

Accountability and Higher Education in Mexico

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A panoramic view of the National Autonomous University of Mexico, the main public higher education institution in the country.

To Pedro Baranda, in memoriam

The guiding idea of accountability is to be able to control political power, not by any means to eliminate it. In this very sense, as Andreas Schedler says, accountability will inevitably presuppose the exercise of power. He also maintains that

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the concepts of accountability and responsibility seem very similar, though they are by no means identical.

Accountability implies responsibility to someone and, reciprocally, being responsible to someone implies being accountable.

Thus, public officials will be responsible to their immediate superiors and are therefore obliged to be accountable. Those in power are responsible to those

affected by their decisions and are therefore obligated, first of all, to be accountable to the citizenry.¹

In the sphere of Mexican universities and centers of higher education, accountability is a practice whose discussion has enriched academic debates for several years now, although it is only of recent advent. It began with the implementation of monitoring and auditing mechanisms and the entry into effect

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of the Federal Law on Transparency and Access to Public Information (LFTAI), that stipulates that public universities and state centers of higher education must comply with its guidelines.²

THE LAW ON TRANSPARENCY

This law is an effective mechanism for accountability, not only because it guarantees citizens' access to public information, but also because it obliges public servants to document their activities. One of the most significant advances is Article 7 that deals with "obligations in matters of transparency," which includes 17 kinds of information that mandated entities, including public universities, must make available to the public without any express request having to be made. Among other kinds of information, these include the entity's structure, the prerogatives of each administrative unit, a directory of its public servants, the monthly pay for each post, budget information, audit results, subsidies given and the normative framework.

Another contribution that should be underlined is that the law establishes specific deadlines for responding to requests, a process that includes a review mechanism when the information supplied does not fulfill the applicant's expectations because it is incomplete,

is not what was requested or because it has been reserved as classified or confidential.

THE UNAM AGREEMENT FOR TRANSPARENCY AND ACCESS TO INFORMATION

Other entities that come under the jurisdiction of the Law of Transparency, among them constitutionally autonomous bodies like the UNAM, must emit their own regulations for access to information. In this case, the Agreement for Transparency and Access to Information was published March 17, 2003 in the *Gaceta Universitaria* (University Gazette) and two questions arose: Who is the university accountable to and what information does it have to disclose?³

In answer, the UNAM is accountable to the university community and the public at large. The obligations of transparency specified in the university document's sixth agreement, which enrich the stipulations of the federal law's Article 7, adapting them to the UNAM's specific situation, deserve special mention. Equally important are the definition of reserved information applied to specific university documents and confidential information, covering only the personal data of students, professors, workers and officials that university

authorities or central administration have at their disposal.

It is also important to mention that in the case of entities of the federal administration mandated by this legislation, Article 18, Section II of the Federal Transparency Law defines confidential information as the personal data at the disposal of institutions and entities. Therefore, it would be desirable that all personal data in the possession of the UNAM be included and not only the data pertaining to UNAM employees and students.

The *2005 Annual Report of the UNAM Liaison Unit* gives some interesting figures on the results of implementing both the law and the agreement. In that year, the UNAM received 675 requests for access to information, of which 81 were internal and 594 were external.⁴ In most cases, complete information was given; only five requests were classified as reserved information and 56 were classified as confidential.⁵ This is a good start for the university, taking into account that in the case of bodies specified as autonomous by the Constitution, the institutional design of access to information is an eminently internal responsibility

ACCESS TO INFORMATION IN FEDERAL CENTERS OF HIGHER EDUCATION

It is also important to study academics' role as promoters of access to information, as external evaluators of the law's impact and as its users. Here, we should once again refer to statistics and concentrate on what has happened to federal institutions that the law mandates to provide information.

Since the System of Information Applications (SISI) began functioning

in June 2003, public institutions and offices have received 170,000 applications, a little over 151,000 of which were made electronically. The information supplied by applicants has made it possible to classify them by sector. In 2005, most applications were from academia (33.9 percent), followed by the business community (17.7 percent), government (13.0 percent) and the media (8.6 percent). We should point out that the lowest number of requests actually came from the media because very often people think they are the most frequent applicants.

There are still no precise studies about the kinds of information most frequently requested by each of these groups. However, we can say that the topic most frequently requested between 2003 and 2004 was “information generated by the institutions,” including information about administrative procedures, statistics, the results of official surveys and the entire process of bidding for public contracts.

In 2005, interest in statistics grew and requests for information about administrative procedures dropped. There was also a big increase in the complexity of the requests, suggesting a higher degree of specialization on the part of applicants, and undoubtedly an indicator of the participation of members of the academic community.

The issues of greatest interest for the academic community are subsidies, trusts and services involving crimes dealt with by specialized district attorneys’ offices.

Lastly, one of the programs most asked about has been the federal Opportunities Program, about which applicants have wanted to know details about monies distributed by state, municipality and family.⁶

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THE IFAI’S PRACTICE

Among the institutions of higher education that come under the aegis of the Federal Law on Transparency and the Access to Public Information are the National Polytechnic Institute (IPN), the National Pedagogical University (UPN), the Center for Technical Industrial Teaching (CETIS), the Center for Scientific Research and Higher Education of Ensenada, B.C., the Center for Economic Research and Teaching (CIDE), the National College of Professional Technical Education (Conalep), El Colegio de México (Colmex), and the National Institute of Criminal Sciences (Inacipe). Some cases involving these institutions, dealt with by the IFAI plenary are presented in the box, which will undoubtedly give the reader a clearer idea of what has been explained here.

CONCLUSION

As the IFAI resolutions clearly show, every day more and more citizens are interested in having information about grades, entrance exam scores, scholarships awarded, actions taken to comply with new norms, faculty training, documents backing up the validity of promotions or the appointment of a professor or researcher, among many others.

Information requests about these questions have led to the exercise of the right to information. But, above all, they have clearly established the obligation of institutions of higher education to make known their internal mechanisms and procedures, which until recently were seen as matters that could be dealt with in a highly subjective, discretionary manner. ■■■

NOTES

¹ Andreas Schedler, *¿Qué es la rendición de cuentas?* Cuadernos de Transparencia no. 3 (Mexico City: IFAI, 2004), pp. 24-25, <http://www.ifai.org.mx/publicaciones/cuadernillo3.pdf>. A previous version of this text was published in English as “Conceptualizing Accountability,” Andreas Schedler et al., eds., *The Self-Restraining State: Power and Accountability in New Democracies* (Boulder, Colorado and London: Lynne Rienner Publishers, 1999), pp. 13-28.

² See <http://www.ifai.org.mx/transparencia/LFTAIPG.pdf>. [Editor’s Note.]

³ See the accord at <http://www.dgcs.unam.mx/gacetaweb/historico.html>. [Editor’s Note.]

⁴ The UNAM distinguishes between the number of applications and the number of requests. Some applications include more than one question, which is why 601 applications were made, including 675 requests. See *Informe de labores de la UNAM 2005*, p. 15.

⁵ *Ibid.*, p. 5.

⁶ The Opportunities Program was the main government social assistance program under the Fox administration. The new president, Felipe Calderón, has continued it. [Editor’s Note.]

EDUCATIONAL CASES DEALT WITH BY THE IFAI PLENARY

1. In a petition to the National Polytechnic Institute (IPN) (0639/06), the applicant asked, "What were the conditions, criteria or reasons that a professor could be transferred without his/her consent in the School of Physics and Mathematics. Justify response." (sic)

In its answer, the IPN told the applicant that it would make the information available to him in the offices of its Liaison Unit. Unhappy with that answer, the applicant requested an IFAI review, reiterating his original request for information since he said he had not asked under what circumstances a professor could be transferred. After looking at the norms involved, the IFAI plenary agreed to revoke the IPN's answer since the institute had not turned over the document explaining the "conditions, criteria or reasons" for which a teacher could find himself in this legal situation.

2. In another petition to the National Polytechnic Institute (0652/06), the applicant requested the following information:

- a) The amount of money raised directly by the School of Physics and Mathematics of the National Polytechnic Institute in 2005;
- b) An explanation of the origin of those monies;
- c) The way they were invested in 2005;
- d) Proof of that investment.

In his review request, the applicant reiterated his petition for original information and expressed his dissatisfaction with the response, saying that the information the IPN had provided referred only to funds raised during December 2005, while the request had been for the amount for the entire year of 2005.

After a detailed analysis of the IPN's answer, the IFAI plenary came to the conclusion that, given that the "financial statement" offered by the IPN states that total expenditures from the funds raised during 2005 came to Mex\$240,760.61, and the "financial statement about the application of income raised" stated that Mex\$46,709.14 had been spent, the latter document justified the expenditure of the funds raised during December 2005, but did not include the amounts and items for expenditures for the entire year.

For that reason, the IFAI plenary proceeded to change the IPN response, making the documents concerning income generated from January 1 to December 31, 2005 available to the applicant.

3. In a petition to the National Institute of Criminological Sciences (Inacipe) (2175/06), with regard to the procedures an applicant followed to enter the master's program in the administration of justice for the years 2006-2008, the petitioner asked for the evaluations and exam results for the following topics: legal knowledge, physical evaluation, toxicological evaluation, polygraph and socio-economic situation.

The Inacipe informed the petitioner that the information requested had been classified as confidential, adding that, in accordance with the notification of exam dates, requirements and conditions, test scores were not subject to appeal. The petitioner requested an IFAI review, questioning the classification of the test scores as confidential. Now, as often happens, once the review request was made, the Inacipe changed its original response and handed over the information requested. This nullified the review request (based on Articles 55, 56 and 58, Subsections 5, 1 and 4, respectively, of the Federal Law on Transparency and Access to Public Information).

4. In a petition to the National College of Professional, Technical Education (Conalep) (2001/06), the applicant requested the following:

- a) The administrative payroll records for the pay period from May 15 to 31, 2006, for the Azcapotzalco campus.
- b) The resume of "CLR"
- c) The document appointing "CLR" to the post.
- d) A description of the post "CLR" holds.

In its response, the Azcapotzalco Conalep:

- a) Sent the petitioner a list of personnel working at the Azcapotzalco campus and told him that he could consult the portal on transparency about staff's duties, pay scales and economic benefits;
- b) Told the petitioner that the administrative payroll records of the Azcapotzalco campus contained confidential information protected by Article 18, Subsection II of the Federal Law on Transparency;
- c) Told the petitioner that "CLR" was not an employee at that campus.

After a review and analysis of the information turned over to the petitioner and published on the Conalep website, it was clear that the response did not satisfy the terms of what the petitioner had requested. Even though the Conalep had provided a list of public servants working at the Azcapotzalco campus and published the pay scales for each category of the staff on its website, it is not possible to link the wage of each of the public servants working at the Azcapotzalco campus to his/her job category. And, therefore, the information about pay was not forthcoming.

For this reason, the IFAI plenary modified the Conalep's response, ordering it to turn over the information about the posts that the public servants assigned to that campus hold so that the petitioner could be completely informed about the pay they receive.

5. In petition 415/06 filed with the National Pedagogical University (UPN), the applicant asked to be informed about:

- a) the legal basis, covenant or agreement that specified who the person responsible was for managing the budget of National Pedagogical University 231, located in Chetumal, Quintana Roo; and
- b) all the chapters of the budget assigned to that institutions for the year 2006.

The UPN responded that the information requested did not come under its jurisdiction and that therefore, it urged the petitioner to go to the Liaison Unit of the Quintana Roo state government. The petitioner rejected the answer, arguing basically that the UPN was responsible for knowing what went on at the UPNs throughout the country.

Once the file had been completed and the resolution substantiated, the IFAI plenary concluded that the transfer of all educational services had been formalized in every aspect in November 1992 and that therefore, the government of Quintana Roo had assumed full control of the operations of the campuses located within its borders, according to the Coordination Covenant signed May 21, 1992.

6. Lastly, request 0869/06 filed with the Center for Mathematics Research asked for a "copy of the contract for local and long-distance telephone services."

The center responded that it did not have said contract in its files, but did state that the services were provided by the company Teléfonos de México, S.A. de C.V.

In accordance with the chapter on pleas or arguments, the company changed its original response and turned over a document containing information relevant to the contract in question. However, the IFAI plenary found that this did not satisfy the original information request given that, among other things, the Master Contract for Telecommunications Services, signed by the UPN and Teléfonos de México, S.A. de C.V. on November 12, 1999, was the document that really defined the local telephone service according to its Conditions of Service.