

European Students' Union (ESU)

Fighting for students' rights since 1982

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Resolution on Spain's new Organic Law for Universities

Proposed by: CREUP

Seconded by: KSU, DSF, UDU, ÖH, FAGE, MFS, FAIRe, VSS-UNES-USU, ANOSR, FEF, NUS UK, ISO, SFS

For the past two years the legislation of Spain that governs universities has undergone a substantial reform driven by the Ministry of Universities of Spain who has taken a bottom to top approach starting with many of the Royal Decrees and abolishing and replacing an unconstitutional Decree leftover from Franco's Dictatorship that governed sanctions for students. During these reforms the Ministry has also been working on the Organic Law of the University System (LOSU) that will replace the Organic Law of Universities from 2001; these laws are one of the highest forms of law in Spain that regulate constitutional matters and fundamental rights such as education, the LOSU will regulate universities governance, university life, the university communities rights among many other things.

For these last years student representatives have held many meetings with different political parties, the Ministry itself and other stakeholders that are involved in the reform process. Thanks to this, some student petitions have been included such as the right to hold academic strikes that very few universities recognise at the moment. However, two of the main parts of the law (governance of universities and university life) have hardly been modified in comparison with the last few drafts of the law which were considered to hinder students rights and university life and also entail a reduction in students participation within the governance of universities.

In matters concerning university governance many things can be improved on. In first place the percentage of student representation in the 3 main bodies that govern universities is not sufficient and does not truly reflect the real composition of the university community. Whereas permanent professors are given 51% in both the University Senate (Claustro Universitario) the maximum body representation of the university community and the Governing Council (Consejo de Gobierno) the body responsible for governing the university, students are only given 25% and 10% respectively. In line with the last draft of the law the Social Council (Consejo Social) the body responsible for the universities finances is still composed mainly of people who do not belong to the university and one member, without a vote, from each sector of the universities is present in the council leaving the universities finances completely up to businesses, politicians, and other figures who may have other motivations.

Other examples of these setbacks are in the elections of the Rector, the LOSU states that the Rector shall be elected by universal suffrage with a weighted average where once again Professors have 51% of the votes or the fact that Rectors, Deans and other offices will now have a 6 year mandate meaning that some students will never get to vote for them.

It is incomprehensible that the main sector of universities, students, are being left out of decision making and are not being guaranteed sufficient electoral power or representation and voting power in the main bodies of governance of universities.

In matters concerning university life, the new law does not include the necessary mechanisms for students to be able to make their studies compatible with university life such as student representation, being part of university programs or associations or other activities. Hindering once again student participation within the university's structure.

Therefore ESU along with CREUP and other student representatives of Spain urge and demand that the Ministry of Universities of Spain include the following provisions in the LOSU:

- That students be guaranteed 35% of the seats in the Academic Senate, the Governing Council and the Governing Council of Faculties and the Governing Council of Departments.
- That mandates for offices be reduced to 4 years with one possible reelection.
- That mechanisms be included in the law to:
- Guarantee that students can make their academic life compatible with their personal and university life.
- Foment student participation in the governance of universities such as reinforced majority or the effective presence of students in commissions.
- That in the elections for Rectors students votes make up 30% of the weighted average.