National Autonomous University of Mexico
UNAM

University Ombudsman

The Mexican Model

BY: LEONCIO LARA
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STRUCTURE AND ORGANIZATION

• Public University
  (No fees nor tuitions)
  +

• Own budget
  +

• Internal elections
  +

• Own legislation
  = AUTONOMOUS AND PUBLIC UNIVERSITY =
U.N.A.M.

Public Universities in Mexico are free and almost totally dependant on government financial support.

The total budget for UNAM this year is over 1,060,612,400 pounds, (1,341,477,222 euros), of which 106,528,401 pounds (133,590,279 euros) comes from a self generated income.

The main authorities at UNAM, the Rector and Faculty Directors are elected by an internal government council that represents all members of the University, as a form of indirect democracy which is quite common in Mexican public universities.

The University Council is the Parliament of UNAM in charge of creating our internal legislation.
NUMBERS

- 300,000 students
- 52% women 48% men
- 31,000 academic personnel
- 28,000 administrative workers
- 47% of the country’s teaching, research and cultural activities
- 179 schools, faculties, centres and institutes
The numbers speak for themselves...

300,000 students

52% women and 48% men

31,000 academic personnel

28,000 administrative workers

47% of the country's teaching, research and cultural activities

179 schools, faculties, centres and institutes
• The ombudsman of students, scholars and professors

• Independant, available and impartial

• Works through good faith, equity and mediation (bona fide) with the support of University Officials

• Gives out Recommendations regarding acts of authority against university rights
Strengths: To have or not to have a University Ombudsman...that is the question.

To be an ombudsman is a great responsibility because of the power one has to solve problems in equity. It requires clear judgment and common sense.

The Ombudsman is elected by the University Parliament for a period of four years and may be re-elected for a second term of four years.

An Ombudsman must be independent and impartial in order to defend Students and Scholars Rights. He or she must also be easily available for students or scholars in trouble. In Mexico we have an emergency phone number that is answered by the Ombudsman or one of the two deputy ombudsmen, 24 hours a day, 365 days a year.

Mediation is always the preferred way to solve a problem and is used whenever possible.

If mediation is not possible, the Ombudsman gives out a Recommendation in the sense of strongly urging the authority to follow a specific course of action in order to amend the affected Students and Scholars Rights.
WEAKNESSES

• When the Recommendation is not followed, the authority is held responsible and may be dismissed

• Scarce personnel versus a high demand of services

• Meager budget
How to promote Students and Scholars Rights? Through conferences, our website and pamphlets as well as a conference room that transmits to 464 locations.

What services do we offer? Consultation and advice

We can give consultation to anyone, University member or not and can orient them towards the adequate office if we are not competent to help them. For instance, if a crime was committed or if they need psychological help, we can tell them where they can be helped.
WHAT SORT OF PROBLEMS?

• Acts of authority that affect Students and Scholars Rights

• Acts that are unreasonable, unfair, inadequate or mistaken

• Unanswered petitions
Acts of authority that affect Students and Scholars Rights.

I am going to give you an example: I received a claim from a student who was held in custody by surveillance personnel, when he was found on campus with his same sex partner. The student was insulted because of his sexual preference and treated in a discriminatory manner.

I gave out a recommendation in the sense that university authorities must make sure that no one is held in custody by surveillance personnel. If the specific case concerns a student, scholar or administrative personnel that commit an administrative misdemeanour, a statement should be drafted, the alleged offender should be allowed to leave and the facts should be informed to the corresponding authority in order to carry out an investigation.

Also I strongly suggested that a study be conducted to determine the situation and dependence of the University's legal offices regarding the University Attorney General. The necessary legal reforms should proceed in order for the Ombudsman to participate in detainments and transfers of University students or scholars to make sure their University and Human rights are respected.

Moreover, I recommended UNAM authorities organize courses on the subject of discrimination, gender equality and sexual preference in order to consolidate a culture of respect in the University, with my support and that of the National Council to Prevent Discrimination (CONAPRED is the acronym in Spanish).
Acts that are unreasonable, unfair, inadequate or mistaken.

For instance, I received a student complaint referring probable violations to his Students and Scholars Rights on behalf of an academic who destroyed an exam because it was not signed by the student. I requested information from the responsible Authority and after careful analysis concluded that the student's right to be evaluated was affected according to Article 2 of the General Exams Regulations.

For this reason, I recommended that a jury be selected to examine the student again since this would be the only way to amend the violation of the student's right to be examined impartially by another authority. The Recommendation was followed.

Unanswered petitions.

For instance, a postgraduate student filed a complaint in which he referred alleged violations to his Students and Scholars Rights, since he was not notified regarding the integration of his Tutorial Committee and for having allowed a professor to be part of his jury when she was not part of the Committee.

After careful analysis, I found the General Postgraduate Studies Regulations, regarding the Academic Committee’s attributions had not been observed.

In this sense, I recommended submitting to the Academic Committee’s consideration a change of tutor and member of the plaintiff’s jury in order to amend the violation. The recommendation was duly observed.
HOW DOES HE SOLVE THESE PROBLEMS?

- Conducts Investigation
- Through mediation
- Gives out Recommendations
How does he solve problems?

How do we conduct an investigation? Based on university legislation, on information provided by the parties and on occasion by in situ inspection.

Mediation is a process when the parties agree on an acceptable way to solve the problem, following University Legislation.

Recommendations are given when a mediation is not possible. The Authority has ten days to accept or refuse the recommendation. The Ombudsman then ratifies or rectifies his recommendation. If it is ratified and the authority still refuses to comply, he may be held responsible before the University Council and may be dismissed.
WHAT CAN THE UNIVERSITY OMBUDSMAN NOT DO?

Cannot be an advocate or representative of students or academic personnel
The Ombudsman must make sure that the University Legislation is followed. He cannot be an advocate of either students or scholars in a process; he must always be impartial and unbiased.
WHAT CAN THE UNIVERSITY OMBUDSMAN NOT DO?

Cannot intervene in labour matters

Cannot solve disciplinary matters

Cannot solve matters concerning academic evaluations, exams or tutoring
Labour matters, disciplinary issues and academic evaluations are solved by other instances.
Magic

With all that I have said, you will agree with me that in order to be a good Ombudsman so that having an Ombudsman may be a good idea, one must actually be Albus Dumbledore.
University Ombudsman
The best way to defend student and scholars rights

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