



2022-2023 Report

University Ombudsman

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Regulatory Framework

In compliance with the *Regulations Governing the Powers and Functions of the University of Deusto's Ombudsman Office*¹, which are in line with the basic principles set out in provision 14 of the current legislation (Spanish University Organic Law -LOU 6/2001), the Annual Report on the activities carried out by the University's Ombudsman from 1 September 2022 to 31 August 2023 is hereby presented. This date marks the end of the activity period, in accordance with the guidelines contained in article 15: "The University's 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 complaints 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 be disseminated to the University of Deusto community through the usual channels via the internal channels, the Extranet and social networks. This document is made available to the general public on the Ombudsman's Office section² of the University's website, where it can be easily consulted together with reports from previous years. This year, a summary of this report and a review of the Ombudsman's performance were presented at the Academic Board meeting held on 25 November 2023, and was followed by some closing remarks on the distressing situation in Gaza.

In drafting the Report, an effort has been made to ensure respect for the rights and freedoms of all the University community members, while maintaining due confidentiality in the handling of personal data and cases presented. Likewise, the information on the actions undertaken throughout the year has been provided with the utmost transparency.

¹ Approved by the Academic Board at the meeting held on 14 March 2013, published in *BOUD* No. 45, and amended by the Board of Directors on 20 October 2020, published in *BOUD* No. 77, on 30 October 2020.

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



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Overview

The report will largely follow the outline of previous years' reports to facilitate comparison of data with those of previous years.

In line with the activities performed in previous years, the University's Ombudsman strived to serve all the people who approached the service to request assistance or intervention over the past academic year. Efforts were always made to solve issues through dialogue, trying to reach a consensus.

We would like to thank the University's bodies and those who contributed with their information and help in resolving issues. We would also like to thank all those who placed their trust in our service and contacted the Ombudsman's Office to file a complaint, lodge a claim, request consultation or report a problem and, most often, request intervention. We would also like to offer our most sincere apologies to those who did not feel adequately defended by the University Ombudsman's proceedings, or who may feel that their rights were not adequately recognised.

1. Previous considerations and nature of the consultations

The following types of procedures were addressed last academic year:

- **Complaints.** These are cases in which the person concerned considers that an action, fact or decision made by a University body or individual undermines their rights. This kind of complaints should be submitted to the Ombudsman's Office after having exhausted all other available channels for resolution. Nevertheless, people often contact the Ombudsman's Office for guidance, help or advice to resolve a problem, although they are aware that the service only takes action once other available resolution channels have been exhausted. In some cases, the complaint lodged may not be appropriate for consideration by the Ombudsman's office for several reasons, in which case it is dismissed.
- **Consultations.** Those interested contact the service because they require advice, information or help concerning the following: regulations, administrative matters, etc., which are often related to requests for assistance in their work or workplace relationships. The procedures often involve personal matters and are submitted to the heads of the University's management bodies, which will usually provide a prompt solution to their problem. In some cases, information alone suffices.
- **Mediation** is one of the interventions offered by the Ombudsman's Office. This is an increasingly recommended course of action for resolving conflicts arising in university life upon specific request of a



community member or a group. No mediation took place last academic year.

- And, lastly, **ex-officio actions**. These procedures are undertaken by the Ombudsman when the University or one or more of the University community members undertake actions or make decisions that infringe the rights of its members. No ex-officio procedures took place in the 2022-2023 academic year.

The Ombudsman does not have decision-making power in some types of cases but may make recommendations or suggestions, or prepare reports to deal with the submitted complaints. It is the responsibility of the academic or management authorities to take due action where appropriate in each 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's Office are not met (Article 9). All complaints received through the web form were processed. However, as some procedures were forwarded to various levels of the University, the Ombudsman's services had to wait for their resolutions on several complaints.

Finally, and beyond the regulated actions, as already noted, people seeking attention and a listening ear also turned to the Ombudsman's office last academic year. In all cases, they were attended to, assisted, and, depending on the situation, given advice.

2. Data, analysis and description of procedures

This section contains the statistics for the matters that the service addressed and a summary of the procedures carried out during the 2022-2023 academic year.

Both complaints and consultations were resolved through the customary procedures run by the Ombudsman's office: analysis of the situation and causes, interviews with the authority, body or service involved in the case, request for information or reports. According to the type of case, the most frequent communication channels used with the persons and bodies concerned were personal appointments with the Ombudsman, or by phone and often by email. Videoconferencing was also a way for addressing and resolving problems. 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.

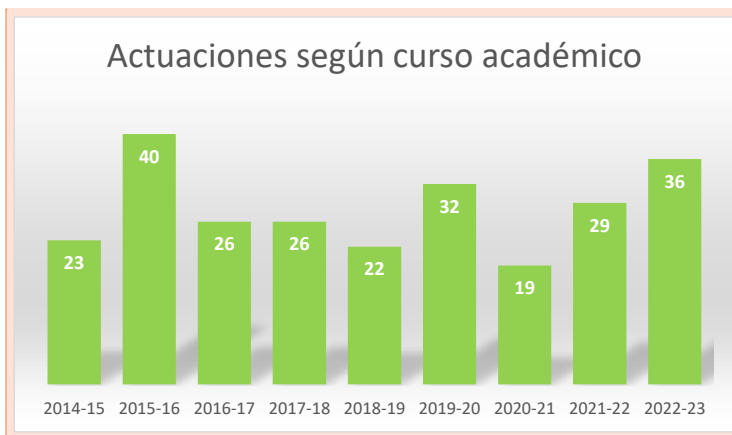


a. Issues addressed

Below are the charts for the following data: development of procedures, types of actions, distribution by campus, distribution by language used, distribution by sector, distribution by centre and service, distribution by group and sex, distribution by education level and outcome of the resolutions. Finally, a table showing the procedures and a description of the grounds for request and distribution by group is also included.

i. Development of procedures

In the 2022-2023 academic year, 36 people approached the Ombudsman's Office; this was 7 more than in the previous academic year, and higher even than during the 2019-2020 pandemic year. Eight of them did so to make enquiries and 28 to file complaints and claims. One person from the Begoñako Andra Mari Teacher Training School, a centre affiliated to the University of Deusto, approached our office for the first time.



Comentado [MM1]: Procedures by academic year



ii. Types of procedures



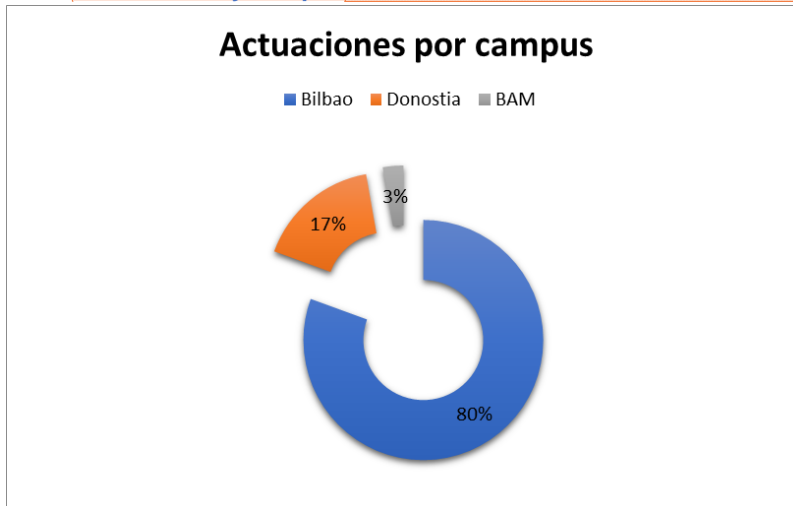
Comentado [MM2]: Types of procedures

Complaints
Enquiries

In terms of request types addressed to the Ombudsman, almost one in four were enquiries, virtually on a par with those of the previous academic year.

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

iii. Distribution by campus



Comentado [MM3]:
Procedures by campus

Bilbao
San Sebastian

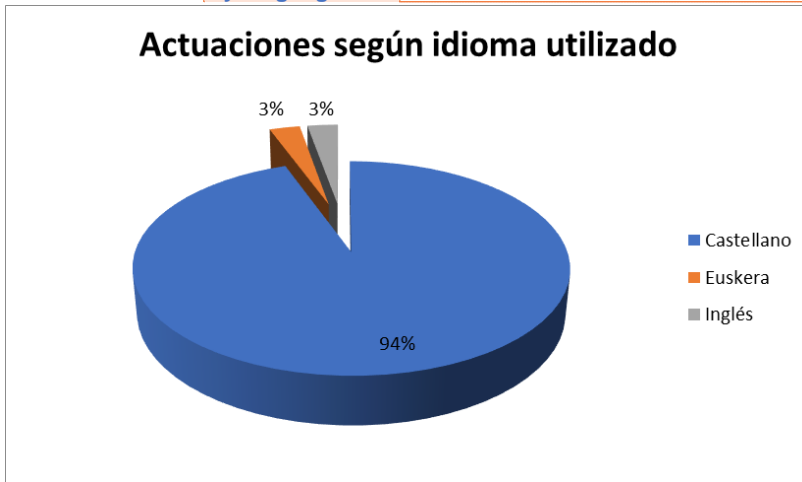
BAM: Escuela Universitaria de Magisterio Begoñako Andra Mari (Begoñako Andra Mari Teacher Training School)

The Bilbao campus, accounting for 80%, continued to be the campus with the highest number of interventions, while the number of actions on the San



Sebastian campus remained the same as in the previous academic year. One person approached us from the Begoñako Andra Mari Teacher Training School, a centre affiliated to the University of Deusto.

iv. Distribution by language used



Comentado [MM4]: Procedures by language used
Spanish
Basque
English

When it came to submitting requests, Spanish was still the most widely used language.

v. Distribution by sector

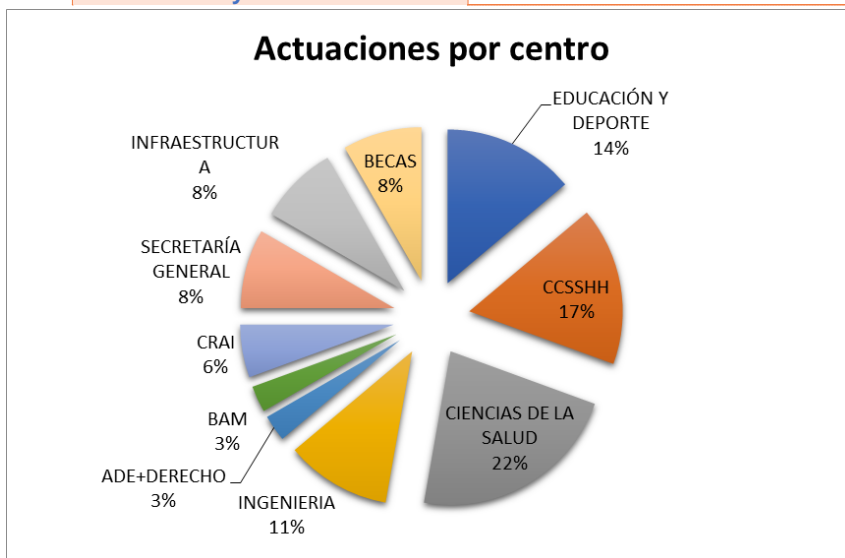


Comentado [MM5]: Procedures by group type
Students
Teaching and Research Staff
Administration and Services Staff



Once again, students were the group that most demanded the services of the Ombudsman's office last academic year. These, in turn, were mostly undergraduates, with only one master's student and one alumni student. In four cases, it was the family that approached the service in the first instance rather than students themselves. This year, unlike in previous years, one person from the administration and services staff and two from the academic staff approached our office.

vi. **Distribution by centre and service**

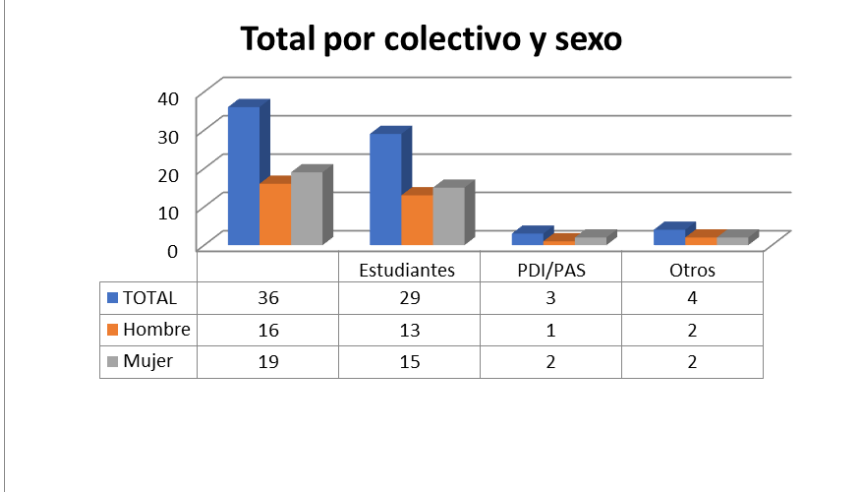


Comentado [MM6]: Procedures by centre
 INFRASTRUCTURE
 GENERAL SECRETARIAT
 CRAI LIBRARY
 BAM TEACHER TRAINING SCHOOL
 BUSINESS ADMINISTRATION + LAW
 ENGINEERING
 GRANTS
 EDUCATION AND SPORT
 SOCIAL AND HUMAN SCIENCES
 HEALTH SCIENCES

There were 25 issues that were directly related to the Faculties. The rest of the actions involved the following University areas: CRAI Library, General Secretariat, Grants, Administration and Infrastructure.



vii. Distribution by group and sex



Comentado [MM7]: Total by group and sex
 Students
 Teaching and Research Staff/Administration and Services Staff
 Other

TOTAL
 Men
 Women

In the academic year under review, the number of women who resorted to the Ombudsman's Office was once again higher than that of men. It is difficult to draw any conclusions in this regard.

viii. Distribution by education level



Comentado [MM8]: Procedures with students by education level
 Undergraduate students
 Postgraduate students
 Alumni



With regard to the education level, as in previous years, undergraduate students, with 26 cases, were by far the ones who resorted to the Ombudsman the most, while postgraduate students accounted for only 2 cases.

ix. Outcome of the resolutions

Comentado [MM9]: Outcome of the resolutions
Favourable
Unfavourable
Processed



Compared to other academic years, the percentage of resolutions favourable to those who lodged a complaint fell significantly. There are many reasons for this, but in general, these claims are difficult to accept because they clash with clear rules, such as those on student progression and continuance, or access to university. Six out of ten resolutions were not favourable to complainants, just the opposite of what has been the case so far. It is also true that sometimes it is not easy to accurately gauge the outcome of the intervention, since we cannot always take an 'all or nothing' approach. In other instances, the decision is not exactly what was requested, but it was channelled in such a way that it satisfied the complainant to some extent.



i. Procedures by request type

Grounds for requesting action	Students	Teaching and Research Staff	Administration and Services Staff
Problems with various applications, grants...	3		
Complaints about infrastructures, facilities, entry to CRAI library, campus entry...	5		
Complaint for non-refund of fees	1		
Disagreement with assessment system	2		
Disagreement with admission criteria, change of campus	4		
Complaints about assessment system, continuous assessment criteria, deadlines for handing in assignments, level of learning required...	4		
Complaint about the quality of teaching	1		
Complaint about the assessment of internships	1		
Complaint about problems arising from student progression and exam regulations	2		
Complaint about inappropriate treatment by teaching staff	3		
Enquiries about file opening, plagiarism, equivalence of courses from different syllabuses...	7		
Complaint about inadequate treatment by a Master's or Faculty management team member.		2	
Enquiry about inadequate interaction between students			1
Total	33	2	1



b. Reflections and data assessment

If we look at interventions by type, during the 2022-2023 academic year there were a wide range of issues, problems and complaints to be dealt with.

On the one hand, there were complaints related to infrastructures and grants: complaints about lack of parking space, especially from those who had received fines for parking incorrectly outside the campus; issues regarding identification for gaining access both to the CRAI library and to the campus by car. As for grants, there were complaints from students who were not granted aid because they failed to fill in the application form correctly, or submitted it after the deadline.

The second block, as in previous academic years, includes requests related to teaching, mainly to assessment, grading and student progression and continuance regulations (issues on student progression and last options for resit exams) as well as to the lack in quality teaching. A number of queries were raised about what to do when one is dissatisfied with the assessment received. The unique nature of the degree programmes in the Faculty of Health Sciences has probably led us to intervene in cases of disagreement with an assessment process, or with regard to whether or not students have the right to ask for the correct answers to a multiple-choice test, should the teaching staff intend to use it again later on. Other complaints were lodged concerning lecturers who did not attend to all student work groups in the same way, thus affecting the final assessment, and about the change of assessment criteria by some lecturers.

Another block could include issues concerning relationships, coexistence, attention, or rather, lack of attention from the teaching staff. In several cases we acted as mediators to solve this type of problem between lecturers and students, or between lecturers, and master's programme directors or Faculty heads. These complaints require a somewhat different timing and approach as they are often difficult to handle, but are also rewarding if the parties involved end up fairly satisfied or have succeeded in resolving the issue.

Lastly, during the academic year under review, we also noted what we mentioned last year about the process of lodging complaints and claims, as more and more students or their families resort to the Ombudsman's office without having completed the usual procedure, or while awaiting a response from some other body. Likewise, the handling of complaints and claims often leads to an improvement process that enhances the quality of the service to be provided, such as the changes and improvements in the admission processes that have been implemented for the 2023-2024 academic year. Indeed, I think it is good for such a complex and large institution as ours to address demands, complaints, suggestions, etc. fearlessly, as it highlights situations and issues that need to be addressed.

To conclude this section, although the number of requests has increased, I would like to mention those who have not approached the Ombudsman's office in the last two years. There were no complaints or claims from any of the University's employees, i.e. member of the teaching and research staff, administration and services staff or research staff. I find this both significant and worrying.



3. Institutional actions

i. External activities

We attended the annual meeting of the Spanish State Conference of University Ombudspersons (CEDU) in Santiago de Compostela in September 2022. Some interesting topics were discussed, such as Mental health within the university context; Analysis of the implementation of the Law on University Coexistence; and Employment rights of the Teaching and Research staff at the outset of their professional development. Following the general assembly, we had the opportunity to attend an excellent lecture by Ángel Gabilondo, the Spanish Ombudsman.

Furthermore, after a brief virtual meeting in January to meet each other, we welcomed a visit from Alejandro Celis, Director of disciplinary processes at the Adolfo Ibáñez University in Chile on 9 February. He made a trip to visit and learn about the various Ombudsman's offices at Spanish universities, and chose us as an example of a private university. It was an intense but enriching day.

In the same vein, we held several meetings with the Ombudspersons of the Unijes, Loyola Andalucía and the Catalan Ramon Llull universities, respectively, to liaise and collaborate with each other in addressing the various difficulties and challenges facing our universities.

II. Students

Once again, students were offered two training courses last academic year with the collaboration of *Deusto Campus*. In the first semester, a course on "Tools and techniques for positive conflict management: negotiation and mediation" was offered; and a course on "Bullying and cyberbullying: Prevention and intervention tools" was held in the second semester. The two courses were very successful, regarding both participation and the final assessment and satisfaction of those attending them.

4. Final remarks

This much has been done, but what remains to be done? I have mentioned the Law on University Coexistence for the last two academic years. In fact, I have realised that, while in some areas, such as tutoring, inclusion, health, accessibility, equality or safe environment, our university has been agile and pioneering, we have not done our best when it comes to the coexistence law.



We should engage in some serious self-criticism in this regard, as we continue to fail to implement all that the law calls for. In fact, we have failed to comply with it. For instance, we have not approved coexistence rules, nor have we implemented the coexistence committee; likewise, we have not determined the role of the Ombudsman's office. Therefore, we should begin by being self-critical for not being able to decisively involve those directly responsible for this issue. Yet there are other University bodies that can also contribute in this regard, including students, as they are also directly involved, for example, by taking part in the coexistence committee. The ruling is not so much about coexistence based on disciplinary regulations but rather on mediation and redress. Moving from a “you break it, you pay it” approach to a “you break it, you fix it” one. Action should be taken towards this end and, if we look around us, we can see that our neighbouring universities have already implemented the instruments set out in the regulation.

On the other hand, I also recall that we talked about the European regulations for addressing anonymous complaints or claims at the Academic Board meeting two academic years ago. The response of some of the Board members at the time was very much against it, but the University is compelled to implement it.

As far as I know, the new Rector's team has already taken up this matter and we will be working on it together. Therefore, I would like to make this commitment public so that we can speak positively on this subject in next year's report.

Finally, we cannot but mention artificial intelligence. This issue is manifold, not least in terms of the ecological footprint itself. Let me just underline two main concerns. The first relates to issues that may arise from those who are opposed to new technologies, or are even technophobes, and who are reluctant to be trained or to catch up in their use, for example, in teaching-learning and research processes. Secondly, there is concern about creating gaps in educational quality and even imbalances when it comes to assessing students who have access to effective and powerful tools due to their financial resources, and those who do not. Maybe we should think about the possibility of providing a basic kit in the AI field for all students, or whether the university will provide access to quality artificial intelligence to the university community at large.

Last year, I ended my report by referring to language policy and this year, I am pleased to note that Deusto's new management team once again has a Vice-Rector to lead this particular subject.

On the other hand, insofar as I am concerned with the infringement of human rights, I cannot remain indifferent or look the other way without also referring to the tragic reality of Gaza in this regard. Particularly noteworthy is the solidarity



that the University has shown and continues to show towards the citizens of Ukraine. I would like to encourage the entire university community to reflect on further steps in solidarity with the Palestinians.

I would like to conclude, as usual, by thanking all those who have approached the Ombudsman's office for the trust they have placed in our service. We hope to have responded to their concerns adequately, even when the response was not as expected.

I would also like to thank the entire university community for the respect and consideration shown to the Ombudsman.

