



2020-2021 Report

University Ombudsman

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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 2020 to 31 August 2021 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 that were not accepted for consideration and the reasons, as well as those that 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 sent to the University of Deusto community through the usual channels, including internal channels, the Extranet and social networks. This document is made available to the general public on the Ombudsman's Office section of the University's website², where it can be easily consulted together with reports from previous years. This year, at the Academic Board meeting held on 25 November 2021, a summary of this report was presented as well as some reflections on the Ombudsman's role and several proposals for improvement.

In drafting the Report, an effort has been made to ensure respect for the rights and freedoms of all members of the university community, while maintaining due confidentiality at all times when dealing with the people and cases presented. Likewise, maximum transparency has been maintained when reporting on the actions undertaken 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

This report, like the previous one, also refers to a somewhat special year due to the COVID-19 pandemic, and it will largely follow the outline of the previous reports, to allow for a small comparison with data from other years.

In line with the activities performed in previous years, the Ombudsman strived to serve all the people who contacted the service requesting help or procedures over the past year. Dialogue was used in every case as a tool to resolve conflicts and reach consensus.

We would like to thank the university bodies and the people who have provided information and help to solve problems. We would also like to thank all those who have contacted the Ombudsman's Office to file complaint, claim, make an enquiry or report a problem and, in general, to request his intervention, for the trust they have shown in the Ombudsman's Office. We also apologise to those who have not felt adequately defended by the University Ombudsman's proceedings, or who may feel that their rights have not been 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 solution. Nevertheless, people often contact the Ombudsman's Office for guidance, 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.** 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 work relationships. The procedures frequently involve personal matters and are submitted to the heads of the University's 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. This is an increasingly recommended course of action for

resolving conflicts arising in university life, upon specific request of a member of the community 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 its members undertake actions or make decisions that infringe the rights of its members. No ex-officio procedures took place in the 2020-2021 academic 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 management bodies 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). All complaints received through the web form were processed. As some procedures were forwarded to different University offices, 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 has addressed, in addition to a summary of the procedures carried out during the 2020-2021 academic year.

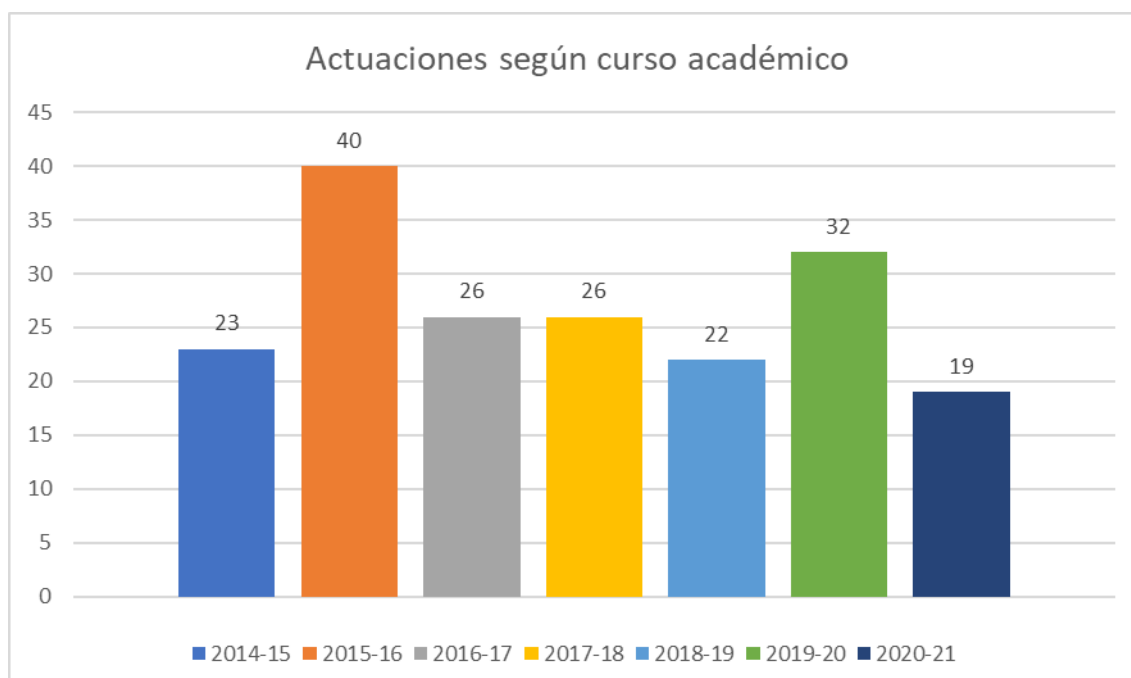
Both complaints and consultations were resolved through the customary procedures run by the Ombudsman's office: analysis of the situation and causes, interviews with the authority, body or service involved in the case, request for information or reports. According to the type of case, the most frequent 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

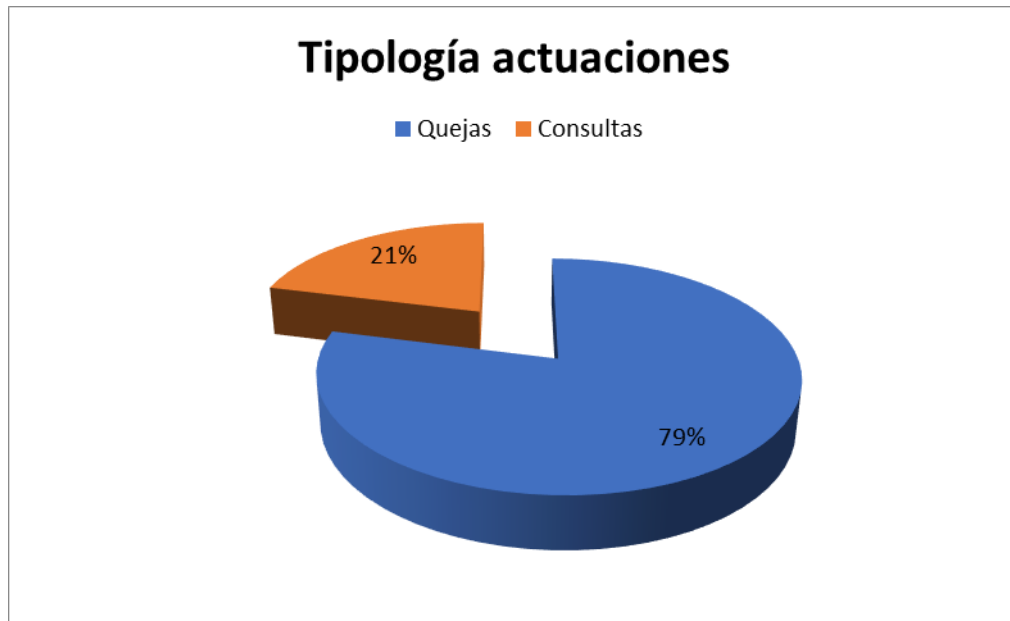
The following sections show the development of the procedures, types of actions, distribution by campus, by language used, by sector, by faculty and service, distribution by group and sex, issues by faculty and group, issues by education level and by resolution outcome. Finally, a table showing the procedures and a description of the grounds for the request and distribution by group is also included.

i. Development of procedures

Unlike in the 2019-2020 academic year, when the pandemic and lockdown brought about a 45% increase in Aldezle requests for action, they decreased by 40% in 2020-2021 and remained slightly below the pre-pandemic figures. In total, only 19 applications were received, compared to 32 in the previous academic year. Without a doubt, this decrease may have been due to the fact that the teaching methods, protocols, what and how they were to be implemented and the failure to do it due to the current social and health regulations resulting from the pandemic were announced and communicated adequately and well in advance.



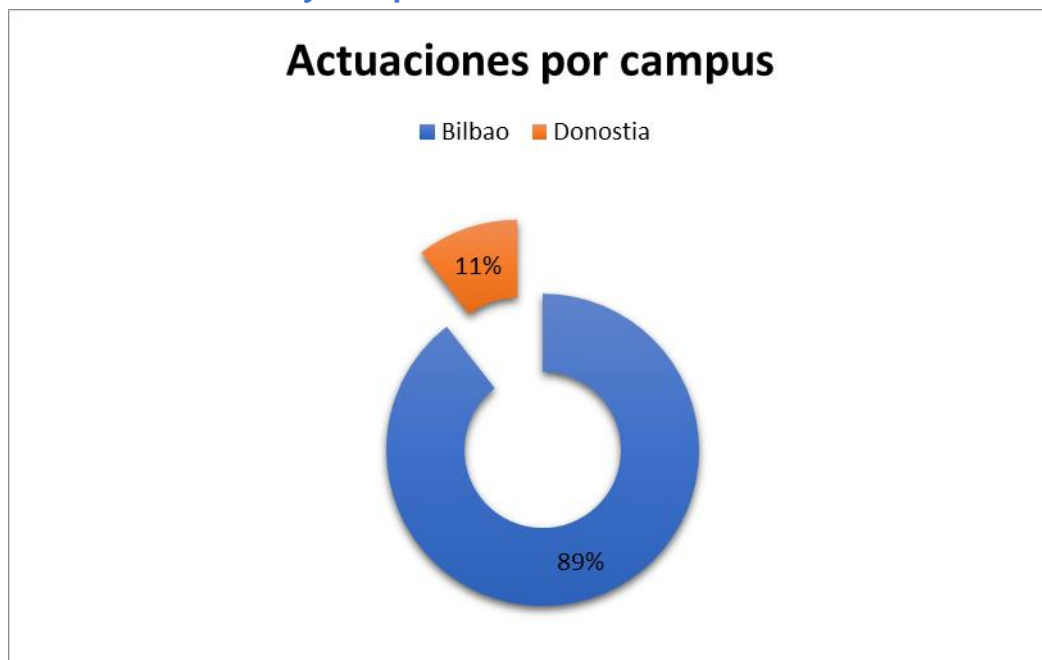
ii. Types of procedures



In terms of request types, almost one out of every four actions responded to enquiries, with a slight drop in the figures compared to the previous year.

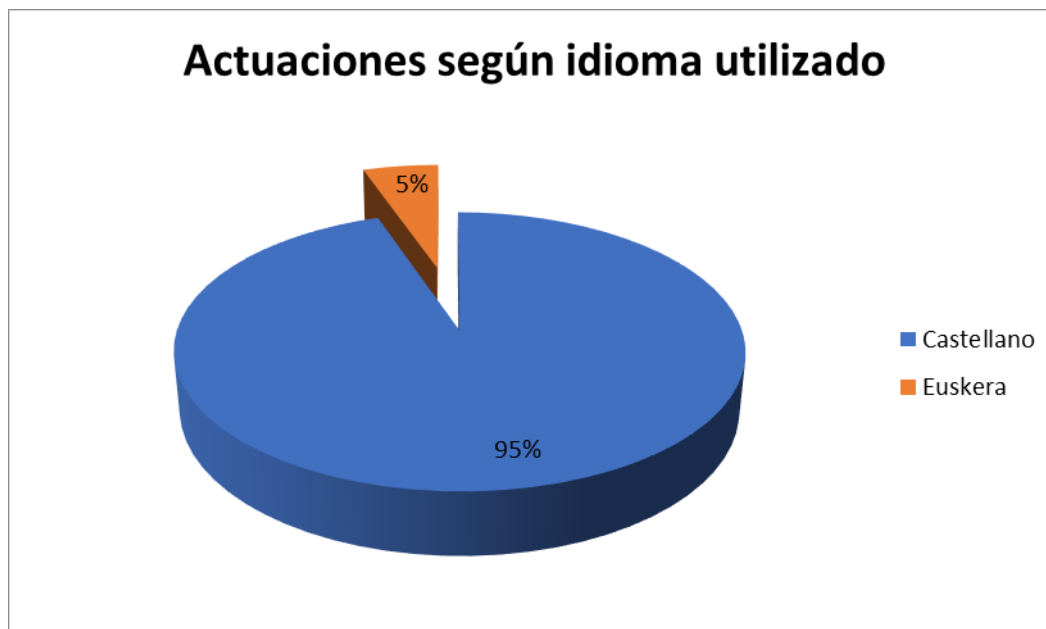
The initial channel used to process requests was the form available on the University Ombudsman's website. Face-to-face and telephone interviews were also held.

iii. Distribution by campus



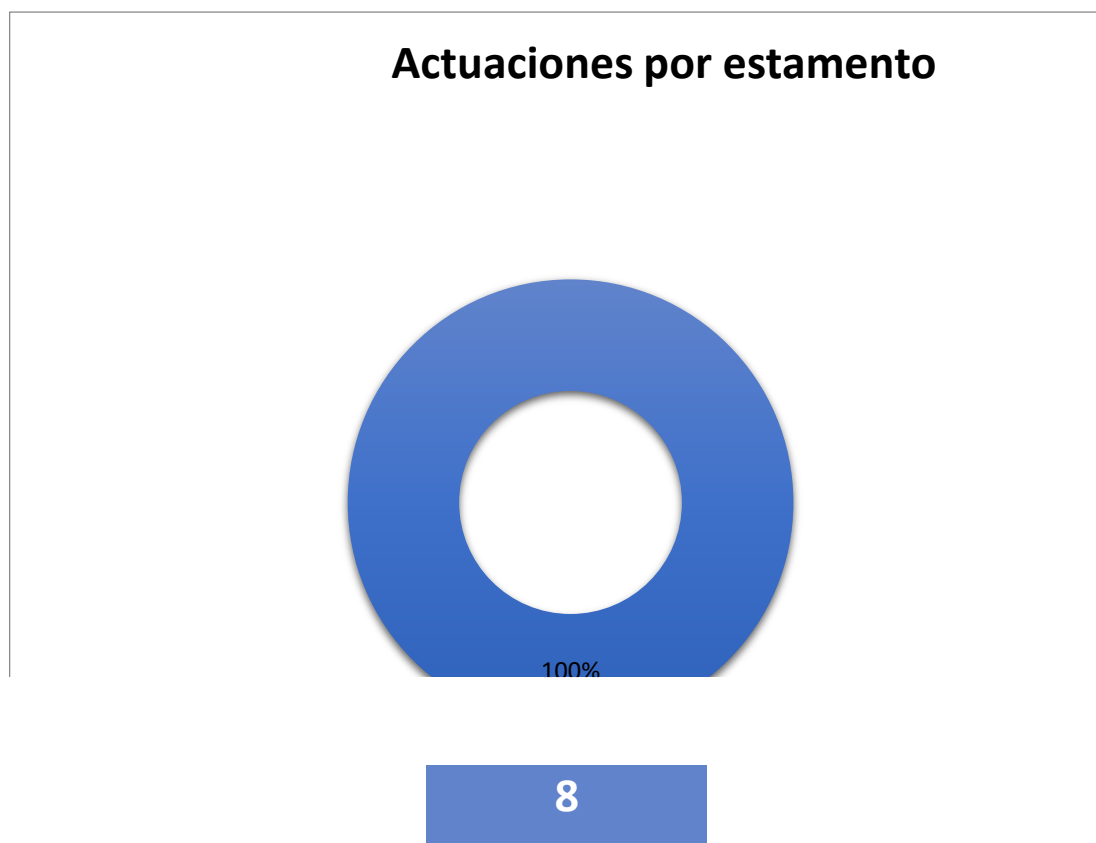
The Bilbao campus, with 89%, continues to be the campus with the highest number of interventions. The number drops on the San Sebastian campus compared to the previous academic year.

iv. Procedures by language used



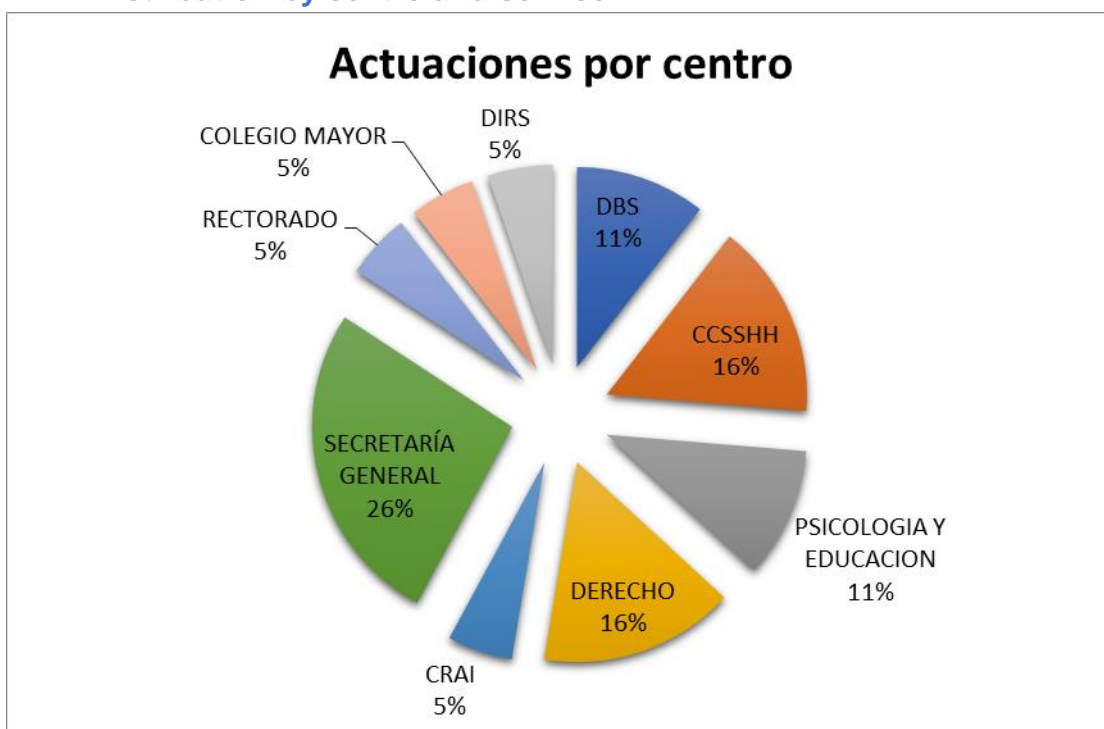
When making the complaint, Spanish continues to be the most widely used language. This academic year only one complaint was made in Basque.

v. Distribution by sector



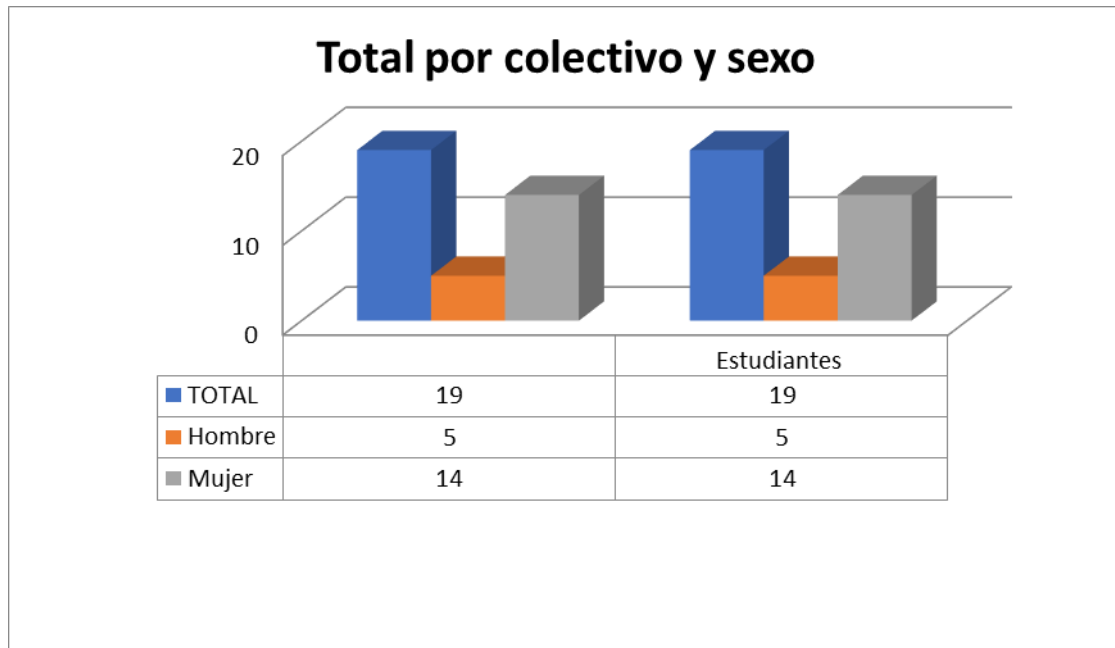
Once again, students were the group that most demanded the services of the Ombudsman's Office last academic year. These, in turn, were mostly undergraduates (13), followed by postgraduates (5) and alumni (1). Last academic year there were no requests for action from teaching and research staff, administrative and service staff and research personnel.

vi. Distribution by centre and service



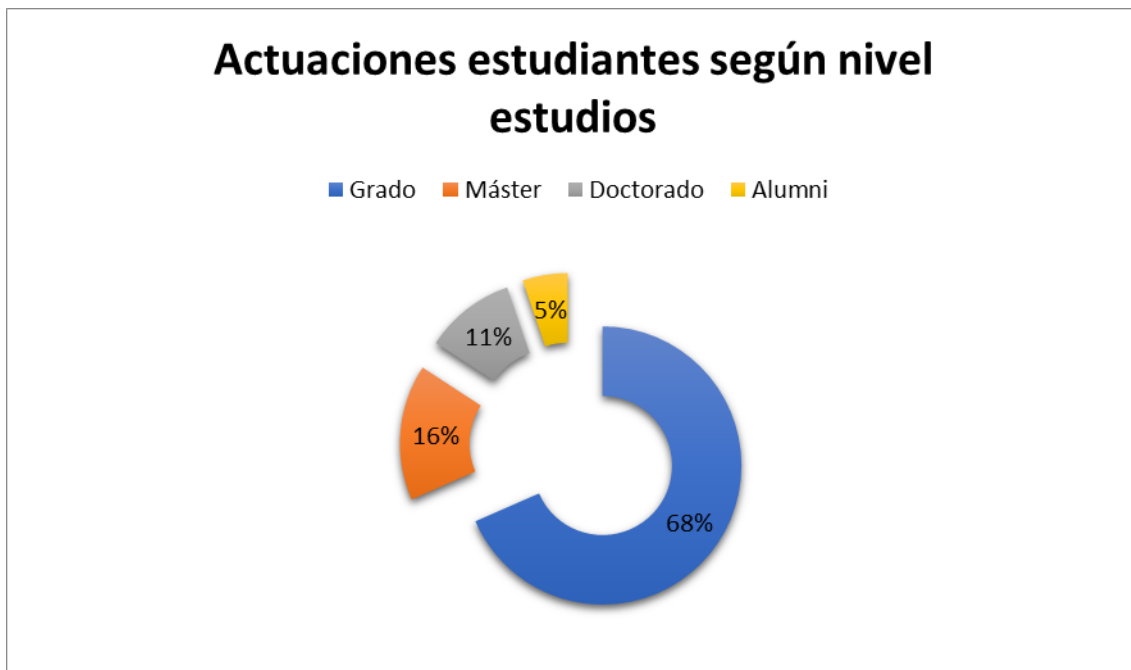
The number of issues addressed by centre concerned is as follows: Administration and Services, 7 actions; Rector's Office, 1; DIRS, 1, and the rest, 10, actions on issues that directly concern the faculties.

vii. Distribution by group and sex



As in previous years, the number of women who contacted the Ombudsman's service was higher than that of men; in fact, the number was much higher last academic year than in the previous one.

viii. Distribution by education level



With regard to the education level, as on previous occasions, bachelor's degree students, with 13 cases, were by far the ones who contacted the Ombudsman's Office the most, while master's and doctoral students logged 3 and 2 cases, respectively.

ix. Outcome of the resolutions



We can say that all complaints and queries were duly channelled. The percentage of unfavourable decisions remains at around one in three, as in the previous academic year. In the 2020-2021 academic year, as in the previous academic year, many of the questions asked were suggestions or proposals for dealing with the circumstances arising from COVID-19, which affected the university's procedures throughout the academic year. For example, issues concerning internships, mobility, etc., which were forwarded to the relevant heads. These types of questions are what we have described as 'processed', although in most cases they could not be favourably addressed.

x. Procedures by request type and group

Grounds for requesting action	Students	Academic and Research Staff/Administrative and Services Staff/Research Staff
Delays in the processing of diploma applications, opening hours, lack of a customer service by phone...	5	-
Complaints about infrastructures, facilities, use of CRAI Library spaces...	1	-
Complaints and proposals for improvement in academic education as a result of COVID-	5	-

19: internships, mobility, student services, teaching hours		
Consultations on rules for the conduct of examinations, identification...	1	-
Complaint about unfair treatment by a teaching staff member	1	-
Consultation on validation of Basque language levels	1	-
Complaints about problems arising from academic progress regulations, calls for applications, etc.	2	-
Complaints about problems regarding the admission process, Master's degrees, hall of residence	2	-
Consultation on possible bullying among students	1	-
Total	19	

b. Reflections and data assessment

I would first like to thank the university community and the Rector for having placed their trust in me to continue to serve as the University's Ombudsman for a new, last four-year term. In the discernment process we had last year, I would like to share some of the ideas or conclusions that were raised, since we have a four-year perspective ahead of us.

I have highlighted the former all these years: the Ombudsman's Office has now become institutionalised within Deusto as another body, with its own functions and aims. It operates smoothly on a regular basis: most of those requiring its services know where and how to contact it, and the authorities and heads of the different areas, departments, etc. respond appropriately to their requirements. We have all contributed to this and are most grateful to them.

On the other hand, we have not yet achieved the visibility and prominence that we think the Ombudsman's Office should have across the entire university community. In fact, there are certainly a number of factors at play here. This may be due to Deusto's own idiosyncrasies, individual profiles, the way our university operates, how processes are regulated, etc., or the lack of interest and support from the management in promoting the Ombudsman's Office, the Ombudsman's actions or lack of them, or a combination of all of the above. In this regard, I think self-criticism is necessary.

Nowadays, we have a fast-paced life and then move on quickly to the next thing. However, we should not forget that the 2020-2021 academic year was

also a special one. The pandemic and its consequences had a major impact on the university, its functioning and its community. Many of us have experienced the disease directly, others more indirectly, but we have all been somehow affected by it. Some have compared it to St Ignatius' wound on the 500th anniversary of his conversion. I believe that we should not forget the suffering of the people around us.

And, of course, it had a direct impact on the university's functioning across all areas. The community, as I also noted in the previous report, showed that it was up to the task. As the Rector and the community at large have acknowledged, last year the difficult changing circumstances were dealt with in a responsible, successful and sometimes creative way in almost all respects: adaptability on the part of students and academic staff, student support services, academic results, people's involvement, online support, etc.

This probably contributed to the fact that, unlike in the 2019-2020 academic year, when the pandemic and lockdown brought about a 45% increase in the requests for action submitted to the Ombudsman's Office, they decreased by 40% in 2020-2021, remaining slightly below the pre-pandemic figures. Only 19 applications were submitted altogether, compared to 32 in the previous academic year. One in four were queries, and the rest were complaints or claims. Throughout the academic year, requests were received from undergraduate, postgraduate and alumni students. However, no complaints or queries were made by the University's academic, non-academic or research staff. In my opinion, this decrease was clearly due to the fact that appropriate and timely information was provided about the teaching methods, protocols, what was to be implemented, how it was to be implemented and failure to do it because of the social and health regulations in force due to the pandemic.

Nevertheless, many of the complaints, claims and enquiries made were affected or influenced by the special circumstances. The Ombudsman's actions were mainly twofold: on the one hand, to respond to complaints and proposals for change with regard to teaching methods used as a result of COVID-19: internships, mobility, student services and teaching hours; and on the other, to respond to complaints about the service received by some university bodies: opening hours, lack of customer service by phone, time taken to process degree certificate applications or lack of information. The Ombudsman also had to deal with two other issues that were always raised in previous years. One is the use of infrastructures, namely the opening of the CRAI Library on days when the University is closed, Easter week, for example. The other is the issue of how lecturers treat students in situations that are, shall we say, somewhat complicated, such as grade revision, face-to-face assessment or exams, for example, because the student failed to present their identity document.

In fact, it is often how we say it or express ourselves rather than what we say or communicate, that is, the actual problem that has a greater impact or unintended consequences. The university, as was already stressed in previous reports, is very much about relationships, about people living together, and the way we address each other has a great influence on it. It is evident that there is a cultural and educational factor, but there are also, for example, generational differences involved. Therefore, it may happen that what for one might be a common expression, can be disrespectful for another, or what for one is irony

for another can be almost a verbal aggression. It is up to all of us to try to be as respectful as possible with people, including language, and we should try to put ourselves in the other person's shoes.

As in previous years, there have also been problems arising from the rules of progression and permanence. Students turn to the Ombudsman's Office when their plans for progress and study are cut short for various reasons. Although the rule is the same for everyone, and there can be no discriminatory treatment, it is necessary to remember that every person is unique and their circumstances are unique, so I understand that all of this must be taken into account when making decisions.

Another aspect to highlight is the feeling I perceive, especially among students, of fear or reluctance when it comes to lodging complaints or claims. Although students have the right to petition and to complain as stated in Article 20 of the Student Regulations, this seems to be more of a collective approach. On an individual basis, some people first come forward to make an enquiry about what might happen if they lodge a complaint saying that such and such a person has said or done this or that. Then, after clarifying the procedure, they say they will think about it. Moreover, some make a complaint and after the first few actions, they refuse to go any further for fear of the consequences. This is my experience over the years and we have not made much progress on it. There are universities that even have protocols against fear of reprisals. My approach is more about building trust in the Ombudsman's Office and, to be honest, I have not succeeded or we have not succeeded in achieving it.

3. Institutional actions

i. External activities

Last academic year, there was no face-to-face meeting of CEDU (Spanish State Conference of University Ombudsmen) as every year, but we did have the annual assembly by videoconference on 6 November 2020.

Throughout the 2020-2021 academic year, CEDU was attentive and concerned with several draft laws that were and are still under discussion: the Organic Law of Universities and, above all, the University Coexistence Law. The latter deserves an aside. After passing through Congress, specifically through the Science, Innovation and Universities Committee, the text has been published in the Official Gazette of the Spanish Parliament and will now go to the Senate for approval. As soon as it enters into force, all universities will have one year to develop their own Coexistence Rules. What is new for us, I understand, firstly, is that it promotes the development of alternative means of conflict resolution, with a clear commitment to mediation; secondly, it will be necessary to set up a Coexistence Committee, which, according to the preliminary draft, would be chaired by the University Ombudsman. Hence the interest, the concern and, why not say it, the discussion within CEDU about whether or not it should be chaired by the University Ombudsman. In the new text, following the amendments of the political parties, the article in question has been deleted,

and in the end, much more importance has been given to the regional regulations and to university autonomy in developing their own rules.

Regarding disciplinary rules, it states that private universities shall have the autonomy to establish their own disciplinary rules and to determine the body responsible for the exercise of disciplinary powers in their respective regulations. The latter is very well developed at Deusto and has recent changes that mainly affect the modes and deadlines of disciplinary rules. In any case, it will be interesting to see how this is developing in the Basque university system, on the one hand, and within the universities of Unijes, on the other. Our aim is to continue to work jointly as we have done up to now, as it would give us cause for concern if, for example, what might be a minor offence for some, proved to be a very serious offence for others.

ii. Students

Once again, with the collaboration of *Deusto Campus*, students have been offered two training courses this 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. The two courses were very successful, regarding both participation and the final assessment and satisfaction of those who took them.

4. Final remarks

This document, published on the website, is the report of the 2020-2021 academic year; however, I think it is also important to look ahead. The university has aspects and areas for improvement that require change and, while recognising my limitations, I am determined to contribute to this. As we all know, the University of Deusto is a large and complex institution and we often find it difficult to change –and I include myself here, as I may have lost some of the courage of my youth. However, if we are able to identify the needs for change and improvement, let us address them, change and improve them where necessary. Therefore, as an Ombudsman, I have not achieved all the objectives I had set myself for these four years. In this regard, I need the collaboration of the entire university community to continue improving.

Let me suggest an issue which is not easy, but which will have to be addressed at some point, and on which the Academic Council has something to say: the updating, renewal and adaptation of the University’s General Statutes. The aim is to allow for some of the structural changes that are taking place at the University so that they can fit in with the regulations.

We need a body, like a Senate, similar to the Academic Council, in which the Administration and Services Staff would also be represented.

On this 500th anniversary of the transformation of Iñigo de Loyola into Ignatius, if we want to see all things new in Christ, let us transform ourselves and let us transform the university together so that it can be a driver of people who transform the world.

Finally, I would like to thank all those who have come to the Ombudsman's office for the trust they have placed in our service. We hope to have responded adequately, even when the response was not as expected.

And thanks to the entire university community for the respect and consideration shown to the Ombudsman.