

EHONE

29 SEPTIEMBRE 2016

WEBINAR

THE SPANISH CASE: ONE OMBUDS OFFICE IN EACH UNIVERSITY BY LAW

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CONTEXTUALIZATION

- ❖ In Spain, as a consequence of the democratic change of our society, in 1978 the Constitution introduced the figure of the *Defensor del Pueblo (Ombudsperson)* in our political system with the aim to protect the rights and freedoms of the citizens against the Administration.
- ❖ Gradually the figure expand local and sectorally and arrived in the University environment after the 1983 University Reform Law (L.R.U.). In 1985 was introduced in the following particular Universities Regulations: Complutense (Madrid), Granada, León, Valencia and Barcelona.



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CONTEXTUALIZATION

- ❖ **Our 1978 Constitution established the legal autonomy of the Universities but the social need of defense of the citizens rights and control systems over the public institutions after the period of dictatorial mandate of Franco created a perfect background and the Ombuds figure spread. In 1996 there were 17 University Ombudsmen and the first meeting was celebrated in the *Universidad Jaume I*.**



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CONTEXTUALIZATION

❖ Texts of 1985 Universities Regulations:

❖ University Complutense (Madrid):

✓ *"For the protection and effective defence of their rights, the Estatuto of Students will regulate the institution of the University Ombudsman, an organ of communication between the student sector and the governing bodies of the University. The appointment shall require the affirmative vote of at least three fifths of the members of the University Claustro".*



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❖ Granada University:

- ✓ ***"The University Ombudsman is the commissioner of the University of Granada Claustro to defend the rights of members of the university community. For this purpose the Ombud could supervise the activity of the University Administration informing the Claustro".***

❖ León University:

- ✓ ***"To protect the interests and rights of the sectors of the university community the Claustro of the University of León will elect a commissioner to act as receiver of complaints against the institutional functioning and as mediator and conciliator in the disagreements and confrontations that could occurs between the different sectors of the community, if all parties concerned agree to do so".***



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❖ **Valencia University:**

- ✓ *“ UO empowered to support any claim or complaint presented in which the breach of the law or damage of the complainant’s legitimate interests in its relations with the University of Valencia is reported, although there is no violation of the law”.*

❖ **Barcelona University:**

- ✓ *“to exercise a permanent informative activity on the functioning of the University”.*



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- ❖ In 2001, the Organic University Law (L.O.U.), compulsory established the figure in each University on Spanish territory:
 - ✓ *“To ensure respect for the rights and freedoms of teachers, students and administrative staff and services, against the actions of the university services and institutions, the Universities will establish in their structure the figure of the University Ombudsman (UO). His performances will always be directed towards the improvement of university quality in all areas, and will not be under the imperative mandate of any university level and will be under the principles of independence and autonomy”.*



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UO DATES IN
THE DIFERENT
UNIVERSITIES

UNIVERSITY	YEAR	UNIVERSITY	YEAR
LEON	1987	CARLOS III DE MADRID	2003
BARCELONA	1988	REY JUAN CARLOS	2003
VALENCIA	1989	SALAMANCA	2003
CORDOBA	1991	ALCALÁ	2004
POLITÉCNICA DE VALENCIA	1991	CADIZ	2004
JAUME I DE CASTELLON	1992	CASTILLA-LA MANCHA	2004
GERONA	1994	POLITÉCNICA DE MADRID	2004
ROVIRA VIRGIL	1994	RAMÓN LLULL	2004
MURCIA	1994	IE UNIVERSIDAD SEGOVIA	2004
POLITÉCNICA DE CATALUNYA	1995	JAEN	2005
ALICANTE	1995	LA RIOJA	2005
LERIDA	1996	ZARAGOZA	2005
POMPEO FABRA	1996	OVIEDO	2006
SANTIAGO DE COMPOSTELA	1996	PABLO DE OLAVIDE SEVILLA	2006
A CORUÑA	1997	SAN PABLO CEU	2006
EUROPEA DE MADRID	1999	SEVILLA	2006
LAS PALMAS DE GRAN CANARIA	1999	ALMERÍA	2007
MÁLAGA	1999	EUROPEA MIGUEL DE CERVANTES	2007
MIGUEL HERNANDEZ	1999	POLITÉCNICA DE CARTAGENA	2007
AUTÓNOMA DE MADRID	1999	UNED	2007
VIGO	1999	OBERTA DE CATALUÑA	2008
AUTÓNOMA DE BARCELONA	2000	NEBRIJA	2008
COMPLUTENSE DE MADRID	2000	CATÓLICA DE VALENCIA	2009
HUELVA	2000	SAN JORGE	2011
ISLAS BALEARES	2000	EXTREMADURA	2011
CANTABRIA	2001	PAIS VASCO	2011
FRANCISCO DE VITORIA	2003	INTERNACIONAL DE CATALUÑA	2012



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❖ Common National legislation (L.O.U. December 2001)

□ Particularities:

Who could be: Members or the University Community (all or only some) but in 11% is compulsory that the Ombuds had no contractual relationship with the Institution. But we are all not professional and not permanent position.

Names: Defensores, Valedores, Sindics, Adezles, Tribunal de Garantías...

Offices members: from 1 to several (Ombuds, Adjuntos, Vicesindics, staff members).



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❖ L.O.U. 2001

- ❑ Stated principles of “Independence” and “Autonomy”. These two features are decisive in the capacity to improve the university quality and to solve problems using as skills argumentation and persuasion capacity, moral authority and credibility.
- ❑ We all UO work with people instead of cold folders, talking with them searching for fast, flexible and fair solutions to problems.



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❖ In 2007 during the X Annual Ombuds Meeting the net *Conferencia Estatal de Defensores Universitarios (C.E.D.U.)* was formed with the aim to share and debate topics of common interest among members.

❖ We are 62 members of the C.E.D.U.

❖ It is also discussion throughout the year using virtual media (e.mail) and seminars and workshop on topics of common interest. We have recently created a digital magazine, University Magazine Ethics and Rights (Rued @) as a means of exchange of ideas and opinions, open to all members of the university community.



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❖ ***C.E.D.U.: MANIFIESTO DE LA GRANJA/LA GRANJA STATEMENT, Segovia, October 25, 2007.***

- ***University Ombudsperson way to work:***
- ***Defend the rights of members of the university community harmonizing different interests and mediating between the parties.***
- ***Encourage and promote a culture of ethics in the university.***



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❖ ***MANIFIESTO DE LA GRANJA/LA GRANJA STATEMENT,
Segovia, October 25, 2007.***

☐ ***UO way to work:***

- ***Promote and encourage with their performances new codes, to facilitate and improve the university relations and coexistence.***
- ***Improve each University own different regulations which universities have endowed in use of their autonomy.***



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❖ ***MANIFIESTO DE LA GRANJA/LA GRANJA STATEMENT,
Segovia, October 25, 2007.***

☐ ***UO way to work:***

➤ ***Contribute to improve the quality of higher education in terms of resolutions, monographs and reports, elaborated by the Ombudsman or group of Ombuds and submitted to the respective governing bodies.***



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❖ ***MANIFIESTO DE LA GRANJA/LA GRANJA STATEMENT,
Segovia, October 25, 2007.***

❑ ***UO lack of executive capacity and, so, we are based on the “Autoritas” (moral authority), reason why this institution needs sufficient media and resources. This would allow all UO to perform duties adequately and always with independence.***



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❖ Different background training and regulations.

❖ Common features and work.



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After years of experience the institution of UO it is recognized as an element of improving the culture of ethics, responsibility and trust between members of the university community.

THANK YOU FOR YOUR ATTENTION!!!