



2016-2017  
Annual Report  
Ombudsman

## Regulatory Framework

In compliance with the General Regulations concerning the organisation and role of the University of Deusto Ombudsman<sup>1</sup>, the Annual Report on Management is hereby presented, in accordance with the basic principles established in the fourteenth provision of the applicable law (LOU 6/2001). The report covers the activities conducted by the Ombudsman from 1 June 2016 to 30 May 2017, the date on which the exercise was closed in compliance with the requirements in article 15 of the Regulations: “the University Ombudsman shall draw up an Annual Report, which will include a detailed account of all the activities performed during the previous academic year: This report will include information about the number and type of requests, etc. received, those that were not accepted for consideration and the reasons therefore, and those that were accepted and their outcome. 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. This document is presented to the public by posting it in the Ombudsman’s Office section of the University website<sup>2</sup>, where it can be easily consulted together with reports from previous years. At the Academic Board meeting held on 6 June 2017, an Assessment Report on the service, its activities and role at the University was issued for the four years that the office has been operating. The previous reports only contained a summary of the activities, etc. for the year covered.

This report has been elaborated taking the greatest possible care to respect the community members’ rights and liberties and the rules governing University life, 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.

---

<sup>1</sup> Approved by the Academic Board on 14 March 2013 and published in the (Deusto Official Gazette) BOUD no. 45, Tuesday 14 May 2013.

<sup>2</sup> [www.deusto.es/Ombudsman](http://www.deusto.es/Ombudsman)

## TABLE OF CONTENTS

Introduction (3)

Previous considerations and nature of the consultations (3)

Data, analysis and description of procedures (5)

1. Issues addressed (6)
  - i. Types of actions
  - ii. Distribution by campus (7)
  - iii. Language used (8)
  - iv. Sectoral distribution (8)
  - v. Distribution by faculties and services (9)
  - vi. Distribution by groups and sex (9)
  - vii. Issues by faculties and groups (10)
  - viii. Issues by level of studies (11)
  - ix. Outcome of the decisions (11)
  - x. Actions by requests and groups (12)
2. Data evaluation (13)
3. Institutional actions (14)
  - i. External activities (14)
  - ii. Internal activities (15)
  - iii. Students (16)
  - iv. Other aspects (16)

Final remarks (17)

## Introduction

Following the introduction, the report comprises the main section with the data, analysis and description of the actions which have been carried out and the assessment of each one. This is followed by internal and external institutional actions which have taken place during the year. The report concludes with a summary which includes reflections based on the Ombudsman's Office's experiences in more general terms.

In line with the approach adopted in previous years, the Ombudsman's Office has done its utmost to attend all the persons who have contacted the service requesting help and action. All efforts have been made to comply with the independence, confidentiality and neutrality expected of the Ombudsman. Many of the cases required attending and listening to problems affecting these people directly. In every case, the procedures have been oriented to improving the matters that are of general interest and the quality of University operations and community relations. Dialogue has been used in every case as a tool to resolve conflicts, intending to reach consensus based on honesty and integrity.

There has been a strong focus on maintaining the level of communication established in previous years, internally and above all with students, as well as externally with other university ombudsmen's offices, as will be explained in the section concerning this aspect.

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

We have used neutral, inclusive words in this report without making allusions to gender. In those cases where the masculine gender has been used, it refers to both gender groups.

## Previous considerations and nature of the consultations

The following types of procedures have been addressed during this past 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 as a last resort. In some cases, the complaint lodged may not be appropriate for this service, in which case it is dismissed.
- **Consultations.** Persons contact the service because they require orientation, information or help concerning regulations, administrative matters, etc. and often ask for assistance related to their job or work relationships. The procedures may involve personal matters and are submitted to the heads of University management bodies, which generally solve the problem quickly. In some cases, information alone suffices.

We have distinguished between three types of consultations: those which follow formal procedures and have been duly registered; express consultations which can be quickly attended by providing orientation or help and need not be registered and a third type which is different due to their special circumstances. In general, the latter type is not registered because of people's reluctance to have their information stored in a database that could provide clues about their identity, even if they are guaranteed the right to privacy under the confidentiality principle. In other cases, people may not wish the Ombudsman to intervene unless they specifically request it. These last cases have not been included in the statistics, although they have been attended with the same care and diligence as others, albeit with a different action mode.

- **Mediation** is another of the Ombudsman's interventions. 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 University acts or resolutions or the actions of one or more university community members infringe the rights of members, these procedures are undertaken. Ex-officio mediation can also be provided when its purpose is quality control of the university system. These actions are rare, particularly due to the precautionary principle.

According to the type of cases, the Ombudsman does not have decision-making power and may make recommendations or suggestions or prepare reports as a result of the complaint submitted. The academic authorities or head office have the responsibility of taking appropriate action according to the case. Several recommendations and two reports have been made during this last year.

**Accepting complaints, etc. for consideration** marks the beginning of the process resulting from the application submitted. 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 have not been accepted for consideration this year.

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

### **Data, analysis and description of procedures**

This section contains the statistics for the matters that the service has addressed, in addition to a summary of the actions carried out during the year. For the reasons mentioned above, information on other kinds of interventions submitted through various means have been excluded from the statistical record and detailed explanations. However, at least one interview was held for these cases.

Complaints and queries have been solved through the usual personal procedures implemented 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 involved in the cases have been personal appointments with the Ombudsman, contact with the Secretary's Office, phone and often email. After the proceedings have been completed, the person submitting the complaint has, in almost all cases, received written notice of the resolution. 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.

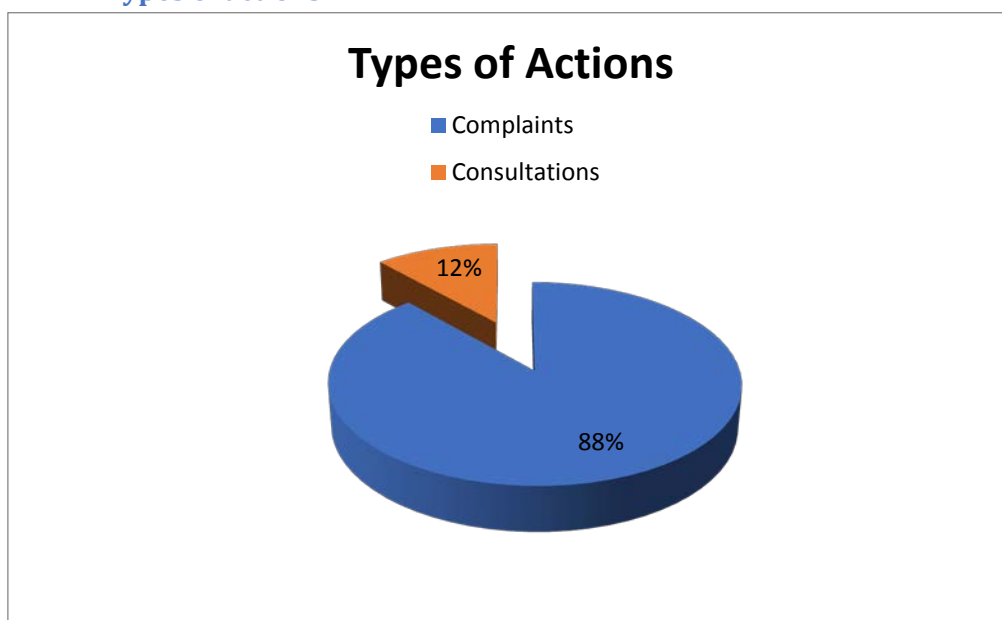
The average resolution time in most cases met the deadlines specified in the Regulations, which are less than two months. However, this aspect could be greatly improved. In some cases the Ombudsman's requests have not been answered. In others, the need for attention has merely been recognised, but not been acted on. In others, the reason for the complaint has not been solved. The result is that there are cases still open after four, five or even seven months.

Four cases were rejected for consideration, mainly for not having previously exhausted the ordinary procedures or for having been processed and the applicant repeated the request or lacked a minimum level of substantiation. Nevertheless, these requests were attended and as much help as possible was offered.

## 1. Issues addressed

The following section shows the graphics mentioned: types of actions, by campus, by language used, distribution by sectors, distribution by faculties and services, distribution by groups and sex, issues by faculties and groups, issues 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. Types of actions

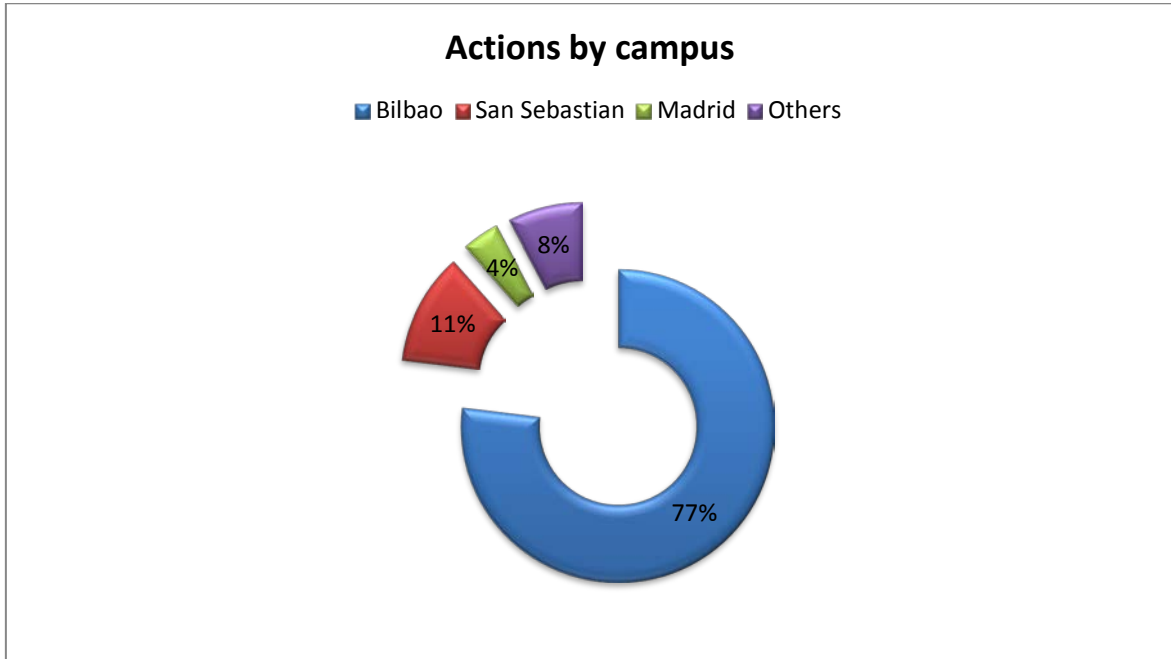


Of the 26 actions carried out during the year, the majority concerned complaints (23) while only 3 were considered consultations. However, as mentioned above, due to the type of consultation, many were not registered as actions. For this reason, the statistics show fewer consultations than complaints. However, actions of this type which do not violate the legal conditions specified and do not call for official management before a University body, etc. make solution of these matters faster without compromising the standards. There were no requests for mediation or ex-officio action. The reports issued are included in the case resolutions.

There were three first contact channels. Most applicants used email (15), followed by personal interviews (9) and lastly, phone calls (2). Having compared and

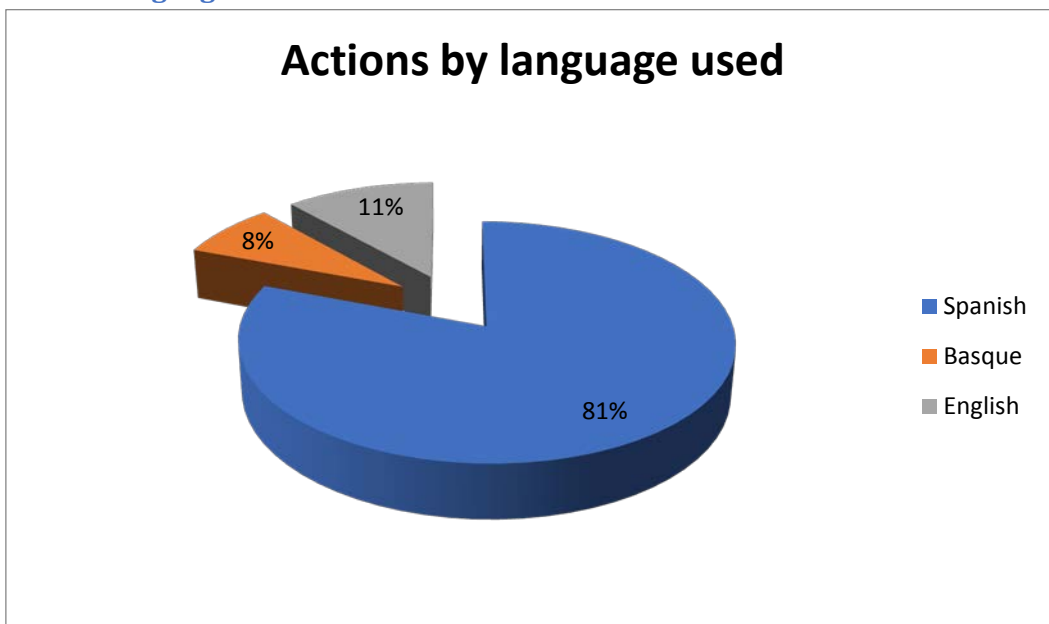
studied these figures with the actions taken during the last two years, changes in the intervention forms have been made to speed up the process.

### ii. Distribution by campus



The Bilbao campus, with 20 cases, registered the highest number of interventions- and also the highest number not registered. San Sebastian had 3 and Madrid had 1. The remaining 8% comprised 2 cases and a consultation made from Valencia and a complaint from Monterrey, Mexico, which were placed under "Others".

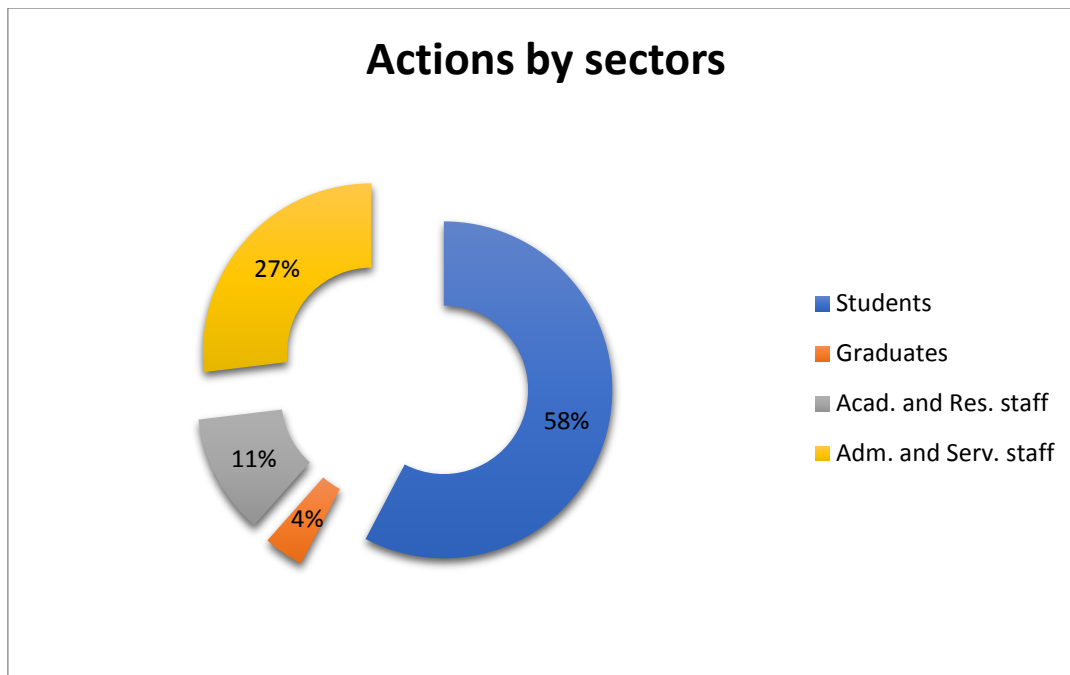
### iii. Language used





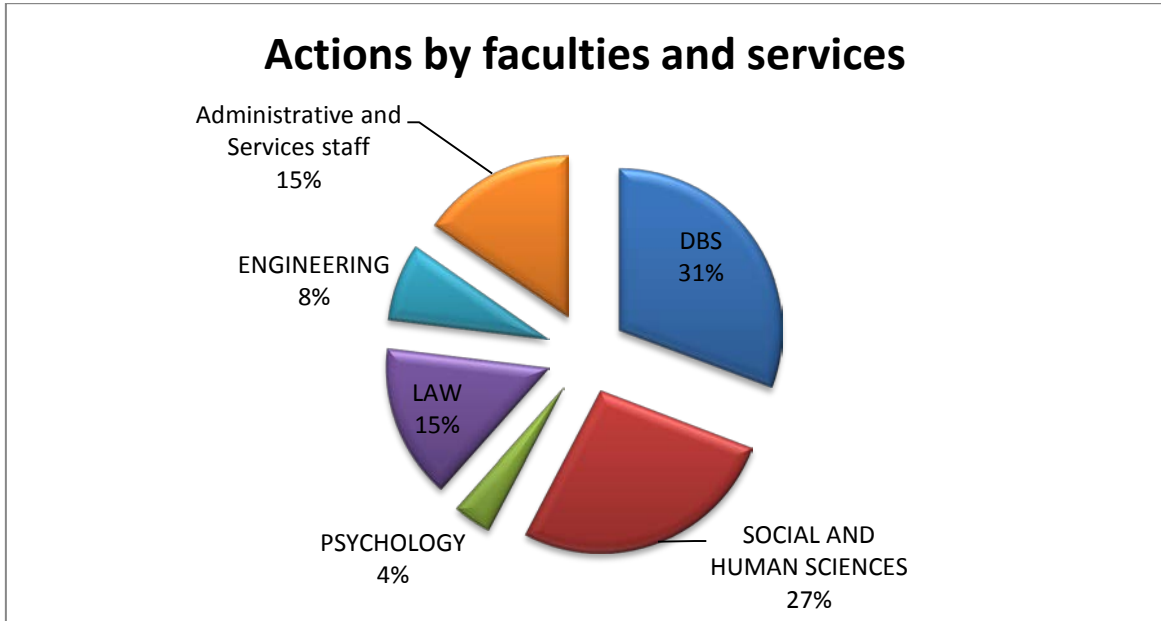
Spanish is the most used language when filing a request, with 21 cases. This year, English was the second most used language with 3 cases and two cases were conducted in Basque. However, after the first contact, a greater number of users were attended in the Basque language.

#### iv. Sectoral distribution



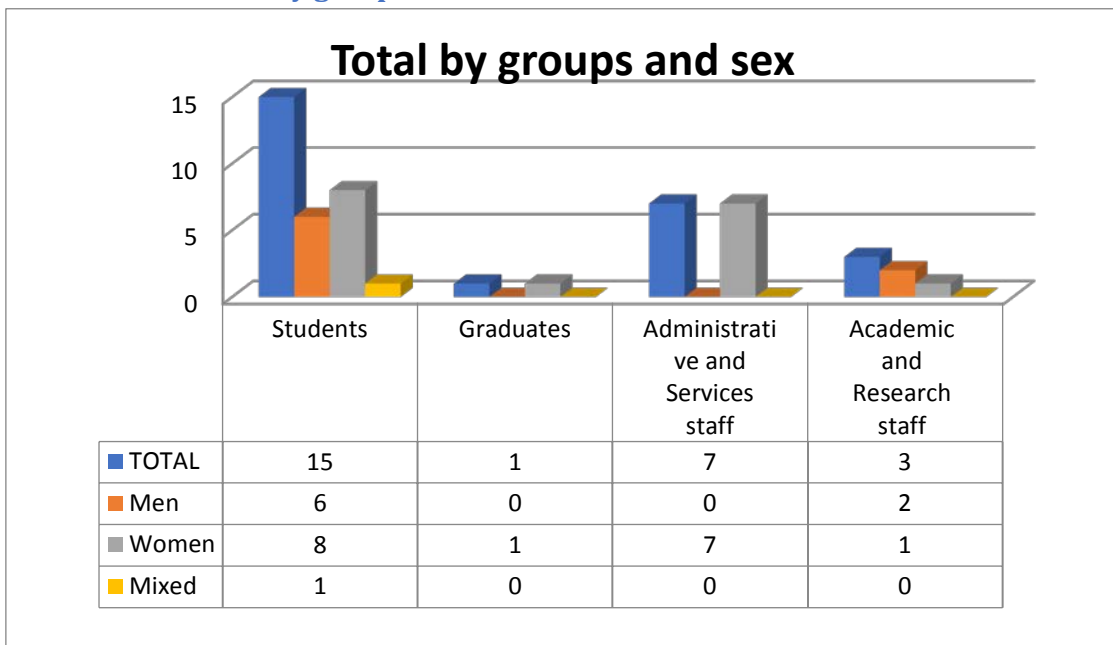
As can be clearly seen in the image, students were once again the most numerous users at the Ombudsman's Office. During the year, 16 actions were undertaken in total, of which 1 concerned a graduate. They were followed by the Administrative and Services staff (PAS) with 7 cases and 3 by the Academic and Research staff (PDI).

v. Distribution by faculties and services



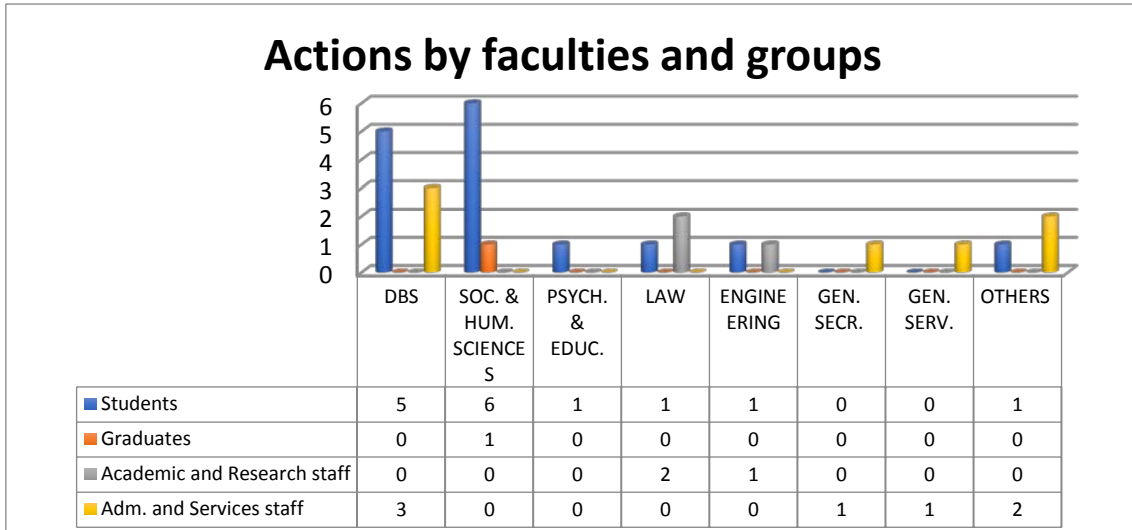
The number of issues addressed by faculties and services is as follows: Administration and Services, 4 actions; and by faculties: Deusto Business School (DBS), 8 cases, Social and Human Sciences, 7; Law, 4; Engineering, 2; and finally Psychology and Education, 1.

vi. Distribution by groups and sex



As regards groups and sex, there are differences in the requests, 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. The mixed case refers to the users representing a group although the person who filed the request was a woman.

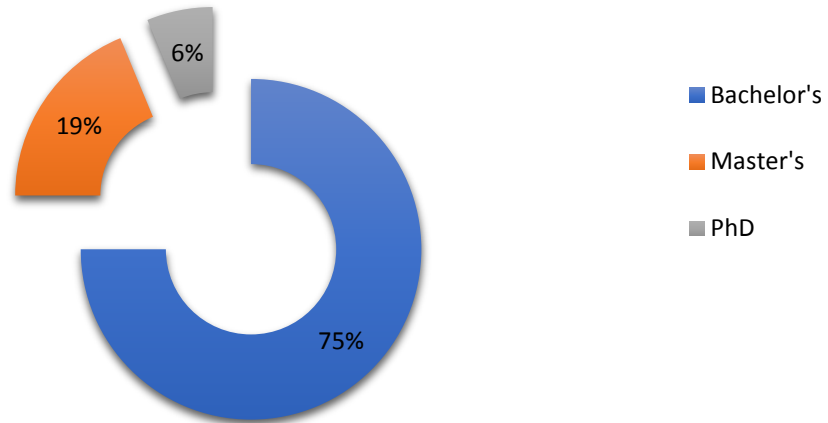
vii. Issues by faculties and groups



This year the mix of faculties and groups showed variable results according to the faculty. Social and Human Sciences was the faculty with the highest number of cases involving students, 7 between students and graduates. This was, in fact, the only group from this faculty that contacted the Ombudsman. There was one case involving a student in Psychology and Education. The Law Faculty had two cases each, for students and Academic and Research staff plus one for Administrative and Services staff. In Engineering there was one case involving students and another for Academic and Research staff. Finally, DBS had the highest number of cases involving students, 5, as compared to 3 for Administrative and Services staff. There were no interventions in this faculty concerning Academic and Research staff.

viii. Issues by level of studies

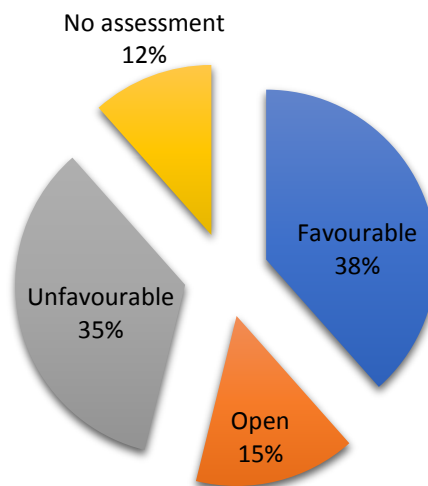
### Actions involving students by level of studies



As in previous reports, the Bachelor's degree students were the ones involved in most actions with the Ombudsman's Office, specifically 12. There were also three cases of Master's students and only 1 PhD student.

ix. Outcome of the decisions

### Outcome of the decisions



The following information specifies the percentages shown in the pie chart: favourably solved: 10 cases unfavourable: 9; no assessment: 3; and open, awaiting a decision: 4.

## x. Actions by requests and groups

Reason for request and action	Students	Graduates	Academic and Research staff	Administrative and Services staff
Exam revision	1	-	-	-
Last resit allowed	2	-	-	-
Consultation on student services	-	-	1	-
Degree certification	1	1	-	-
Lecturer's absence	1	-	-	-
Requirements for preparation of the Master's Final Project	2	-	-	-
Sanction by application of Regulations	1	-	-	-
Erasmus stays	1	-	-	-
Attachment to a research team	1	-	-	-
Work positions, recognition, salary and promotion	-	-	-	3
Accessibility to the work place	-	-	-	1
Workplace and health	-	-	-	1
Grants	2	-	-	-
Communication-related topic	-	-	1	-
Fees and payments	2	-	1	2
Improvements in software	1	-	-	-
<b>Total</b>	<b>15</b>	<b>1</b>	<b>3</b>	<b>7</b>

## 2. Data evaluation

The number of interventions carried out was similar to the second year. The interannual variability is remarkable in this aspect, which is also the case of Ombudsmen's Offices at other universities. It is common to find that students are the group with most cases, as they often request information and assessment. This indicates that conflicts are being properly handled by deans' offices. On the contrary, the Academic and Research staff and the Administrative and Services staff always request an intervention when making a formal request to the Office.

Fewer interventions carried out by our service, as well as the fact that students do not return to us after having been given information about the channels to pursue, are clear indicators that the attention or help given them to solve their problems and conflicts is improving. Nevertheless, in spite of the efforts made to inform the University community, we continue to find that many students are interested in knowing what type of issues fall within their purview, such as their own Regulations and how they are applied in the faculties. Once again, we place particular emphasis on students' rights and, as a result, their obligations, which should be a key aspect of their university years. This would avoid many problems, upsetting situations and sometimes irreversible consequences.

The topics registered do not significantly differ from previous years. Issues related to grants and student aid involved only a few cases, mainly due to the requirements set by public institutions. As per this subject, the requirements should be updated to keep pace with changes in today's society. At an internal level, the grants policy for our students is quite satisfactory. This is not only due to the large amount of resources invested but also to their efficient management. There have also been complaints about payments for various concepts.

The rest of the issues raised by students were widely diverse and refer to specific aspects, most of which were properly attended with satisfactory results. Once again, academic marks were the reasons for complaints from some students. There were also some complaints, submitted unofficially, on marks revision and criteria in regard to those shown on the official programme or differences in marking practices. As has often been the case, there were some problems concerning end of degree projects, degree certification and also an occasional complaint about lecturers' absences. However, these were almost always isolated cases without major implications, even for complaints submitted by groups although these are always registered individually. Finally, it is important to note that the University of Deusto's long experience managing the Erasmus programme doubtlessly explains why there are so few complaints concerning it. Like every year, there was an isolated case this past year, although such incidents are rare.

The low number of complaints related to the Academic and Research staff and Administrative and Services staff is practically irrelevant from the point of view of types of actions. As has been mentioned, students often request information and assessment while Academic and Research staff and Administrative and Services staff request interventions concerning the requests registered. However, this year there was no intervention

concerning Research staff. For this reason, efforts should be made to attend their requests more conscientiously.

The resolution time could be improved. We have strived to ensure quality in this aspect although it has not always been possible. A part of the University community is not yet aware that a relevant, reasoned response to the Ombudsman's requests within the correct time frame is a responsibility that everyone should take seriously. This principle is applicable in all cases, regardless of the type of intervention or decision reached. We might also note that it is even more applicable if the decision is different from what the parties involved expected.

Lastly, we would like to mention complex cases whose satisfactory resolution exceeds the possibilities of the University itself. These cases call for public institutional intervention. Although the requests are fair and applicants have the right to complain, their management implies a series of external actions that take longer. The degree of difficulty involved may also hinder the positive outcome that we would like to achieve, benefitting the groups concerned.

## **Institutional actions**

### **i. External activities**

On June 27 and 28, 2016, the University of Cantabria Ombudsman organised the G9 Group Meeting of University Ombudsmen which was held in Santander and to which the Deusto Ombudsman was invited. Subjects such as indiscipline and disrespectful student behaviour; Ombudsmen's actions in situations bordering criminal offences; and finally the specific problems of teaching in blended or distance learning situations were discussed. The meeting also included a session on analysis of the project to create an Ibero-American network of university ombudsmen. It was attended by the presidents of CEDU (state conference of university ombudsmen) from Spain and REDDU (network of university students' rights defence organisations) from Mexico.

The 19<sup>th</sup> State Meeting of University Ombudsmen was held in Cordoba on 19, 20 and 21 October. The following topics were debated: "University Ombudsmen's contribution to improving transparency and good university governance", "Harassment in the university environment" and "Reconciliation of work and family life at the university". The subject of "Mediation in University Ombudsmen's Offices: from the legal and psychosocial perspective" was also analysed at the meeting. The CEDU yearly assembly was held, during which the following were approved: the Executive Committee's activities, the 2016 economic report and the 2017 budget. Finally, the vacancy which occurred on said committee during the year was filled.

At the invitation of the Ombudsman of the Basque Country, the University of Deusto Ombudsman attended the event organised by Manuel Lezertua and the President of the Basque Country High Court of Justice, Juan Luis Ibarra, to celebrate *International Human*

*Rights Day.* At the event, Guido Raimondi, President of the European Court of Human Rights gave a talk entitled: “La Jurisprudence de la Cour Européenne des Droits de l’Homme en matière de droits sociaux”.

On 2, 3 February 2017, the G9 Distance Learning Universities Meeting was held in Madrid. The University of Deusto Ombudsman has been invited to the event since she took office. The following topics were discussed and analysed: “Restrictive policies on lecturers and ageing staff”, “Evaluation of PhD theses” and “Reflections on the Spanish University System in its integration in the EHEA”. Due to the scope of the topics, the event was divided into two parts: 1: “Level of compliance with the objectives established” and 2: “Implications of restriction of students’ rights and freedoms”.

As the Ombudsmen's Offices have been set up at the Universities of Comillas and Loyola, the Ombudsman held a meeting with the recently named Ombudsmen, Maravillas Araluce, University of Comillas and María del Carmen López, University of Loyola, to share experiences and align management criteria, with a view to creating a UNIJES University Ombudsmen Network. This cordial encounter took place on 30 March at the University of Comillas. The objectives proposed were reached and possible lines of future cooperation were set.

Lastly, the Deusto Ombudsman took part in Debate Day at the Spanish University Ombudsmen's Conference (CEDU), held in Madrid on 26 May. The debate centred on “Rights crises at universities” and “The work of University Ombudsmen”.

## **ii. Internal activities**

The obligatory presentation of the yearly Report for 2015-2016 was duly held at the Academic Board meeting on 13 December 2016.

As is customary, the Ombudsman attended the opening day events of the 2026-17 academic year at the Bilbao campus on 15 September 2016. She also attended the events organised for St. Thomas Feast Day on 28 January.

The Ombudsman was also present at the Deusto Business School centennial celebration held at the Bilbao campus on 16 November 2016.

And, on 29 March, she attended the Business Breakfast for the opening of the Job Forum. This event was attended by the Basque president, Iñigo Urkullu.

## **iii. Students**

In line with the tradition of previous years, the Ombudsman presented the Office and services to the students of the Humanities and Social Sciences Faculty at the Bilbao and San Sebastian campuses.



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 quarter and “Bullying and Cyberbullying” were addressed during the second semester. Both courses were extremely successful, attended by many students who expressed their satisfaction with the initiative.

The Ombudsman also formed part of the jury for the 16th Blessed Brother Gárate Academic Debate Championship which centred on: *Prioritising the interest of Europe as a whole, out is out?* held from 17 to 19 November.

The Ombudsman continued with the yearly awareness-raising student activities on the importance of becoming well-rounded persons by participating and engaging in any of the *Deusto Campus* activities. The main event was *AfterWork* held on 6 April and entitled “How can you improve your CV?” Iván Jiménez, Managing Director of Bizkaia Talentia, attended the event and students had the opportunity to offer their reflections, debate and even suggest ideas that will certainly be taken into account by University management. The favourable response and prior confirmation and the poor turnout should be noted. As a result, the activity indirectly offered an opportunity to make students aware of the need to keep their word and, if necessary, notify that they would not be able to attend the event.

#### iv. Other aspects

In spite of the fact that the service has been operating for over three years, emphasis is still being placed on making the Ombudsman’s Office more visible. Of the different actions suggested, the submission of requests has been modified by the Computer Service to automate the process. In future, any member of the University community will be able to make a request and send the supporting documents online in contrast to the previous system which required face to face contact. This change will not only make the Ombudsman’s service more accessible but will make it more secure and ensure confidentiality.

## Final remarks

After three years working in the Ombudsman’s Office, we can conclude that its daily activities are not only a guarantee for the University community but have also improved the University’s services and quality. The requests, which are shown as complaints and consultations, in addition to other cases presented, help to detect aspects that can be improved and reveal infringement of community members’ rights, thus leading to a search for solutions. In most cases, the problems were not relevant to the University as a whole, but were important to the persons submitting the requests and affected the tasks performed by the person or service concerned. We have also strived to focus our

contribution on students and their comprehensive education, making it fairer and more sensitive to the problems they may encounter.

We have made the University community our main priority during these years and have worked on general awareness-raising and responses that will ultimately improve our service. While we have clearly made progress, there are always things to be done. Interest and concern for work well done and good coexistence are a tangible reality among our University community. However, there are day to day matters that call for special sensitivity and a greater sense of responsibility as a group. Group reflection pursuing greater collaboration among everyone is needed. This must be based on the personal rights framework to achieve an exemplary place of human, scientific and cultural coexistence capable of joining group efforts.

We would like to express our appreciation to the people who have contacted our Office, and for the trust they have placed in it and our work. We hope to have given the most appropriate attention to each case, even when the response was not the one expected. We have done our utmost to help solve even the most complex problems.

Once again, we would like to thank the people, bodies and services that have helped us in our daily work, particularly in the cases of complaints, consultations and also requests. All of our endeavours have intended to be respectful of everyone's work and competences although, as a result of the Ombudsman's lack of decision-making authority, we may have had different views on some points and even resolutions.

With our closing words we would like to recognise the respect and consideration that the University community has always shown for the Ombudsman's role.