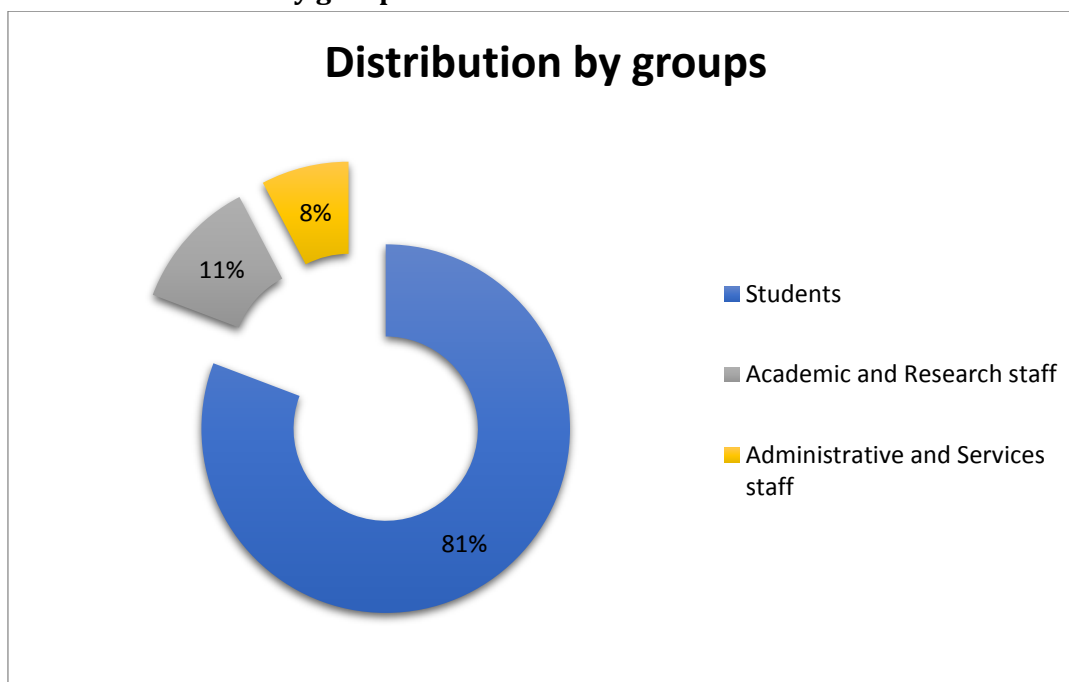
The greatest number of cases were registered at the Bilbao campus with 23 while San Sebastian only had one. The heading “others” includes cases from the United States and Argentina.

iv. Language used



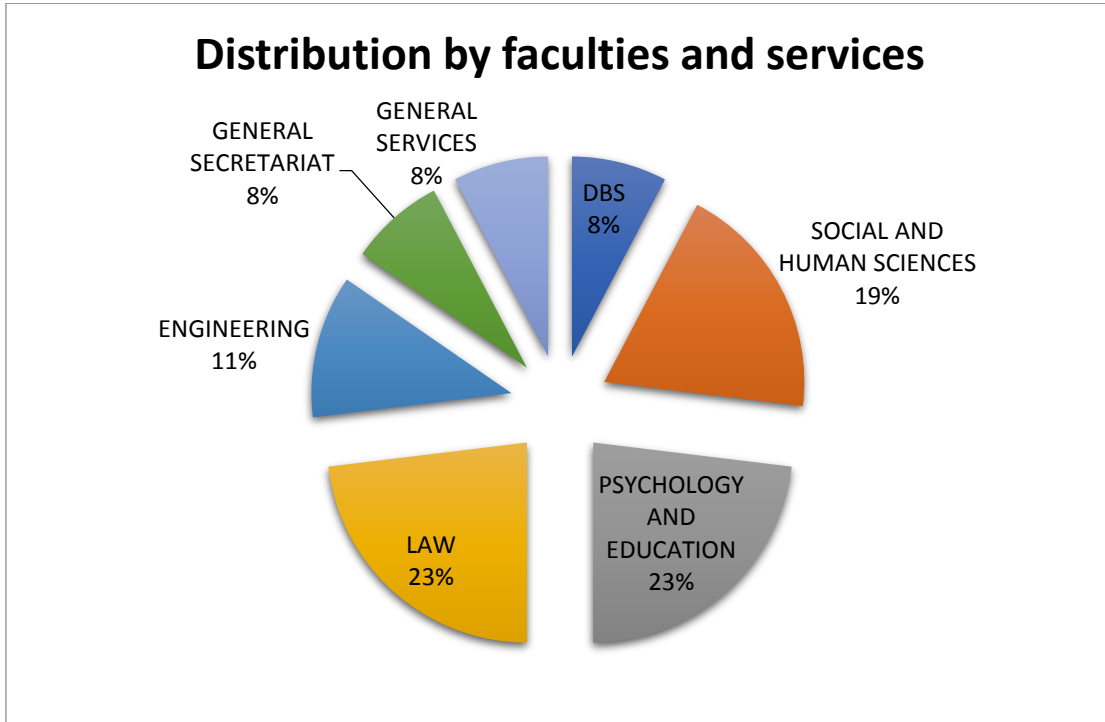
Spanish is the most used language when filing a request, with 22 cases. This year, Basque was the second most used language with 3 cases and finally, two cases were conducted in English.

v. Distribution by groups



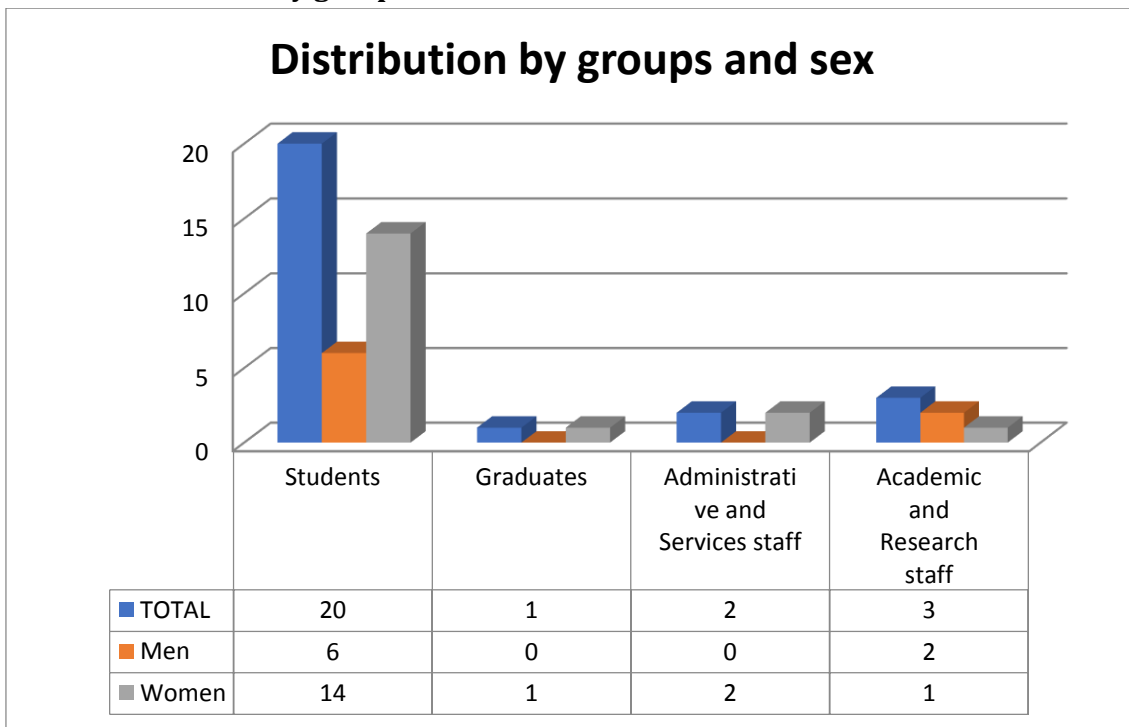
As can be clearly seen in the image, students were once again the most numerous users at the Ombudsman's Office. During the year, 21 actions were undertaken in total, of which 1 concerned a graduate. They were followed by the Academic and Research staff (PDI) with 3 cases and finally the Administrative and Services staff (PAS) with 2.

vi. Distribution by faculties and services



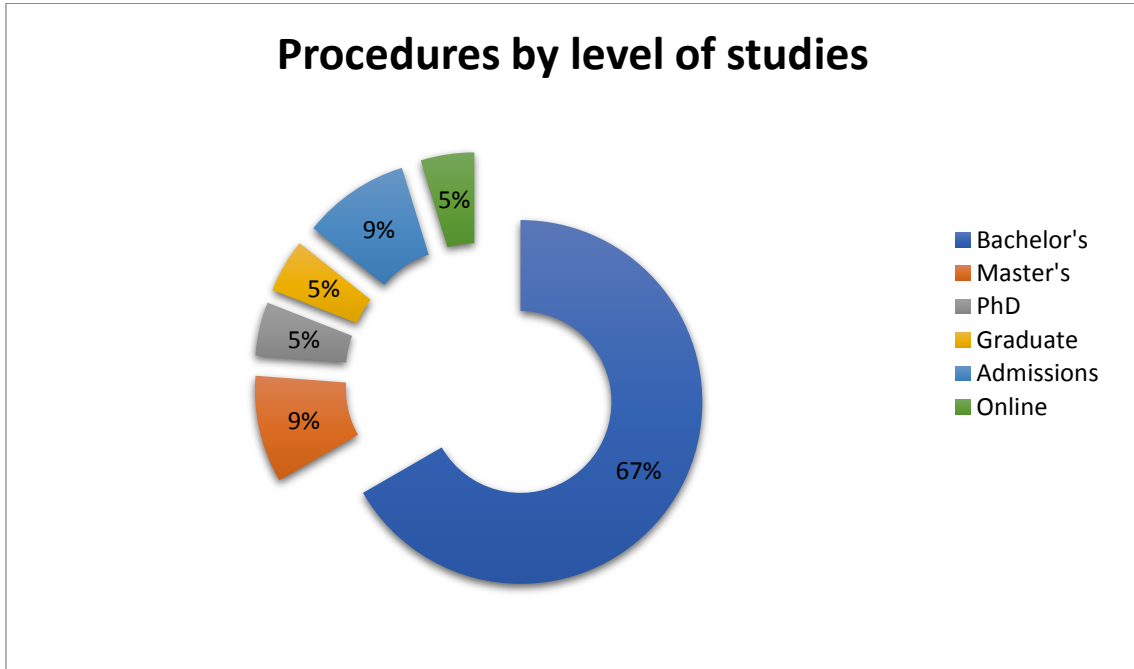
The number of issues addressed by faculties and services is as follows: Administration and Services, 4 procedures; and by faculties: Psychology and Education, 6 cases, Law, 6 cases, Social and Human Sciences, 5; Engineering, 3; and finally Deusto Business School, 2.

vii. Distribution by groups and sex



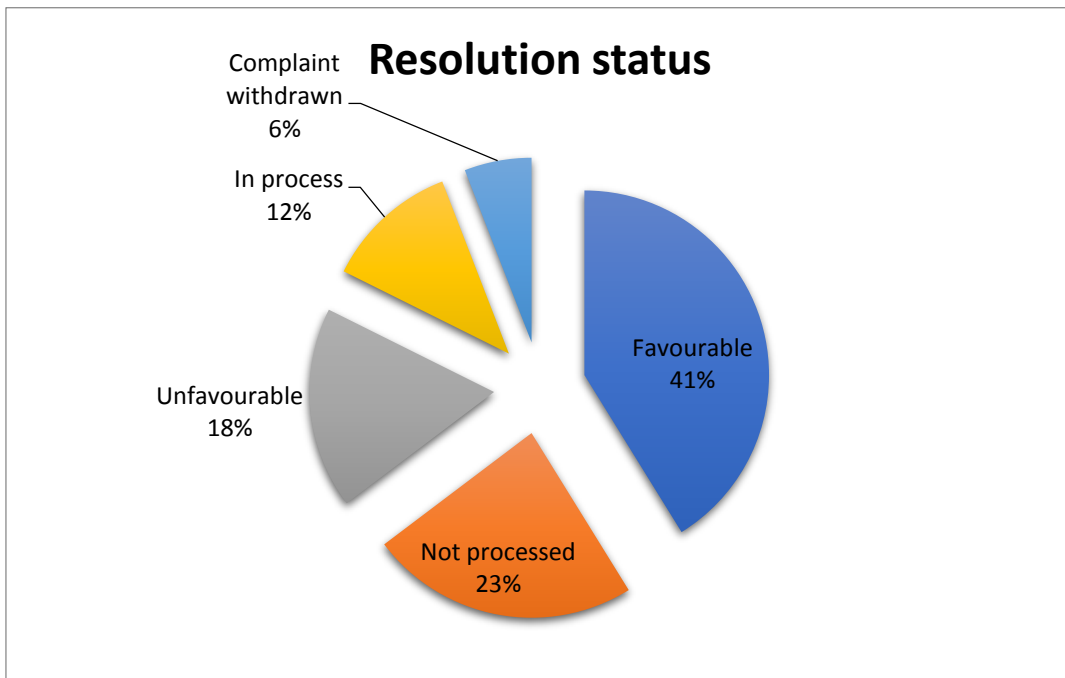
As regards groups and sex, the requests differ, as can be seen in the graph. Once again, this past year there were more women than men in all the groups except for Academic and Research staff.

viii. Procedures by level of studies



The most numerous users at the Ombudsman’s Office were Bachelor’s degree students with 14 procedures. There were also two cases of Master’s students..

ix. Resolution status



All consultations were attended. 41% of the complaints were favourably solved, 18% were not and the remaining ones were not processed for various reasons or are now being dealt with. Finally, some complaints were withdrawn by the person who filed them.

x. Request procedures by reasons and groups

Reason for request	Students	Academic and Research staff	Administrative and Services staff
Lack of services	1	-	-
Recognition of subjects studied at foreign universities, problems with recognition	3	-	-
Changes to another degree programme	1	-	-
Recovery of the amount paid	1	-	-
Offensive comments, etc. concerning teaching and methodology	-	2	-
Recognition of internships	1	-	-
Behaviour such as cheating.	5	-	-
Problems in student-lecturer relationships	1	-	-
Organisational problems	-	-	1
Deadlines and sessions for submission of Master's Final Projects	1	-	-
Disagreement concerning assessment, revision	1	-	-
Lecturers' reputation following student complaints	-	1	-
Enrolment problems due to credits pending from previous years	1	-	-
Problems with the Master's internship calendar	1	-	-

Problems with the EDS and transcripts in English	2	-	-
Admissions to Bachelor's and Master's degree programmes	2	-	-
Payroll problems	-	-	1
Total	21	3	2

b. Data assessment

At first sight, we might think that there are not significant differences between one year and another and that tendencies concerning the number of requests for procedures, type of users, favourable decisions, etc. remain the same.

It is important to note that the University as a whole offers quite clearly defined services, places emphasis on transparency, offers quality service- as seen in the rankings- and does not have major problems considering it is an institution where asymmetrical relationships occur. Furthermore, many University activities have been set out in regulations, academic rules, action protocols, plans, AUDIT, technical committees, etc. in recent years. Such initiatives doubtlessly facilitate any University member's defence of their rights and legitimate interests before University authorities. They also help the persons and authorities involved to properly focus and use the proper channels for all types of problems, whether they are academic, administrative, minor conflicts, complaints, etc.

In this respect, the heads of faculties and services have shown a willingness to help solve complaints, etc. and have promptly responded to the new Ombudsman's questions and consultations. I am aware that some persons in positions of responsibility may feel uncomfortable due to certain procedures carried out by the Ombudsman. However, I believe that the community must view and accept these competences and general rules concerning such actions as established ways of proceeding.

Taking into account the consultations and complaints submitted to the Ombudsman's Office, there are two areas that might be improved: on the one hand, there is a need for greater transparency concerning admissions to Bachelor's and Master's programmes, as well as recognition and transfer of credits for subjects. On the other, the sanctions for cheating. As regards this last idea, I have noticed that the rules and sanctions alone leave the root of the problem unsolved and I believe that they should also include teaching-learning processes. For instance, when students are reprimanded for plagiarism, they often argue that lecturers themselves set a poor example by using class material which they pass off as their own original work.

We must also note the gaps in this report. Speaking frankly, as the Ombudsman, I am not completely satisfied with our procedures and work. I wonder why there are so few

consultations and complaints at the San Sebastian campus or why an entire group, the researcher staff, does not come to our office with their problems.

As you know, the Ombudsman may also act ex officio, which we have not done this past academic year. The service may also mediate in disputes on student affairs in its area of competence when asked to do so by any member of the University community. No requests of this type have been filed.

3. Ombudsman's Office activities

i. External activities

We attended the 20th State Meeting of University Ombudspersons in Cuenca on 8, 9, 10 November. The following topics were debated:

- Intellectual property at the University (Academic and Research staff and students)
- Academic freedom: concept, constraints and harmonisation with other rights and obligations
- The role of University Ombudspersons: balance and perspectives

The CEDU yearly assembly was also held, during which the following were approved: the Executive Committee's activities, the 2017 economic report and the 2018 budget. Finally, the new committee members were elected.

We also took part in the CEDU Technical Meeting in the Unamuno Aula Magna at the University of Salamanca on 11 May which was entitled "Personal data protection: principles, new regulatory developments and their effect in the university scope", several round table discussions were held with talks by experts on information security and personal data protection. The meeting formed part of the events organised for the University of Salamanca's eighth centenary celebration.

I attended a meeting in Seville with the Ombudsperson M^a del Carmen López from Loyola University to share experiences, set common management criteria and begin to form a Jesuit University Ombudsmen network. We met on 12 June and discussed the possibility of creating a working group.

Lastly, I would like to mention our meeting with the Basque Ombudsman Manuel Lezertua on 12 March at his office in Bilbao. The aim was to make contact and offer mutual help in our work as we defend people's dignity and rights in our scopes of action. We discussed making the offices more well known, how to act ex officio, the difficulties we face, collaboration between different offices to address various types of complaints and the Basque Ombudsman's willingness to help the new Deusto Ombudsman.

ii. Students

Once again, through collaboration with Deusto Campus, courses were offered to students during the academic year. A course on “Tools and techniques for positive conflict management: negotiation and mediation” was offered in the first semester and “Bullying and cyberbullying: Prevention and intervention tools” were addressed during the second semester. Both courses were extremely successful, attended by many students who expressed their satisfaction with the initiative.

We took part in the eighth Loyola Forum, making the Ombudsman’s role known to all the student delegates. This was a very intense but enriching event.

iii. Others

We also participated in a Technical Committee Meeting on Harassment, thus establishing our working relationship and collaboration.

4. Final remarks

It is important to remember some basic ideas about the Ombudsman's activities. The service was set up to “ensure respect for the rights and liberties of lecturers, researchers, students and administrative and services staff before University bodies and services”. This internal service is entrusted with the defence of the rights and legitimate interests of university community members and before University bodies. As it is an internal service, the rights it protects should be mainly those which are related to University life.

Rather than interfere with administrative and university activities, it should be a driving factor to improve and achieve services which are more efficient and respectful with people’s dignity. In this respect the Ombudsman’s Office is not incompatible and does not replace or compete with other bodies and authorities. It aims to complement and improve the system as a whole with its specialist contribution.

Taking into account the service's activity to date, I would like to raise two points that are needed to improve its operation in the future: visibility and trust.

1. **Visibility**, the office should be more widely known. For this reason, it is important to remember Ombudsmen's obligation to make ourselves more visible, accessible and contactable at our universities by informing about our services via different media. And acting with discretion and determination at all times. Also referring to visibility in the sense of making use of the service widespread, which is also related to the necessary confidentiality. We must strive to overcome those fears experienced by a large number of University community members when they come to our office. Many are afraid of the possible repercussions of simply voicing a complaint or consultation.

2. **Trust**, both in how the service proceeds, in its fully independent nature, as well as the person who has assumed the responsibility as the Ombudsman. As per the service, my intention is to inform the management about some regulatory changes which would specifically help to achieve that trust. For instance, changes that affect the appointment of the Ombudsman, to encourage greater participation from the University community and the changes concerning competences so that the Ombudsman can attend management and Academic Board meetings when necessary. I hope that we can work together in 2018-2019. As for the current service, I believe there is much room for improvement to create that trust.

I would appreciate any observation, suggestion or idea to improve our visibility and trust.

I would also like to express our gratitude to the people who have placed their trust in us and have come to our office with their requests. We hope to have given the most appropriate attention to each case, even when the final resolution was not the one expected. We have made the greatest possible efforts to find a satisfactory solution to the problems that have arisen.

In closing, we would like to acknowledge the respect and consideration that the University community has always shown for the Ombudsman's role.