



University Ombudsman

2019-2020 Report

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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 September 2019 to 31 August 2020 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 all the activities performed 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. This document is presented to the public by posting it in the Ombudsman's Office section of the University website², where it can be easily consulted together with reports from previous years. At the Academic Board meeting held on 26 November 2020, a summary of this report was issued, 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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Presentation

Although this report refers to a special, bizarre and difficult academic year, which was unusual due to the COVID-19 pandemic, it will try to follow the outline of the previous reports 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 would also like to thank 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 consultations

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

- **Complaints.** These are cases in which the person considers that an action 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 orientation, information or help concerning the following: regulations, administrative matters, etc. which are often related to requests for assistance in their work 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.
- **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**. These procedures are undertaken by the Ombudsman's Office when the University or one or more of its members

undertake actions or make decisions that infringe the rights of its members. No ex-officio procedures have taken place in the 2019-2020 academic year.

According to the type of cases, 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. **Not accepting a complaint for consideration** occurs in cases where the requirements established in the Regulations on the Organisation and Functioning of the University Ombudsman are not met (Art. 9). All of the requests submitted in online form were accepted for consideration this past year. As some procedures were forwarded to different University offices, the Ombudsman's services had to wait for their resolutions on several complaints.

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 2019-2020 academic year.

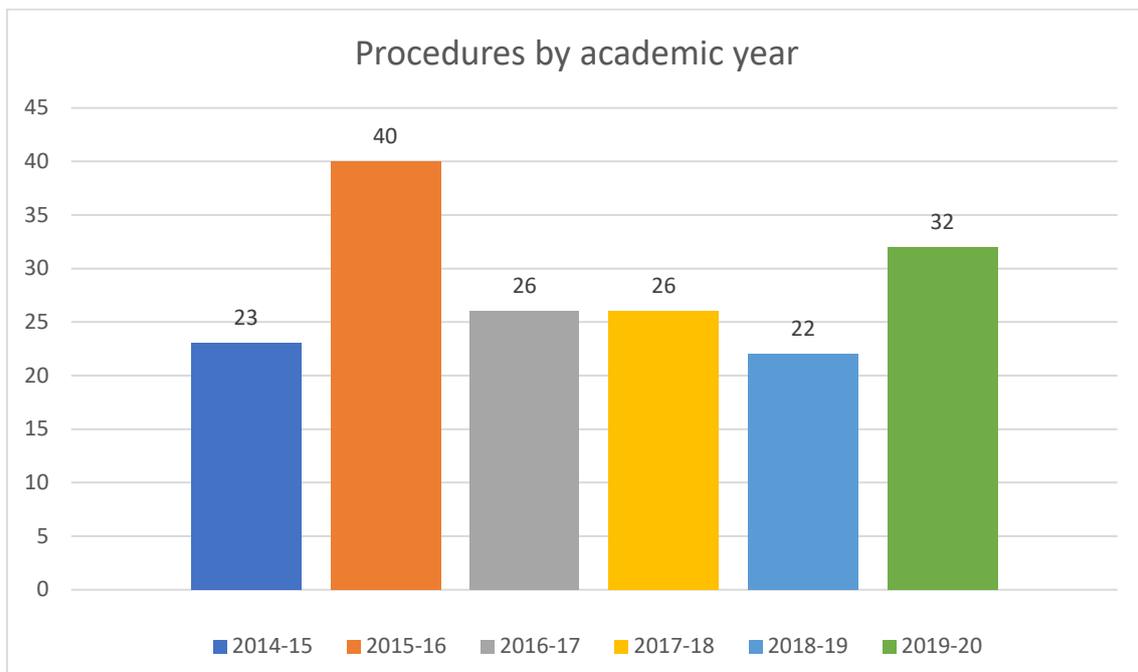
Complaints and queries have been solved through the usual personal procedures implemented by the Ombudsman: analysis of the situation and causes, interview with the authorities, body or services concerned, and requests for information or reports. According to the type of case, the most frequent communication channels used with the persons and bodies concerned have been personal appointments with the Ombudsman, phone and often email. Videoconferencing has also been, especially in the lockdown period, a way to address and solve 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

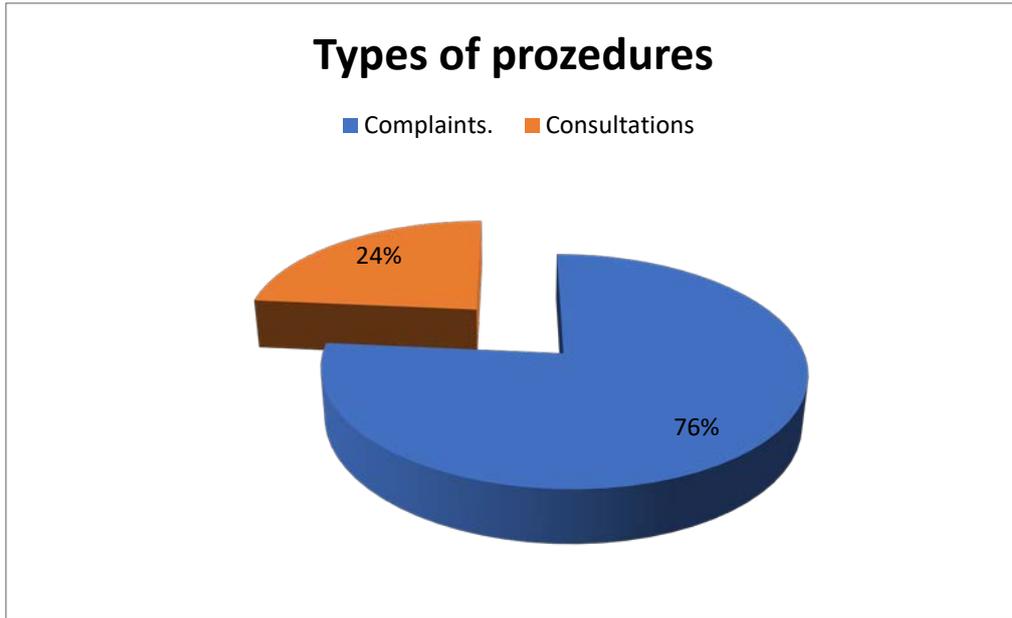
The following sections shows the graphics mentioned; development of the procedures, types of actions, by campus, by language used, distribution by sectors, distribution by faculties and services, distribution by groups and sex, issues by faculties and groups, issues by level of studies, by resolution outcome and lastly, a table showing the procedures and a description of the reason for the request and distribution by groups.

i. Development of procedures

In terms of the number of interventions, there has been a considerable increase compared to the previous year. This can be explained mainly by complaints about situations arising from the pandemic and its consequences.



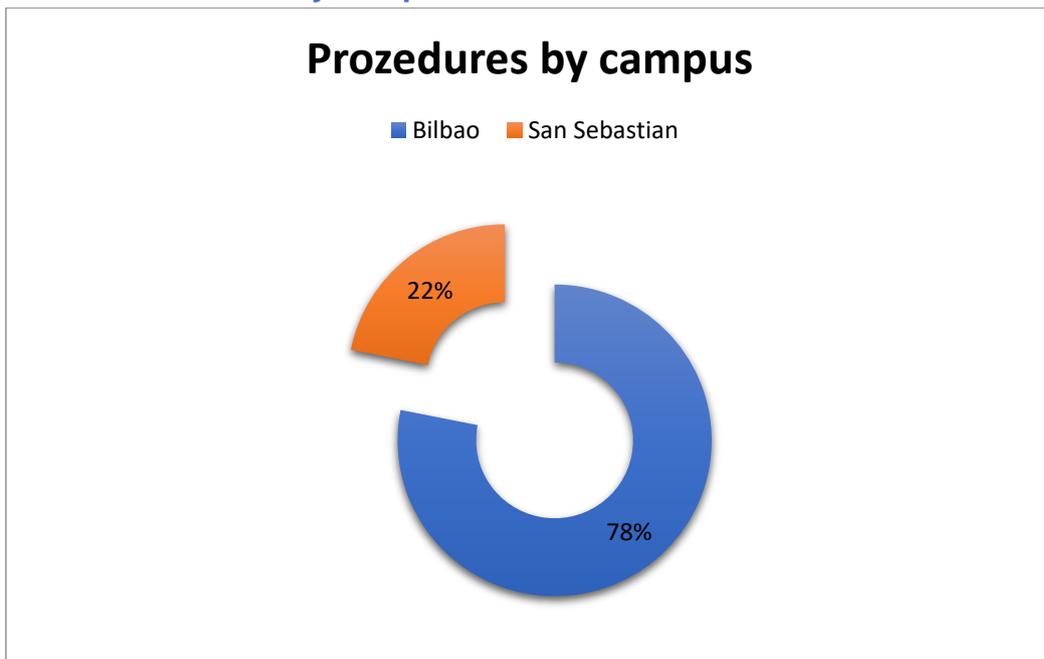
ii. Types of procedures



With regard to the type of requests, one out of every four actions corresponds to consultations, maintaining the proportion with respect to the previous academic year.

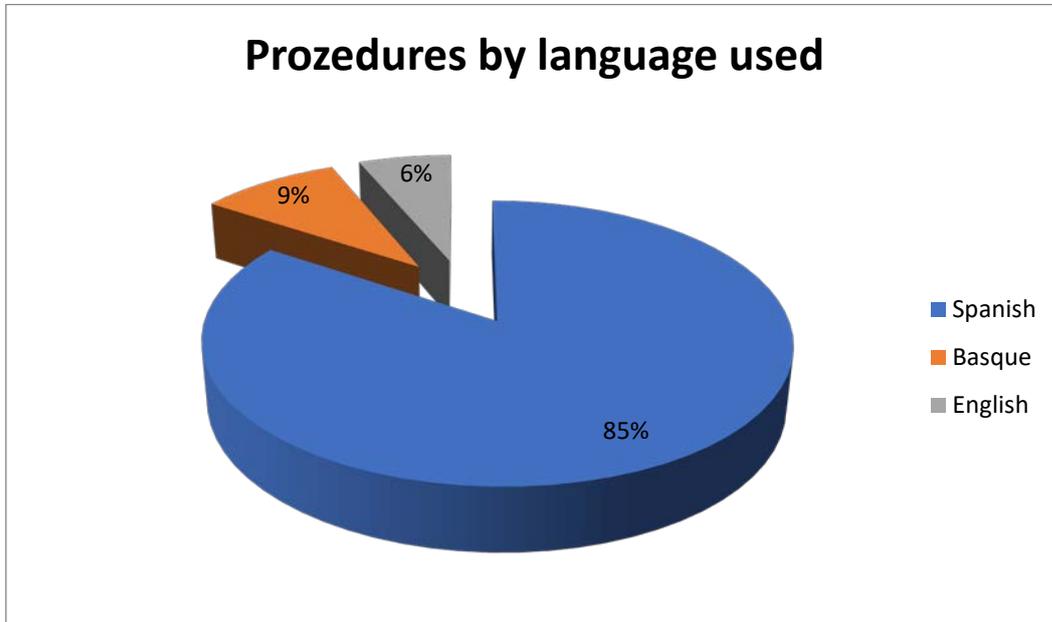
The initial channel used to process requests, etc. was the form available on the University Ombudsman's website. Face to face and telephone interviews were also held.

iii. Distribution by campus



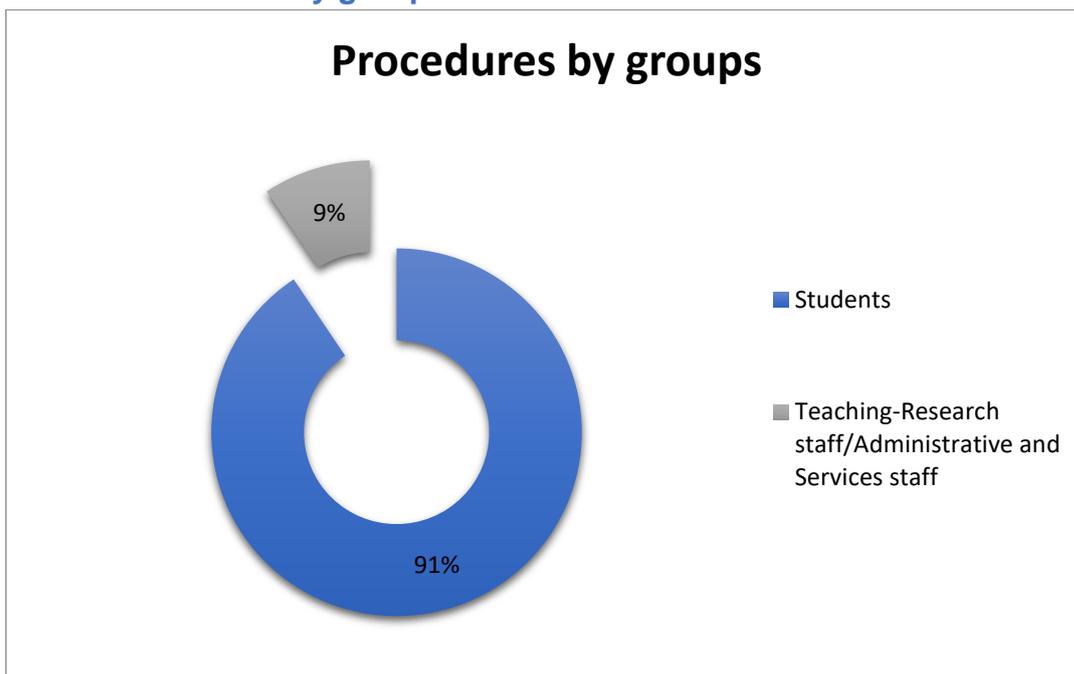
The Bilbao campus continues to register the highest number of interventions with 78% while the San Sebastian campus showed an upward trend.

iv. Procedures by language used



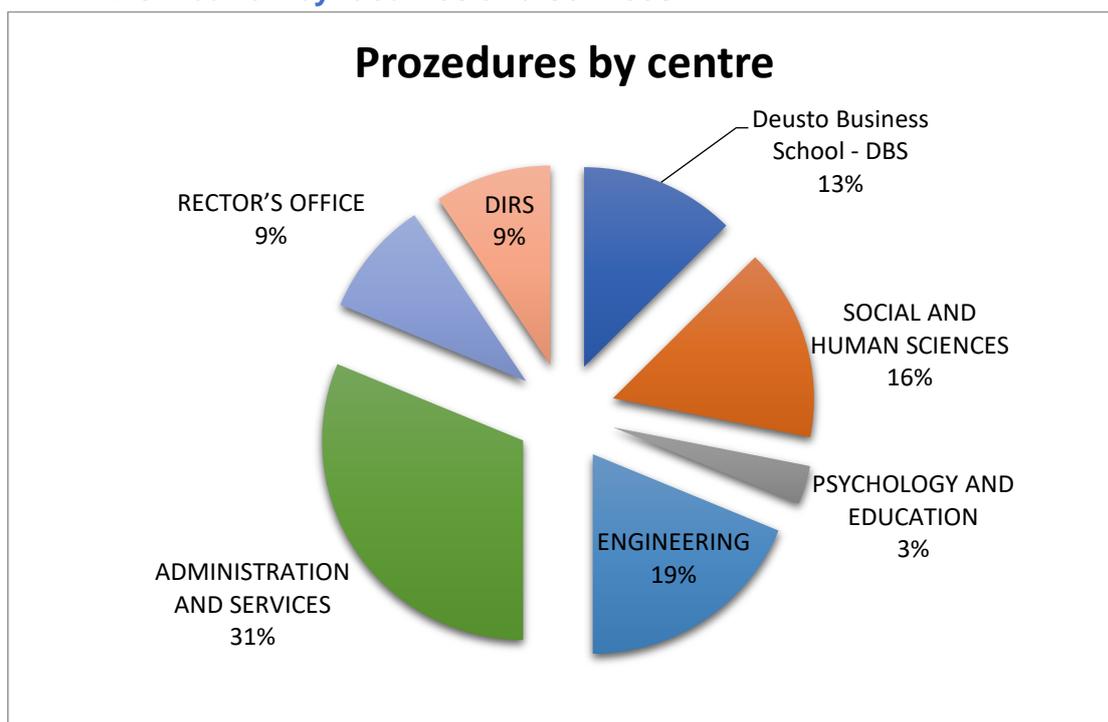
Spanish is the most used language when filing a request. This year, the proportion has been similar to the previous year, despite the fact that there have been 10 more cases.

v. Distribution by groups



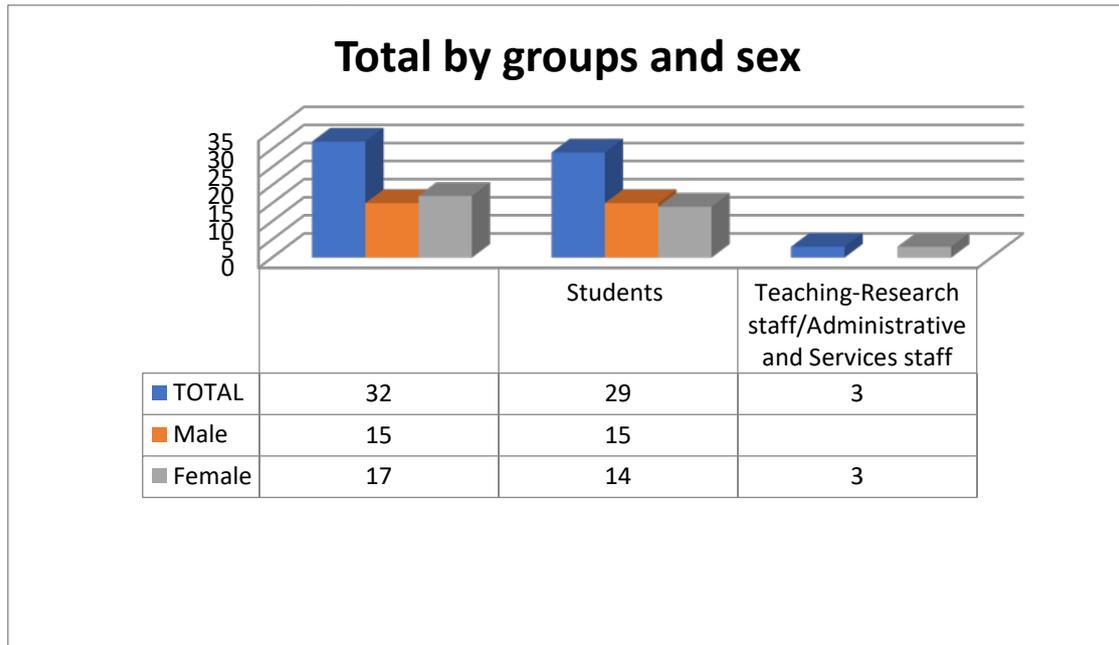
As can be clearly seen in the chart, students were once again the most numerous users at the Ombudsman's Office. In the 2019-2020 academic year, except for two cases from the Administration and Services staff group and one from the Academic and Research staff group, all the interventions involved students. Of the total procedures, 21 were Bachelor's degree students, 7 were postgraduates and 1 alumni.

vi. Distribution by faculties and services



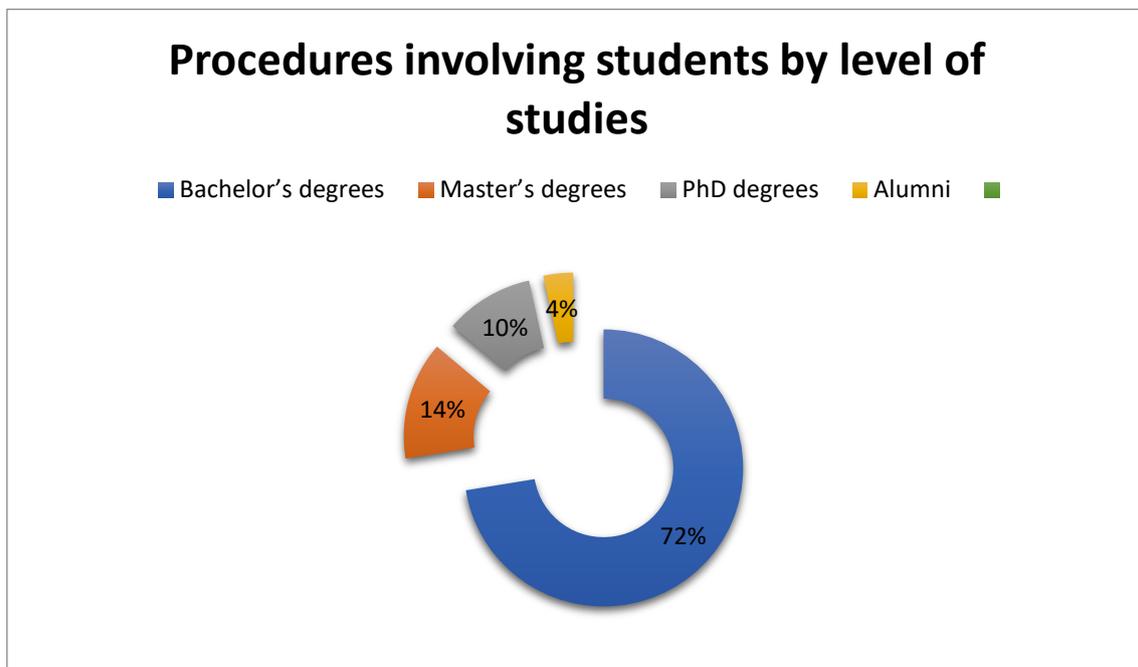
The number of issues addressed by faculties and services is as follows: Administration and Services, 10 actions; Rector's Office, 3; DIRS, 3, and the remaining actions relate to issues that directly concern the Faculties, 16.

vii. Distribution by groups and sex



Once again, this past year the number of women who contacted the Ombudsman's Office has been higher than that of men, but when compared with other years, the difference has decreased considerably. Moreover, this academic year, compared to the gender distribution of the university community, the percentage of men who have contacted with the Ombudsman is much higher.

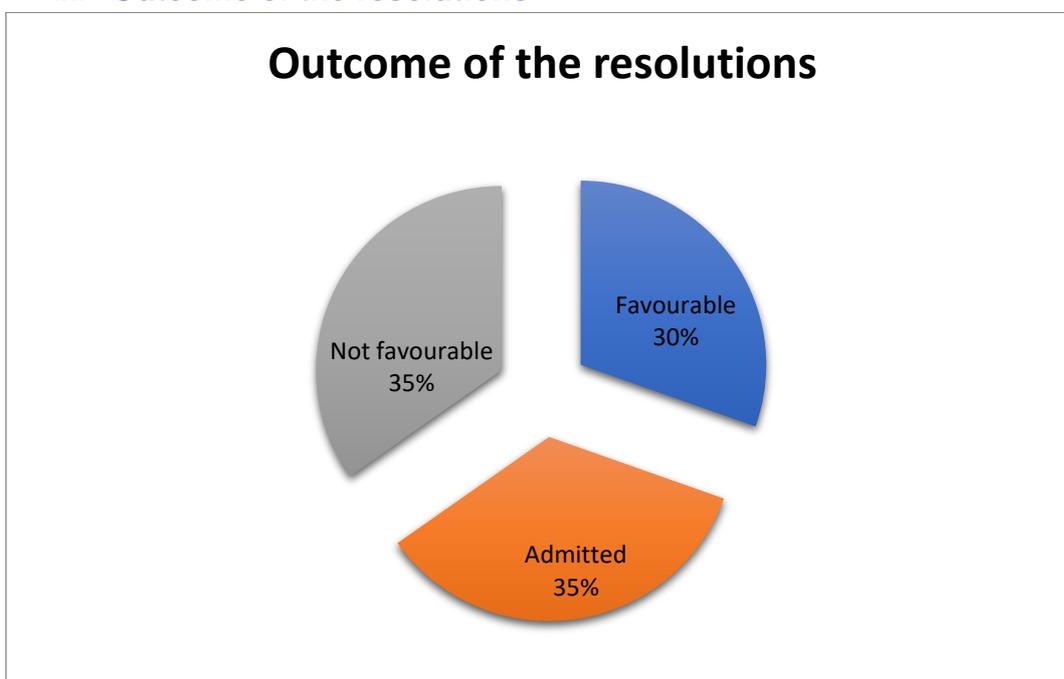
viii. Distribution by level of studies



As noted in previous reports, according to level of studies, the Bachelor's degree students with 21 procedures were by far the ones involved in most actions with

the Ombudsman's Office. There were also 4 cases of Master's students and 3 PhD students.

ix. Outcome of the resolutions



We can say that all complaints and queries were. The percentage of unfavourable decisions remains at around one in three, as in the previous academic year. The distinctive feature this year has been that many of the queries raised were suggestions or proposals to address the new circumstances arising from COVID-19, which directly affected the university's procedures from March to the end of the academic year in July. For example, issues concerning internships, mobility, etc., which were forwarded to the relevant heads. This type of questions are what we have described as 'in process', although in most cases they could not be favourably addressed.

x. Procedures by reason for request and groups

Reasons for request and action	Students	Academic and Research staff/Administration and Services staff
Delay in the processing of applications for degree certificates, academic records...	3	-
Problems with student card	2	-
Complaints about infrastructure, facilities, use of spaces...	6	-

Problems with online assessment in the second semester.	2	-
Complaints and proposals for change concerning academic education as a result of COVID-19	5	-
Complaints about treatment and assessment received from tutors or examining committee concerning subjects or Undergraduate Final Year Project	2	-
Complaints about non-admission to a master's degree course	1	-
Complaints about communication only in one of the two official languages, Spanish.	1	-
Requests for review of serious misconduct	1	-
Queries on refusal to convene an extra resit	3	-
Problems between lecturer-student interactions	1	-
Problems with doctoral training plan	2	-
Query on employment situation	-	2
Consultation and mediation on study aid for family members	-	1
Total	29	3

b. Data evaluation

We must first begin by referring to the special circumstances we are experiencing throughout this year 2020 worldwide, in our society as a whole and the university in particular. We are referring to the COVID-19 pandemic and its consequences. Each member of the university community has their own personal account of what they have experienced and its effects in all areas: health, mood, work, family, colleagues, etc. I would like to make a special mention of those people who have been affected by COVID-19 in a direct and sometimes cruel way. Some have suffered and are still suffering greatly.

With regard to our university, we particularly remember the lockdown period, which completely affected our modes of operating. The university became empty overnight; we implemented teleworking, and had to adapt our teaching and

learning processes to a non-attendance mode. All Deusto's community members were affected, each in their own field and position: management and heads, administration and services staff, academics, researchers, students and their families, staff from collaborating companies, workers' committee... The Ombudsman's Office also had to adapt to a remote assistance mode, so to speak.

Based on this experience, we would like to begin by thanking and congratulating the entire university community. I think that each one of us tried to respond in the best possible way at our level, recognising with humility that some things could have been done better.

Let me begin by recalling, as far as I was concerned, and this is not included in the report data, that after the lockdown, there were a group of students who decided to send a letter with 2,019 signatures to the University management and the Ombudsman's Office with some requests on 23 April. We understand that dialogue, communication and trust are what have helped to overcome moments of uncertainty and tension. I am aware of the important role played by student representatives and the Student Chamber throughout this time, and I believe that it is important to appreciate their responsibility and collaborative attitude.

Looking at the data more closely, there has been a 45% increase in the number of requests for action by the Ombudsman or queries submitted, with respect to the previous year, exceeding the average of recent years. In total, there have been 32 procedures, one out of every four to respond to queries and the remaining to complaints or claims. As in previous years, mostly undergraduate and graduate students contacted the Ombudsman's Office, and only three of them were members of the Administration and Services staff and the Academic and Research staff.

The increase in requests is mainly due to complaints and queries arising precisely from the pandemic and its consequences. One in three actions are related to the circumstances or effects of the pandemic, either during the lockdown or the post-lockdown periods. All kinds of issues were raised, from difficulties in following teaching remotely, to students whose training plans were cut short because they had to give up their internships or their plans to study at a foreign university, to financial claims for having to give up their paid internships. The pandemic also disrupted some administrative issues, particularly delays in obtaining academic transcripts and certificates, with the corresponding consequences for applicants. I think that the complaints, often proposals, arising from this exceptional circumstances have also had, in some cases, exceptional responses, even if they were not those expected by those concerned.

As for other procedures, we should highlight the increase in complaints affecting general services such as infrastructure, cold in the classrooms, study places, etc.

And finally, there are those related to the teaching-learning processes: on the one hand, the feeling of vulnerability of some students towards teaching staff, in cases related to examining committees or tutors, and on the other hand, issues related to the regulations on assessment and progress.

As noted in last year's report, I would like to highlight that the University as a whole offers quite clearly defined services. 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 focus and use the proper channels for all types of problems: academic, administrative, minor conflicts, complaints, etc.

With a view to improving the quality of the service offered by the university, I would like to recall briefly what I set out in the two previous reports. In the first, I mentioned the need for transparency in both processes and decisions, and the need to look at the issue of sanctions for cheating. In the second, I talked about the need to inform well and in a timely manner about everything that could later affect students' learning process. Finally, I referred to the issue of student-faculty interaction, that is, the need to look after the quality of interactions. I would like to focus on this last aspect in view of the complaints received this academic year. On the one hand, the need for the students to be heard, to be attended to by the corresponding authorities, sometimes simply by telephone. We are aware that perhaps in some periods the services have been overloaded and restricted due, of course, to the special and difficult circumstances we have all experienced. Indeed, I think that the institution should take more care of the services and the people who are - shall we say- in the front line attending to students, graduates, candidates, families, etc., especially the General Secretariat, Library, Grants, Alumni, International Relations...

On the other hand, we should note that students sometimes feel vulnerable in situations where there is an asymmetrical relationship concerning lecturers, examining committees or final project tutors. Mutual respect and the dignity of both must guide behaviour in these relationships. As I said last year, and I insist on it, trying to start with myself, I believe that one of our signs of identity at this University must be the way we deal with people, how we interact and assist them.

I end this assessment of the actions by apologising if I have made anyone uncomfortable with my actions, as this was not my intention. I must also apologise to those members of the university community who may have felt their queries or complaints were inadequately addressed. Or with those who, due to a lack of trust, have not taken the step to contact the Ombudsman's Office.

3. Institutional actions

i. External activities

We attended the 22nd State Meeting of University Ombudsmen held in Valladolid on 2, 3 and 4 October. The following topics were discussed:

1. Due diligence vs Intermediate actions by Ombudsmen.

Below are the conclusions we reached on the topic:

- The need on the part of the Ombudsmen to provide informal advice to the interested party on the bodies to resort to in seeking a resolution of their complaint; the need to take an interest in the matter, following up the actions taken by the complainant before the relevant body for its resolution and the procedure followed in its resolution;
- The need for intermediate actions, studying the issue raised, and intervening before the body that has to resolve it with the conclusions derived from such actions, for consideration in the resolution, considering this intermediate action not as an imprudence but as loyal anticipation.
- Of course, as the last action taken by the University Ombudsman's Office, the issue of the corresponding recommendation is considered in order to prevent the type of actions that are the object of the complaint from being repeated, by means of the corresponding corrective measures.

2. Gender and University Career

Below are the conclusions we reached on the topic:

- Urge University Ombudsmen to commit themselves openly and resolutely to the defence of equality in the university community and to contribute to the promotion and dissemination of policies and programmes in this regard.
- Highlight the role of University Ombudsmen in relation to compliance with equality regulations and urge greater involvement of University Ombudsmen in this area.
- Point out that universities should strengthen the specialised equality units with expert staff.
- Improve coordination between University Ombudsmen and equality units.
- Transmit to the Conference of Rectors of Spanish Universities (CRUE) and the Spanish Government the need to adopt a state regulation that develops the new paragraph of section 4 of the Thirteenth Additional Provision of Law 14/2011 on

Science, Technology and Innovation, with regard to the consideration of the circumstances of pregnancy and maternity so that women are not penalised for the time spent in such situations.

- Until this state regulation is approved, propose that all universities take appropriate measures to ensure that teaching certificates do not discriminate on the grounds of maternity.
- Transmit to the ANECA the convenience of qualifying the criteria used in the accreditations in relation to the assessment of teaching, along the lines indicated by the new paragraph of section 4 of the Thirteenth Additional Provision of the Law on Science, Technology and Innovation so that the current strict requirement for teaching does not lead to discrimination due to maternity.

3. Current status of implementation of the disciplinary regulations: unequal treatment of students

Below are the conclusions we reached on the topic:

- To date, the only definitive solution to the issue under discussion remains the drafting and publication of new regulations at a national level to ensure equal treatment in all universities.
- In the absence of this, the best option is for universities themselves, making use of the provisions of the Organic Law on Universities, to draw up their own regulations after articulating them in their statutes. A solution that very few public universities have applied. Private universities have, for the most part, developed their own regulations that incorporate specific rules of conduct and sanctioning schemes.
- Autonomous Communities have the capacity to regulate this issue, but with the general limitation of maintaining a situation that does not introduce marked inequality between them. It seems that only Galicia has established its own regulations.
- The main concerns about the application of the 1954 regulation stem from the need to interpret the failures and its inadequacy to many of the issues that arise in university life today, which requires an adaptation that holds many universities back from implementing it.
- The CEDU continues to insist on the need for a new national regulation, urging the relevant authorities to draft and publish it in a timely and definitive manner.

The CEDU yearly assembly was held, during which the following were approved: the Executive Committee's activities, the 2018 economic report and the 2019 budget. Finally, the new Executive Committee members were chosen.

4. Students

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

5. Other

We must highlight the proposals for changes for the Ombudsman's regulations that I mentioned in the last report. The aim was to update them and try to enhance the tasks carried out. In this regard, we have been able to meet this objective after talks with those directly responsible, the Vice-Rector of the University Community and the General Secretary. The regulations have just been approved by the university management and published in the BOUD / DUAO 77 of 30 October 2020. These are not substantial changes; they affect the very identity of the position, its duration and the need to be more aware of the Governing Board's deliberations. I am grateful for the consideration given to the Ombudsman's Office, although the objectives of the change were more ambitious.

4. Final remarks

We must highlight the two objectives for the Ombudsman's Office that I mentioned in the last report. I referred to **visibility and trust** with the purpose of making them drivers for improvement to achieve services which are more efficient and respectful with people's dignity.

We would like to bring ourselves closer to the entire university community and, of course, have their trust, whether it be that of maintenance staff, professors, governing board or workers' representatives, trainees or persons about to retire, heads of services or administrative staff, students, researchers, etc. It is the trust of all of us who are involved in Deusto's ecosystem. It is in our humility that we would like to contribute to a better and fairer university. With this aim in mind, we will always be willing to lend a helping hand, a listening ear and words of support. Particularly in the difficult situation created by COVID-19, you will have us by your side for whatever it takes.

We would also like to express our gratitude to the people who have placed their trust in us and have contacted our office for their requests. We hope we have been right in the attention we have given them, even in those cases where the response was not what they expected. We hope to have given the most appropriate attention to each case, even when the response was not the one expected.

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