



**UNIVERSITY OMBUDSMAN'S
REGULATIONS** of the Universidad
Internacional de la Empresa

I.Preamble

The fourteenth additional provision of the previous Organic Law 6/2001 of 21 December 2001 on Universities (LOU) made it compulsory for public or private universities to have a University Ombudsman's Office (DU). Royal Decree 1791/2010 later extended its functions, attributing mediation tasks to it in order to promote university coexistence.

For its part, the current Organic Law 22/2023 of the University System (LOSU) incorporates the DU into the list of basic units that must exist in Spanish universities, together with the equality and diversity units, among other services for the university community.

Article 26 of the Rules of Organisation and Operation of the Universidad Internacional de la Empresa (UNIE Universidad) determines the bases for the operation of this unipersonal body of government and academic representation within the university. The UNIE Student Coexistence Plan and Disciplinary Regulations, in accordance with Law 3/2022 on University Coexistence, regulates, in turn, the disciplinary procedure for students and the limits of action of the DU.

Thus, the DU is a basic unit responsible for ensuring respect for the rights and freedom of teaching staff, students and technical, management and administration and services staff in the actions of the different university bodies and services, and can take on tasks of mediation, conciliation and good offices. Its actions are aimed at improving university quality in all areas, and at promoting coexistence, a culture of co-responsibility, good practices and ethics.

II.Appointment

Article 1.- The Academic Board of Governors, on the proposal of the Rector and after hearing the University Council, shall appoint the DU from among members of the university community or persons of recognised prestige, for a maximum period of four years, renewable for the same duration.

III.Dedication and incompatibilities

Article 2.- The dedication of the holder of the DU may be partial, and shall be incompatible with the exercise of other unipersonal positions in the institution, as well as those others that may be determined by the Academic Governing Board.

IV. Functions

Article 3.- Its actions, which shall not be executive in nature, shall be aimed at improving university quality in all areas, shall not be subject to the imperative mandate of any university body, and shall be governed by the principles of independence and autonomy.

The DU shall have the following functions:

- 3.1. To act ex officio in the event of possible infringement of the rights and freedom of members of the university community and advise the university community on their rights.
- 3.2. To intervene at the request of persons with a legitimate interest, in relation to the requests, complaints, suggestions and observations that they make.
- 3.3. To request from the different university bodies and agencies as much information as it deems appropriate to clarify the issues raised and to fulfil its functions.
- 3.4. To make, on a non-binding basis, recommendations, suggestions and proposals for the resolution of the matters submitted, in accordance with the principles of independence, autonomy and confidentiality.
- 3.5. To carry out mediation, conciliation and good offices actions, under the terms established in these regulations at .
- 3.6. To detect operational problems related to innovation and internal processes, and make recommendations for the improvement of university quality in all areas, as a result of the detection of a potential area of conflict.
- 3.7. To report to the Academic Committee every six months on its activities and to present an annual activity report to the Management Committee and the rest of the university community.
- 3.8. To participate in the Commissions and Tribunals in which their presence is required according to UNIE regulations.
- 3.9. To promote and propose the operating regulations of the DU for subsequent approval by the UNIE Academic and Steering Committee.
- 3.10. To maintain contacts and exchanges with University Ombudsmen from other national and international universities.

V. Purpose and limits of action

Article 4.- The actions of the DU shall not be of an executive or management nature, shall always be directed towards the improvement of university quality in all its areas and shall not be subject to the imperative mandate of any university body and shall be governed by the principles of the Code of Ethics of the *International Ombudsman Association*, namely:

- Independence. The DU is independent in structure, function and action within UNIE.
- Neutrality and Impartiality. The DU will not participate in any situation that may create a conflict of interest .
- Confidentiality. The DU shall communicate in the strictest confidence with members of the university community.

Article 5.- In the exercise of its functions, the University Department may contact any responsible persons in the university community to gather information that will enable it to carry out its work. Under no circumstances shall the University Department intervene in matters outside the academic sphere, or in matters in which a legal appeal has been lodged, or in electoral proceedings.

Article 6.- Once disciplinary proceedings have been initiated following an agreement by the UNIE Disciplinary Commission, the DU shall not act on matters raised by students involved in such proceedings. To this end, the Disciplinary Commission shall inform it of the opening of the procedure at the time of its initiation.

VI. Procedures and proceedings

Article 7.- The DU shall act ex officio or at the request of a party. It will act ex officio when it becomes aware of a case in which the circumstances described in article 3.1 are present.

Article 8.- UNIE shall make available to all members of the university community, in accordance with section 3.2, an e-mail address for the submission of complaints and requests.

Article 9.- In the case of recommendations provided for in article 3.6, the addressees of the suggestions, recommendations and warnings shall provide a reasoned report on the measures adopted to deal with them or the considerations they deserve.

VII. Admission for processing. Registration and archiving

Article 10.- The following conditions shall apply to communications with the DU:

- 10.1. Complaints, claims and requests may be submitted within a maximum period of one year from the time when the facts that are the subject of the complaints, claims and requests become known.
- 10.2. In order to be admitted for processing, the mandatory fields in the form provided for this purpose must be filled in, particularly those relating to the identification and contact details of the sender.
- 10.3. The DU shall refrain from examining, or shall suspend its proceedings if they have been initiated, when it is seised of claims, complaints and applications submitted in respect of which academic or judicial proceedings are pending.
- 10.4. The DU will suspend its action if a disciplinary file is opened against a student on the basis of an offence defined in the Coexistence Plan and Disciplinary Regulations for UNIE students.
- 10.5. Once a complaint, claim or request has been received, it shall be registered, assigned a file number and receipt of the complaint, claim or request shall be acknowledged to the interested party.
- 10.6. The DU will have its own register for complaints, claims and requests that are sent to it, and will be responsible for keeping them on file.
- 10.7. In the event that the claim, complaint or request is not admitted for processing, the reasons justifying the non-admission shall be stated in the communication.

Article 11.- The processing of communications with the DU shall operate in the following manner:

- 11.1. Petitions or complaints that do not involve a violation of the rights or freedom of members of the University Community will not be admitted for processing and must first follow the channels established for their resolution.
- 11.2. The sender will be notified, by e-mail, whether or not the claim, complaint or request

has been accepted within fifteen working days from the day following its submission, August being a non-business day for these purposes.

- 11.3. While respecting the necessary confidentiality, the DU shall issue a report on the complaint, claim or request admitted for processing within a period of no more than three weeks from the day following its submission. For these purposes, the month of August is considered to be a non-working month.
- 11.4. This report may include recommendations for improving the quality of the University and shall be forwarded to the person concerned and to the bodies concerned.
- 11.5. The recommendations acciones de la DU may not be appealed against. They shall not be legally binding and shall not modify resolutions or agreements issued by the UNIE University.

VII. Means and organisation

Article 12.- UNIE shall provide the University University Department with the human and material resources necessary for the performance of its functions and shall ensure that all the academic authorities and services of the institution meet its requirements. The DU shall have the necessary budgetary resources to be able to carry out its functions and its configuration as a unipersonal body does not prevent the existence of technical or administrative personnel necessary for its proper functioning.

IX. Periodic reports

Article 13.- The overseas department shall draw up a six-monthly activity report and an annual report of its actions to the governing bodies listed in article 3.7. The annual report shall include a quantitative report on the applications received, a content analysis and related proposals for improvement. This report shall be of a public nature and shall be disseminated, without leaving any personal data that would allow the identification of the interested parties in the concluded processes. The reports will also include the reasons for rejected applications and ex officio actions.

X. Termination and/or replacement

Article 14.- The head of the overseas department shall cease to hold office at his/her own request; on completion of the term of office for which he/she was appointed; or by agreement of the Academic Governing Board.

In the event of vacancy, absence or any other cause of impossibility or incompatibility in the exercise of the post, the holder of the DU shall be replaced by the person appointed by the governing bodies of the University, in accordance with Article 1 of these Regulations.

XI. Relations with other bodies

Article 15. The Governing Board of UNIE may request in writing to the Rector of the University, the appearance of the DU. Likewise, the DU may request the Rector of UNIE, in writing, to appear before any university body.

XII. Guarantee and confidentiality

Article 16. The DU shall communicate in the strictest confidence with the members of the University Community who request its assistance and shall have no disciplinary liability whatsoever for the opinions it expresses in the exercise of its functions. All data relating to a case that is not included in the respective report shall be considered strictly confidential.

XIII. Alternative Dispute Resolution

Article 17. The DU may recommend the use of alternative dispute resolution formulas underlying the complaints, claims and petitions of which it becomes aware, provided that they are accepted by the parties.

XIV. Entry into force

These regulations shall enter into force on the day following their approval by the UNIE Academic Governing Board.

First additional provision

All the denominations contained in the present regulations that are carried out in the common gender shall be understood to be carried out and used indistinctly in the masculine or feminine gender, depending on the sex of the incumbent who carries them out.

Final provision

In compliance with the principle of publicity, these regulations will be published through the internal and external information systems commonly used by the Centre.