



2021-2022 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 activities carried out by the University's Ombudsman from 1 September 2021 to 31 August 2022 is hereby presented. This date marks the end of the 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 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 be sent to the University of Deusto community through the usual channels, following the internal channels and 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 Council meeting held on 24 November 2022, a summary of this report and a reflection on its performance were presented, and ended with some thoughts on the University's language policy.

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 at its meeting 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

This report refers to an academic year that began with the last measures required by the Covid-19 pandemic; somehow it is the academic year that ended with the exceptional measures. The report will largely follow the outline of reports from other academic years so that data can be compared 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, 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's bodies and the people who have provided information and help in resolving issues. We would also like to thank all those who have placed their trust in our 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 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 2021-2022 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 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* are not met (Article 9). All complaints received through the web form were processed. As some procedures were forwarded to various 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 2021-2022 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

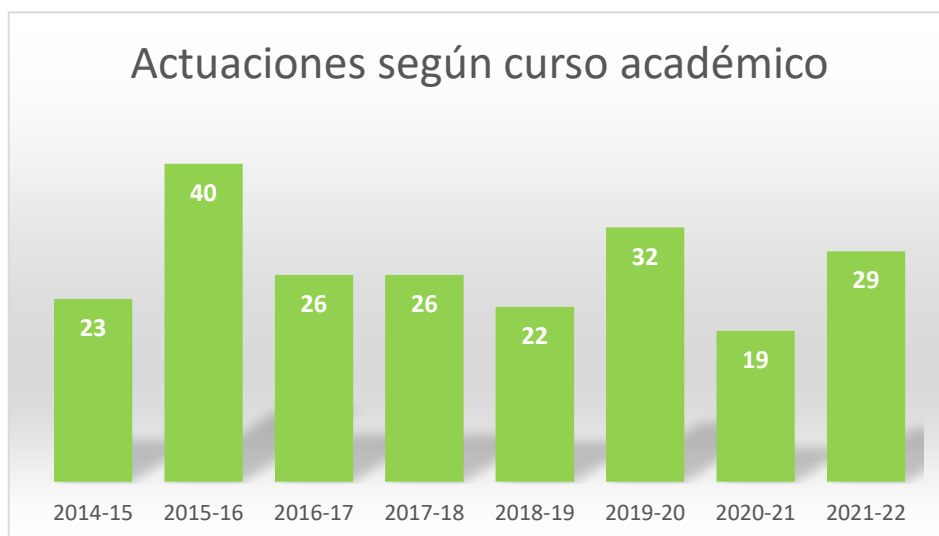
problems. According to the type of case, reports were issued or recommendations were sent to the persons, services or bodies concerned in order to make reparation for damages or improve the service concerned.

a. Issues addressed

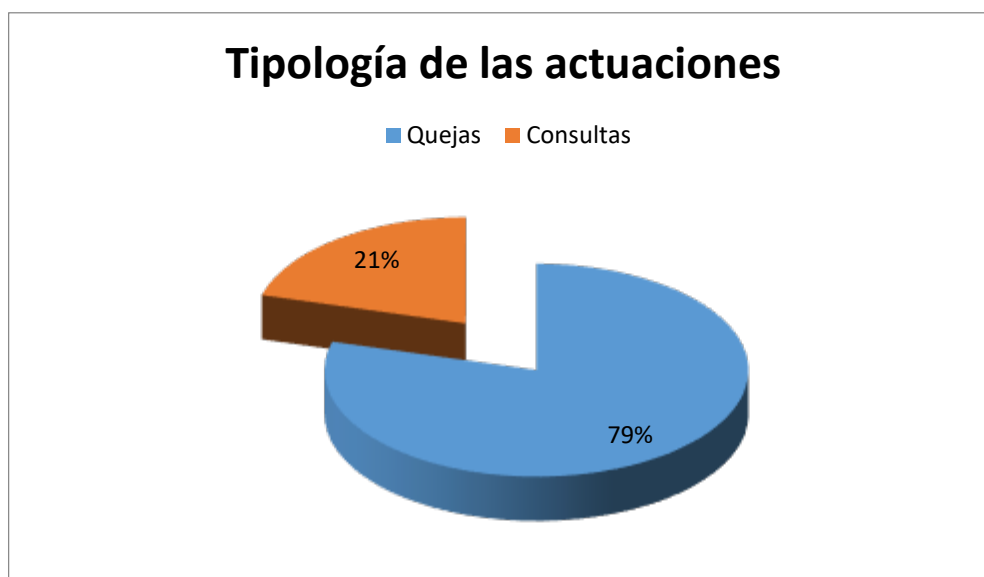
Below are the charts for the following data: types of actions, distribution by campus, distribution by language used, distribution by sector, distribution by centre and service, distribution by group and sex, distribution by education level and outcome of the resolutions. Finally, a table showing the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

i. Development of procedures

In the 2021-2022 academic year, the number of people who approached the Ombudsman's office increased significantly compared to the previous academic year, i.e., 10 more people, which represents an increase by 52%. A total of 29 actions were registered, of which 6 were enquiries and 23 complaints and claims.



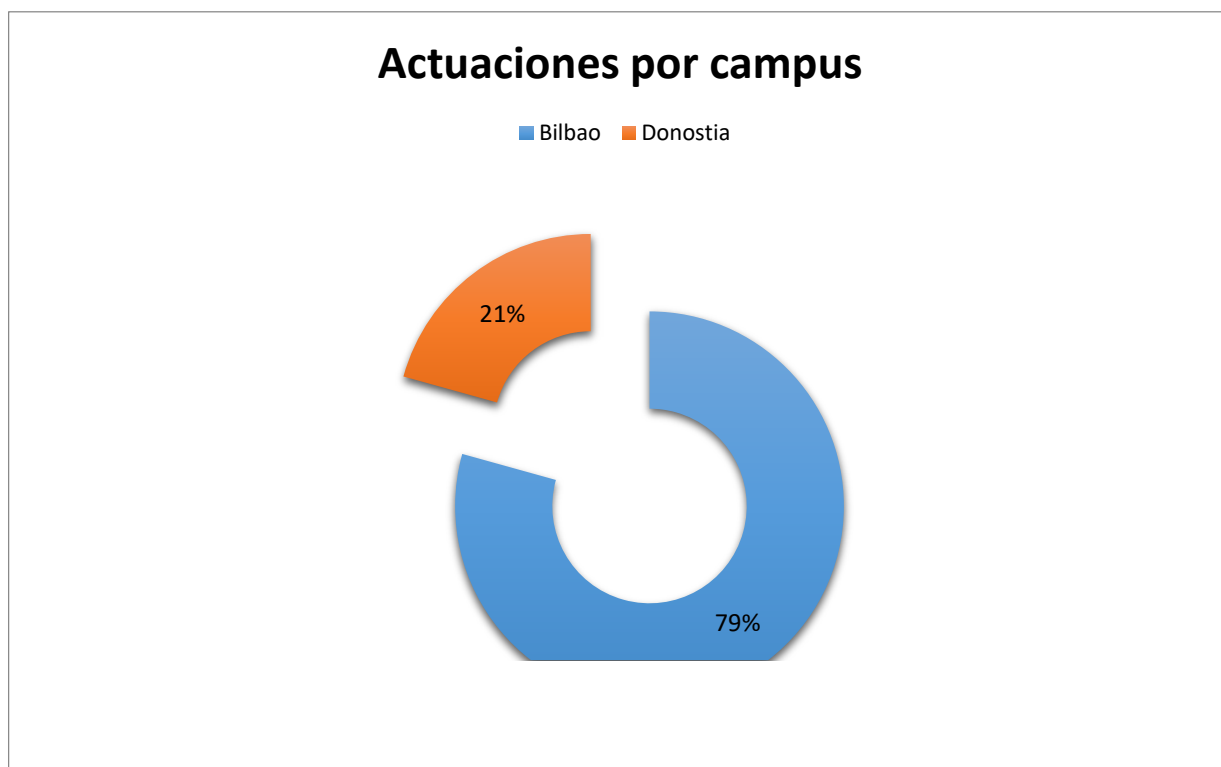
ii. Types of procedures



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.

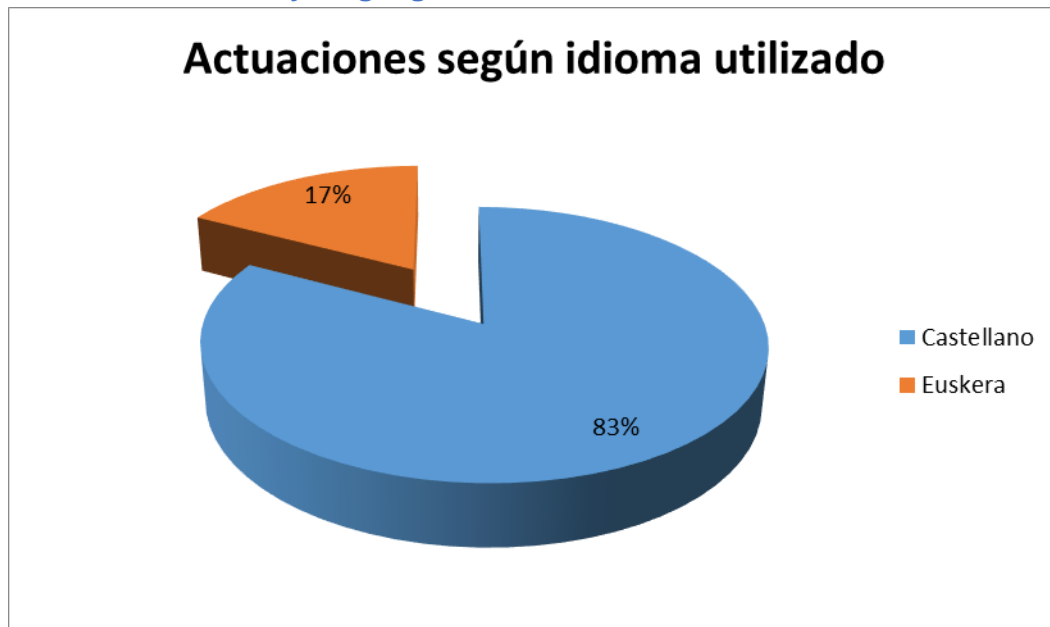
The initial channel used to process requests was the form available on the University Ombudsman's website. Face-to-face and telephone interviews were also held.

iii. Distribution by campus



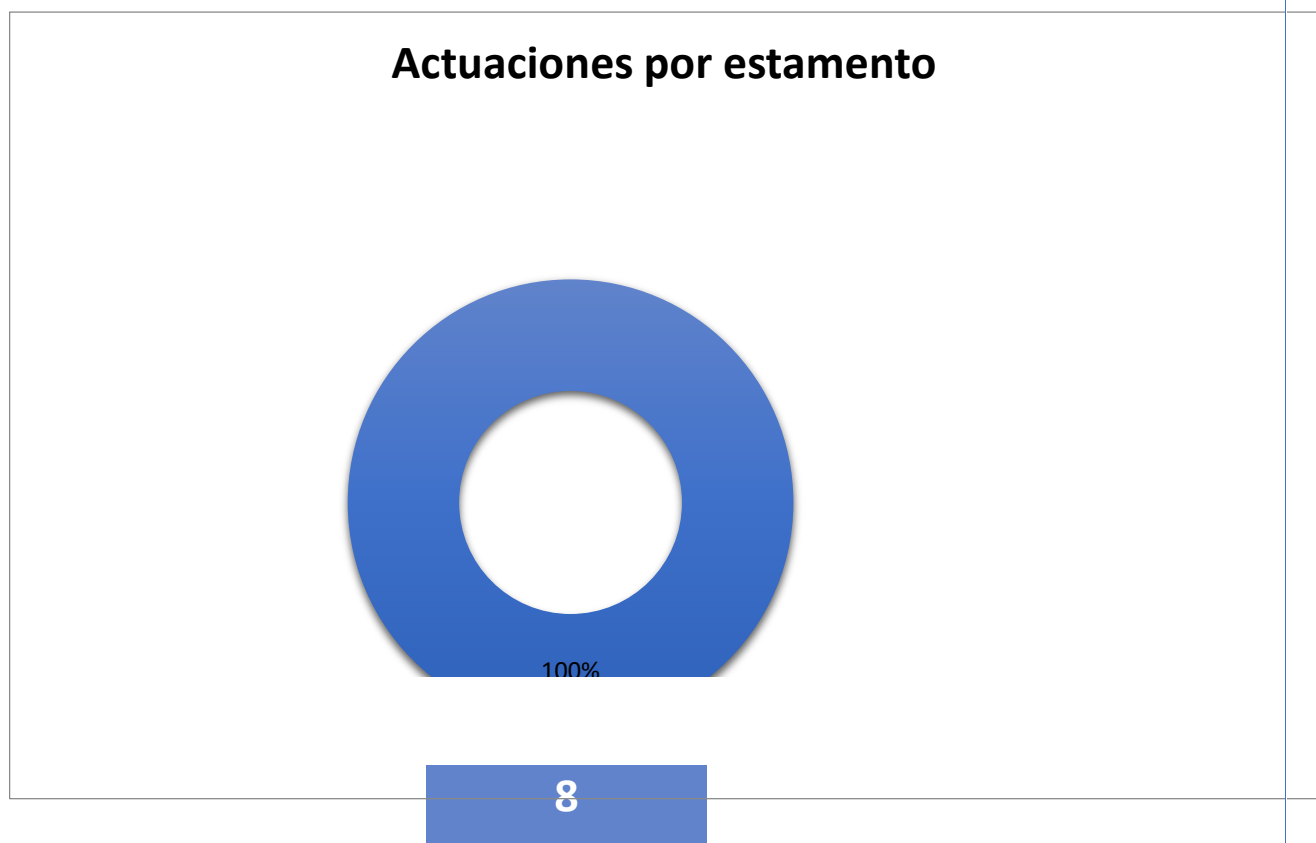
The Bilbao campus, with 79% of cases, continued to be the campus with the highest number of interventions, but the number of interventions on the San Sebastian campus was notably higher than in the previous academic year.

iv. Procedures by language used



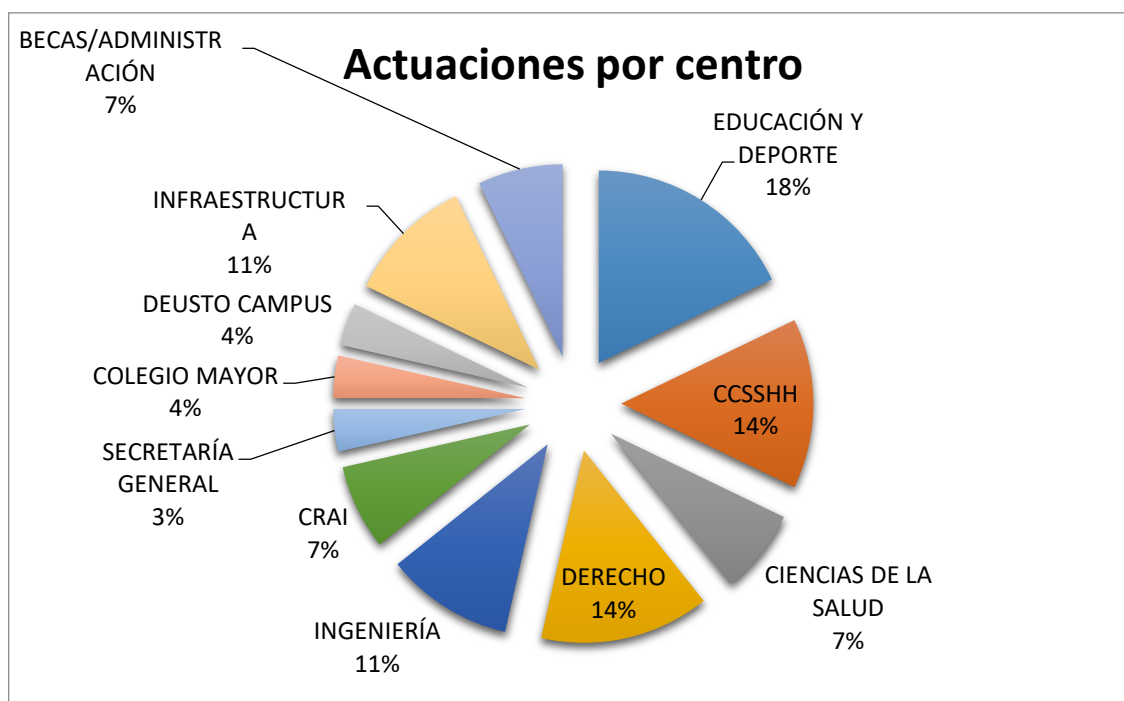
When it came to submitting requests, Spanish was still the most widely used language.

v. Distribution by sector



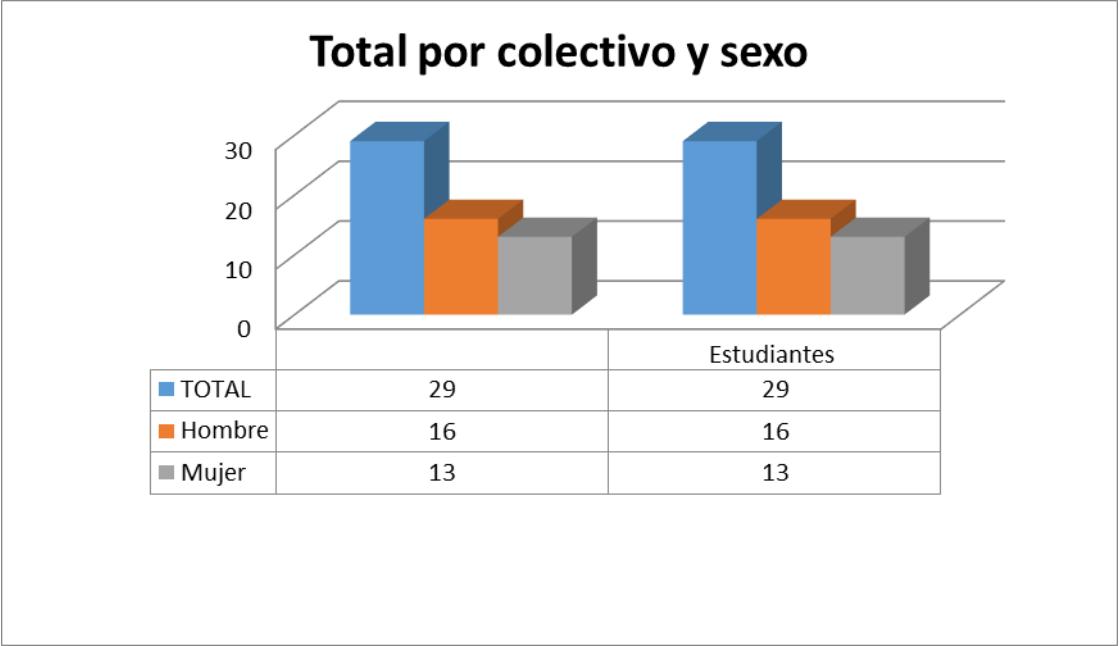
Once again, students were the group that most demanded the services of the Ombudsman's office last academic year. These, in turn, were mostly undergraduates, with only one master's student and one alumni student. In some cases, it was the family that approached the service in the first instance, rather than students themselves. In the academic year under review, as in the previous one, there were no requests for action from the Academic/Research staff, Administration and Services staff or Research staff.

vi. Distribution by centre and service



Most of the issues addressed, i.e. 18, were of direct relevance to the faculties. The rest of the actions involved the following University areas: CRAI Library, General Secretariat, Grants, Deusto Hall of Residence, Deusto Campus and infrastructure.

vii. Distribution by group and sex



Unlike in previous years, the number of men who resorted to the Ombudsman’s office was higher than that of women. It is difficult to draw any conclusions in this regard, but it is clear that it is a break from the trend of the last four years. However, it is noteworthy that this does not correspond to the proportion of each gender within the university community.

viii. Distribution by education level



With regard to the education level, as on previous occasions, undergraduate students, with 25 cases, were by far the ones who resorted to the Ombudsman the most, while postgraduate students accounted for only 3 cases.

ix. Outcome of the resolutions



We can say that all complaints and queries were duly addressed. The percentage of unfavourable decisions remains at around one in three, as in the previous academic year. In contrast to the last two academic years, there were virtually no suggestions or proposals arising from COVID-19. There were proposals related to the forms of admission of new students, especially for those new degrees where there is a significant demand. We have described these types of issues as "processed", although in most cases they could not be answered favourably.

i. Procedures by request type

Grounds for requesting action	Students
Problems with various applications, grants, large families...	2
Complaints about infrastructures, facilities, use of CRAI spaces...	5
Complaint about the use of masks due to COVID-19	1
Complaint about delays in the processing of diploma applications	1

Disagreement with admission criteria	3
Complaints about the assessment system, continuous assessment criteria, deadlines for handing in assignments, level of learning required, grading of internships ...	6
Enquiries about language accreditation, exam dates, validations, changing language choice for a subject...	4
Complaint about problems arising from academic progress and exam regulations	1
Complaint about noise during the examination period due to workers' protests	1
Consultation on disagreement with doctoral thesis supervision	1
Various queries: withdrawal from studies, graduations...	4
Total	29

b. Reflections and data assessment

Based on the above data, we can identify three main blocks.

On the one hand, there are complaints related to the use of facilities: lack of sockets, lack of microwaves, access to the CRAI Library, use of workstations and opening hours. I would like to take this opportunity to point out that this type of complaints from students are usually handled through their representatives and processed via the appropriate channels. We also recall the disruption caused by the protests of Sodexo cleaners on strike, related to which we received some formal complaints. We all know that this was a difficult issue to manage.

The second block, as in previous academic years, includes requests mainly related to assessment, grading, and regulations on student progression and continuance. A number of queries were raised about what to do when one is dissatisfied with the assessment, about problems in progressing from one year to the next, and sometimes having to opt for one of the degrees one is studying; in this period, complaints, and even a query from a student representative, about the level of demand and the very low pass rate in some subjects, specifically in the Faculties of Engineering and Law were also received. Continuous assessment also led to challenging situations for both lecturers and students: lack of accuracy in the deadlines for carrying out assignments; problems with assessments conditional on previous minor activities; obstacles and sometimes penalties faced by those who had difficulties in attending lectures regularly, even if they could justify their non-attendance. In this regard, I would like to recall what was said in the previous report: although the rule is the same for everyone, and there can be no discriminatory treatment, we should remember that every person is unique and their circumstances are unique, so I understand that all this should be taken into account when making decisions.

Finally, in this section I would like to comment on the case of a student who failed his external internship at a host centre, even though he still had two thirds of the internship period left to complete. In this regard, my recommendation to those responsible for internships was that they should try to regulate the possible causes for the suspension of internships and communicate them more effectively to students.

The last block mainly deals with those issues where the Ombudsman was directly approached by a student's family rather than by students themselves. A first consideration is the extent to which a student's family can contact the Ombudsman's office on behalf of the student. The regulations state that the Ombudsman will serve the University Community, i.e. students, administration and services staff, and teaching and research staff. In cases related to learning outcomes, assessment and even methodological issues, we explained to them that it was up to the students themselves to contact the Ombudsman's office. However, in cases related to financial issues, grants, large families, etc., we tried to deal directly with the family member who raised the issue, usually a parent. This last block includes the issue of admissions and non-admissions to those degrees that are in high demand and leave many candidates unable to gain access to our university. There were queries and complaints about entry criteria, grading, transparency, deadlines, waiting lists, etc. At the moment, I am aware that this is being reconsidered and reviewed. I think it is very important to do this as soon as possible and communicate it to those concerned.

A final reflection on complaints and claims is related to the process, 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. We understand that we must wait according to the regulations. However, sometimes the deadlines are so tight that we make a first intervention or approach to the problem and it may interfere in the work of those responsible. However, this is by no means our intention.

To conclude this section, although the number of requests has increased, I would like to mention those who have not approached our office in the last two years. There were no complaints or claims from any of the university's employees, academic/research staff, administration and services staff or research staff. Indeed, I find this significant and worrying.

3. Institutional actions

i. External activities

After the break caused by the pandemic, we had the opportunity to hold the annual face-to-face meeting of CEDU (Spanish State Conference of University Ombudspersons) in November 2021, this time at the University of Cadiz. A number of interesting topics were discussed such as conflict mediation, mutual respect and the consequences of the two laws that were in the process of being

passed, namely the University Coexistence Law and the LOSU, the Organic Law of the University System

With regard to the University Coexistence Law, which has been in force since 28 February, it should be stressed that it gives universities a period of one year to draw up their coexistence rules, with the great novelty of promoting mediation to resolve conflicts and the creation of a coexistence committee. It would also be a good idea to review our student regulations concerning the disciplinary procedure, comparing it with neighbouring universities or UNIJES universities. Being aware of the difficulties we may encounter along the way, I believe that we have to give a boost to this whole process among the decision-makers concerned.

With regard to the Organic Law of the University System (LOSU) approved by the government, but awaiting approval in parliament, and referring only to what concerns ombudsman's offices, article 43 determines the basic units that public universities must have: "Universities shall have equality, diversity, university ombudsman and service inspection units"

On the other hand, in Title X, which refers to private universities, Article 97, on centres and structures, states: 1. Private universities shall be structured in the manner determined by their rules of organisation and operation. 2. Private universities shall have equality and diversity units"

Therefore, the obligation to have a university ombudsman unit, as established in the previous law of 2001, the Organic Law of Universities (LOU), would disappear. Noting this, CEDU has asked a parliamentary group to table an amendment to introduce the ombudsman's office into the legislation. It remains to be seen what the final text will provide for.

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 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

Following last year's report, and as suggested by the Rector, last January and February I had the opportunity to meet with the heads of student affairs in the various faculties. I am very grateful because these meetings were very enriching, and I would like to point out that more than once they highlighted the consequences that were being observed in terms of psychosocial and academic performance among students as a result of the two years of the pandemic. I also met with the Head of the General Secretariat and the Head of People Management. Both meetings also highlighted the difficulties encountered and the efforts made in the previous two years.

To conclude, I would like to bring up the word that has been on everyone's lips lately: *zorioneku*, lucky us in 2022 because we had the opportunity and the joy of speaking Basque - albeit not much – at the University's Academic Council meeting. On the occasion of the forthcoming publication of the study "Jesuita euskaralariak", I would like to recall three Jesuits whom I had the honour of knowing personally and who were honoured by the *Euskal Irakasletoa* in 2004, on the occasion of the celebration of its 25th anniversary. The first, Patxi Altuna, was devoted to research on and about Basque language, and demonstrated that university research could be conducted in that language. The second, Gotzon Garate, a tireless scholar and defender of the living language, who strived to bring Basque language from the farmhouses to university, from the books to the classrooms and to students' lips, as he considered it essential for teaching and university life. And thirdly, Dionisio Aranzadi, a man of great determination who, even when the winds were not blowing in his favour, dared to take decisions to promote the teaching and use of Basque language at university. This is the excellent generation of Basque Jesuits, devoted to the promotion of Basque language (*Euskaralaris*), we have known at Deusto. However, we are not looking back with nostalgia, but seeking lessons for the challenges ahead and trusting that the links are never broken. It seems to us that, both with regard to research and teaching, and also in decision-making, technological transformation, the world's globalisation and the need for internationalisation have somewhat brought a slowdown on the development of Basque language at the University in recent years. In this vast and rich sea of diversity and multilingualism, we often feel that the boat (*txalupa*) of the Basque language is seeking direction, powerless to move forward. We believe that the lack of a clear language policy, of a compass for language management, is detrimental to minority languages. Therefore, we think we should seize the opportunity provided by the new strategic plan in this regard. As I said earlier, lucky me that, being the University Ombudsman, I can share my concerns with you.

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.