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# Report of the Office of the *Síndic de Greuges* 2016-2017 Academic Year



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## Presentation

The Universitat Oberta de Catalunya's *Síndic de Greuges* is responsible for defending the rights and freedoms of all members of the University community in the face of any action or situation which is discriminatory, arbitrary or against which they have no defence, and for maintaining the University's standards in all areas.

With this purpose, during the 2016/2017 academic year, the *Síndic de Greuges* has answered 131 complaints received, of which 106 have been accepted for scrutiny, and he has issued 8 recommendations to the University with the intention of improving regulations or processes. He has also acted as mediator in a complaint submitted by two members of the University community. Even though the number of complaints received during the 2016/2017 academic year has been less than during the previous year, generally speaking the complaints have been more complex, requiring more time and more work to settle them.

In addition, the *Síndic de Greuges* has participated actively in several university ombudsmen networks (Xarxa d'Ombudsman de Catalunya, Vives Network of Universities, Conferencia Estatal de Defensores Universitarios and Red de Defensores de los Derechos Universitarios) with the objective of sharing experience and knowledge with other university *síndics* and ombudsmen and positioning the Universitat Oberta de Catalunya as a leader in the defence and advocacy of the rights and freedoms of the university community's members.

This report summarizes the activity of the Universitat Oberta de Catalunya's Office of the *Síndic de Greuges* during the 2016/2017 academic year. It was presented to the Governing Council and the Board of Trustees of the Fundació per a la Universitat Oberta de Catalunya at the meetings held on 18 and 20 December 2017, respectively.

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Lastly, I would like to express my gratitude for the assistance received from the University's academic and administrative staff and for the support given by the governing bodies, who have punctually provided the information I have asked from them when required in order to decide on the complaints, and they have listened and responded to the recommendations I have forwarded to them. I would also like to thank Teresa Girona who, as administrative manager of the Office of the *Síndic de Greuges*, has made my work a lot easier.

Agustí Cerrillo Martínez  
*Síndic de Greuges*

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## The UOC's *Síndic de Greuges*

The *Síndic de Greuges* of the Universitat Oberta de Catalunya is responsible for defending the rights and freedoms of all members of the UOC community in the face of any action or situation which is discriminatory, arbitrary or against which they have no defence, ensuring compliance with all the provisions of the University's statutes and the regulations implementing them and making every effort to maintain standards in all areas.

The UOC's *Síndic de Greuges* acts independently, objectively and impartially.

As stipulated in Article 44 of the UOC Organizational and Operational Regulations, the *Síndic de Greuges* is appointed by the Foundation's Board of Trustees on the recommendation of the president.

Since the post was created, it has been held by Josep Coll (2008-2013), Pere Fabra (2013-2015) and Agustí Cerrillo (since 2015).

The activities of the UOC's *Síndic de Greuges* are governed by the provisions of the UOC Organizational and Operational Regulations and the Regulations for the functions and responsibilities of the *Síndic de Greuges*, approved on 1 September 2008.



## Actions

The UOC's Office of the *Síndic de Greuges* received 131 written complaints or consultations from students in the 2016/2017 academic year, of which 106 were accepted for scrutiny. Non-acceptance of the remainder (25) was mainly because the issues raised had not exhausted all the settlement possibilities provided by the UOC or did not meet one or more of the requirements stipulated in the Regulations of the *Síndic de Greuges*:

- The complainant must be identified.
- The complainant must be a member of the University's academic community (student, teacher or administrative staff).
- The matter must not be the subject of any legal claim or proceedings.
- The claimant must have already made use of the University's channels for submitting complaints.

**Table 1. Actions**

Accepted for scrutiny	106	80.91%
Rejected	25	19.09%
Total	131	100%

## Decisions

Of the 106 matters accepted for scrutiny, the *síndic* opened 55 procedures, of which 52 were handled directly by the *síndic*, who issued the corresponding decision, accompanied in 8 cases by recommendations to the University. Three remained unsettled as they were pending a decision by other services.

The remaining complaints (51) were settled directly by University services on the request of the *síndic*.

Of the 106 cases, 39 were decided fully or partially in favour of the complainant (14 directly by the *síndic* and 25 by other services of the University).

**In the 2016/2017 academic year, the Office of the *Síndic de Greuges* ruled in favour of the complainant in 36.79% of cases.**

**Table 2. Complaints settled and dismissed**

Settled in favour of the complainant	39	36.79%
Settled against the complainant	41	38.68%
Complaints not settled (due to appeals in progress)	3	2.83%
Complaints referred to other services	23	21.70%
Total	106	100%

## Profile of complainants and type of complaints reclamantes

As there were 58,427 students enrolled in the UOC in the 2016/2017 academic year, the ratio of complaints accepted (106) was 1.8 per thousand students.

Although the UOC's *Síndic de Greuges* is responsible for defending the rights and freedoms of the whole academic community, in the academic year 2016/2017, practically all the complaints came from students. Only three were filed by affiliated teaching staff.

**1.8 complaints were received per thousand students at the UOC.**

The majority of the complaints received (68.87%) were made by bachelor's degree students. The largest number of complaints came from students from the Faculty of Psychology and Education Sciences (32.73%), followed by Law and Political Science (23.64%) and Economics and Business (18.18%).

**Table 3. Complaints by subject area**

Faculty	Students (official programmes only)	Complaints settled	Percentage (complaints / total students)	Percentage (complaints / total complaints)
Alumni/@thenaeum	1,038	2	3.37%	3.64%
Arts and Humanities	3,088	3	5.45%	5.45%
Information and Communication Sciences	3,492	4	7.27%	7.27%
Health Sciences	1,644	0	0%	0%
Law and Political Science	7,889	13	23.64%	23.64%
Psychology and Education Sciences	13,455	18	37.73%	37.73%
Economics and Business	10,350	10	18.18%	18.18%
Computer Science, Multimedia and Telecommunications	7,612	4	7.27%	7.27%
Centre for Modern Languages	4,633	1	1.82%	1.82%
Doctoral School	273	0	0%	0%
<b>Total</b>	<b>53,474</b>	<b>55</b>		<b>100.00%</b>

**Table 4. Complaints by type of course**

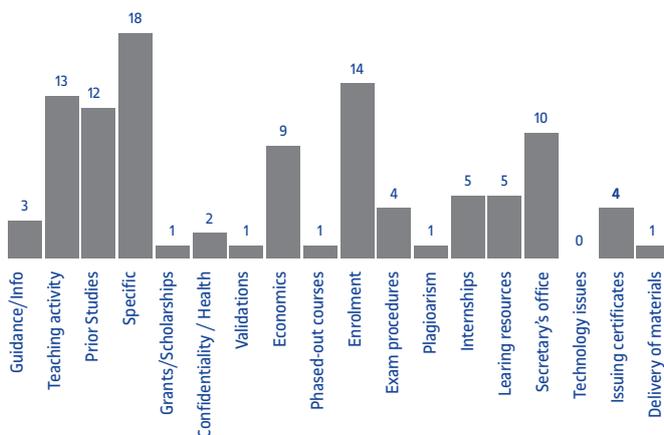
Type of course	Students	Complaints accepted	Percentage (complaints / total students)	Percentage (complaints / total complaints)
Bachelor's degrees	34,581	73	0.21%	68.87%
LRU (pre-EHEA) cycles	837	0	0%	0%
Master's degree and postgraduate courses	15,569	31	0.20%	29.25%
Doctoral degree	273	1		0.94%
Alumni/@thenaeum	1,038	4	0.38%	3.77%
Open programmes	1,496	0	0%	0%
Centre for Modern Languages	4,633	1	0.02%	0.94%
<b>Total</b>	<b>58,427</b>	<b>106</b>	<b>0.18%</b>	<b>100.00%</b>

**Table 5. Complaints by sex**

Sex	Complaints	%
Men	54	50.94%
Women	52	49.06%
<b>Total</b>	<b>106</b>	<b>100%</b>

**The greatest number of complaints received in the year related to teachers' assessments, a total of 18 cases (16.98%).**

**Table 6. Type of complaint**



The teachers' assessments, which includes both the continuous assessment and the review process, was the area that, this year, received the greatest number of complaints, with 18 cases recorded in total (16.98%). However, no complaints were received about issuing certificates, which held second place in the 2015/2016 academic year.

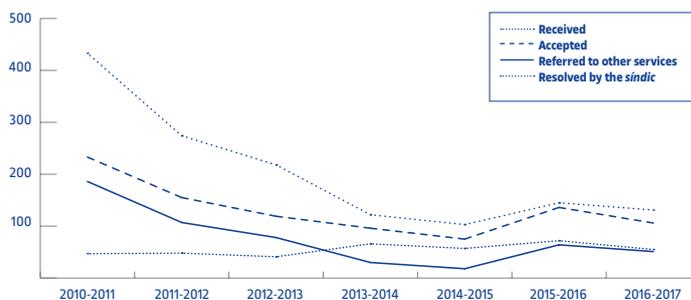
## Number of Complaints

During the 2016/2017 academic year, after the slight uptick in the 2015/2016 academic year, the trend observed in recent years of a steady drop both in the number of complaints received and in the number of complaints accepted for scrutiny has continued.

Due to the University's constant growth and diversification and the fact that students have better knowledge of the *síndic's* functions, the complaints received address issues that can either be settled by the *síndic* himself or can be channelled by him, by sending requests to other services within the University.

**Table 7. Number of complaints**

Complaints	2010	2011	2012	2013	2014	2015	2016
	2011	2012	2013	2014	2015	2016	2017
Received	433	274	218	122	103	145	131
Accepted (% of complaints received)	233 51.50%	155 56.50%	119 55.00%	96 78.70%	75 72.81%	136 93.79%	106 80.92%
Referred to other services (% of complaints accepted)	186 79.80%	107 69.03%	78 65.50%	30 24.60%	18 17.47%	64 47.06%	51 48.11%
Resolved by the <i>síndic</i> (% of complaints accepted)	47 20.20%	48 31.00%	41 34.50%	66 75.40%	57 76.00%	72 52.94%	55 51.89%



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## Recommendations

The *Síndic de Greuges* can issue warnings, recommendations and suggestions to the University's staff or authorities when making decisions and passing resolutions.

In the 2016/2017 academic year, the *Síndic de Greuges* formulated 8 recommendations. This gives a recommendation rate of 14.54% with respect to the decisions issued directly by him.

The recommendations have been sent to various bodies within the University (management of different faculties, Office of the Vice President for Teaching and Learning, Library, Personnel, Business Development, and the Legal Office). All these bodies have reported to the Office of the *Síndic de Greuges* on the actions that have been undertaken to comply with the recommendations, which have already been implemented in 3 of the 8 cases.

### **Recommendation 1 (February 2017)**

*Implementation: pending*

With respect to the complaint submitted to the Universitat Oberta de Catalunya's *Síndic de Greuges* by a member of the affiliated teaching staff concerning the fees paid for writing teaching resources, it is recommended to review the wording of the contracts for writing teaching resources to specify the criteria used by the University to grade the compensation paid to the affiliated teacher.

### **Recommendation 2 (April 2017)**

*Implementation: pending review of the regulations in 2020*

With respect to the complaint submitted to the Universitat Oberta de Catalunya's *Síndic de Greuges* by a student concerning non-application of the discount for waiving delivery of course materials in paper format, it is recommended to consider the feasibility of adapting the discount for non-delivery of course materials in paper format to the volume of material sent to the students and, if applicable, the appropriateness of reimbursing part of the price paid to receive the materials in paper format when not all of the course materials have been sent in this format.

### **Recommendation 3 (July 2017)**

*Implementation: pending*

With respect to the complaint submitted to the Universitat Oberta de Catalunya's *Síndic de Greuges* by a course instructor concerning compensation for the assessment of unsupervised final bachelor's degree projects, it is recommended to review the wording of the contracts signed with course instructors responsible for bachelor's degree and master's degree projects to include, if applicable, the "assessment of other unsupervised projects" as an addendum to the main task of supervising and assessing supervised projects.

It is also recommended to include in the contracts, if applicable, the variable amounts that the course instructor should receive, pursuant to such criteria that may be established, when this additional task is given.

Lastly, it is recommended that course instructors be adequately informed of the inclusion of this additional task in the contracts and the compensation allocated to it.

**Recommendation 4 (October 2017)**

*Implementation: October 2017*

With respect to the complaint submitted to the Universitat Oberta de Catalunya's *Síndic de Greuges* by a student concerning the decision of the Compensation Board, it is recommended to adequately argue the Board's decisions, particularly those involving a refusal, including a sufficient explanation of the reasons that have led the Board to turn down the request in each case and which enable the student to determine whether the decision is well-substantiated. It is also recommended to include in the notification the date on which the Board held its meeting.

**Recommendation 5 (October 2017)**

*Implementation: pending*

With respect to the complaint submitted to the Universitat Oberta de Catalunya's *Síndic de Greuges* by Òscar Muñoz concerning the information received concerning the discounts applicable to the enrolment fee, it is recommended to take the necessary steps in the future to ensure that sales information is clear and understandable, irrespective of the channel used, avoiding any message that may give rise to confusion or unrealistic expectations.

It is also recommended that the enrolment consultants have sufficient knowledge of the discount policy to ensure that the people who ask for information about enrolling at the University receive accurate information right from the first contact.

**Recommendation 6 (November 2017)**

*Implementation: pending*

With respect to the complaint submitted to the Universitat Oberta de Catalunya's *Síndic de Greuges* concerning the reply received to the application submitted for recruitment as an affiliated teacher, it is recommended to review and update the procedures established for selecting affiliated teaching staff and, if applicable, the University's faculty and administrative staff, in order to guarantee adequate information concerning the selection procedures, informing beforehand of the grading and scoring criteria applied.

It is also recommended to review and update the procedures established for selecting affiliated teaching staff and, if applicable, the University's faculty and administrative staff, to ensure that all the candidates for the selection processes organized by the Universitat Oberta de Catalunya receive sufficient information as to why they have or have not been selected and, if applicable, be informed of the candidates who have been selected.

**Recommendation 7 (May 2017)**

*Implementation: July 2017*

With respect to the complaint submitted to the Universitat Oberta de Catalunya's *Síndic de Greuges* concerning the application of criteria for applying for credit compensation, in order to determine that the deadline for all four sittings has expired (a requirement that must be met in order to be able to apply for assessment through credit compensation, as per the regulations), it is recommended that the University count all the sittings taken by the student (both during the official *Llicenciatura* degree in Law (phased-out) and, after adaptation, during the Bachelor's Degree in Law).

**Recommendation 8 (July 2017)**

*Implementation: September 2017*

With respect to the complaint submitted to the Universitat Oberta de Catalunya's *Síndic de Greuges* concerning the erroneous information received from the Help Service when making an enrolment, it is recommended to take the necessary steps to improve precision in the wording of the answers given by the front office in order to avoid any misinterpretations that could give rise to confusion or errors.

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## Mediation

During the 2016/2017 academic year, the *Síndic de Greuges* has acted as mediator in the mediation procedure between two students. This mediation was carried out in an online space created for this specific purpose and enabled the two parties to reach an agreement.

Mediation is an alternative system for managing conflicts within a context of growth, acceptance, learning and mutual respect.

It consists of a voluntary, flexible, participative process for the pacific resolution of conflicts, in which two opposing parties voluntarily turn to a third impartial person, the mediator, to arrive at a satisfactory agreement for the parties.

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## Institutional Activities

During the 2016/2017 academic year, the UOC's *Síndic de Greuges* attended the following events as speaker:

- 19<sup>th</sup> National Meeting of University Ombudsmen (October 2016, Córdoba)
- 10<sup>th</sup> Meeting of University *Síndics de Greuges*, Ombudsmen and Mediators organized by the Vives Network of Universities (July 2017, Universitat Rovira i Virgili [URV]).

The UOC's *Síndic de Greuges* also took part in:

- CEDU Debate Session (May 2017, Madrid).

The UOC's Office of the *Síndic de Greuges* participates in a number of Catalan, Spanish and international networks and associations of university ombudsmen:

- Ombudsmen's Group of the Vives Network of Universities: <http://www.vives.org/en/about-us/>
- Conferencia Estatal de Defensores Universitarios (CEDU): <http://www.eweb.unex.es/eweb/cedu/>
- European Network of Ombudsmen in Higher Education (ENOHE): <http://www.enohe.net/>
- Red de Defensores de los Derechos Universitarios: <http://www.reddu.org.mx/>
- New Xarxa d'Ombudsman de Catalunya (July 2017, Barcelona)

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## Compliance with the Code of Ethics

The UOC's Code of Ethics, approved by the Governing Council in July 2009, sets out the values, principles and commitments that guide the conduct of all the members of the academic community. It not only provides guidelines for the conduct of the individuals and groups that form that community, it also governs the relations of the University and its staff with the external entities and companies that provide services to or work with the University. The Office of the *Síndic de Greuges* pays particular attention to this document, as well as to the aforementioned principles of legality, fairness, equity and proportionality when considering the disputes referred to it.

In addition, articles 43ff of the Code of Ethics state that the University's *Síndic de Greuges* is responsible for monitoring and assessing compliance with the Code. Any person who refers to the Code of Ethics in any appeal procedure must inform the *síndic*, who will incorporate a note on said procedure in the annual report.

**The UOC's Code of Ethics sets out the values, principles and commitments that guide the conduct of all the members of the academic community.**

During the 2016/2017 academic year, the University's Code of Ethics has been updated to adapt it to the UOC's new values. The *Síndic de Greuges* has been actively involved in the updating process.

The updated Code gives added emphasis to the *Síndic de Greuges'* role as guarantor of the Code's observance by all members of the University community. In particular, the new version of the Code of Ethics provides that the *Síndic de Greuges* will initiate the necessary actions to guarantee knowledge and observance of the Code and to monitor and evaluate the level of compliance.

In the 2016/2017 academic year, no action specifically related to enforcing the University's Code of Ethics was taken by the *Síndic de Greuges*.

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