

REGULATIONS OF THE UNIVERSITY DEFENDER (Approved by the Board of the University on December 20, 2004)

EXPLANATION OF REASONS

Organic Law 6/2001, on Universities, in its fourteenth additional provision, created the figure of the University Defender to ensure respect for the rights and liberties of all members of the university community, in response to the actions of the various bodies and services of the University. This figure of the University Defender, which all universities must integrate into its organizational structure, so that the actions developed are always aimed to improve the university quality in all areas, without being subject to any imperative mandate, and being governed by the principles of independence and autonomy.

Under these principles, Spanish Universities, in their Statutes or Rules of Organization and Functioning, must determine the procedure for their election or designation, the duration of their mandate and dedication, as well as the regime for their functioning.

In accordance with the mentioned legal precept, the current Organization and Functioning Norms of the San Pablo-CEU University, have contemplated in their 4th section of the Fourth Title, the creation of this important figure for the best coexistence of the university community, whose institutional profiles are adapted to the reality of a private university. For this reason, Article 57 of the above-mentioned Rules of Organization and Functioning, provided that the University Defender would be appointed by the Board of Directors of the University at proposal of the Rector, after hearing the Governing Council, setting the mandate for a period of two years, with the possibility of re-election, while establishing the incompatibility for the performance of any other academic position.

Regarding the procedural aspects, the previously mentioned Rules of Organization and Functioning, in their article 58, limit the action of the University Defender to those matters raised at the request of a third party, consisting of reasoned complaints, promoting, if necessary, the appropriate investigation, always of a brief and informal nature, with the obligation to inform the university body or bodies concerned. However, although the University Defender can only act at the request of a third party, given his special qualifications and information, he can always address the academic authorities of the University to make the recommendations he deems appropriate in matters pertaining to his mission, and in no case can he intervene in matters on which a judicial resolution is pending, or subject to disciplinary proceedings. The same article also emphasizes the duty of the academic authorities to provide any collaboration that may be required in the exercise of their functions.

On the other hand, Article 59 of the repeated Norms of Organization and Functioning, requires the University Defender to submit an annual report to the Rector, which he must then present to the Board of Directors of the University. Finally, Article 60 provides the approval of a set of regulations to develop its competences and fields of action. Therefore, by virtue of this mandate, the Board of Directors of the University has approved the following Regulations of the University Defender of the San Pablo CEU University.

TITLE I GENERAL TERMS AND CONDITIONS

Article 1

The University Defender is the person appointed by the Board of Directors of the San Pablo-CEU University for the defense and protection of the rights, duties and legitimate interests of the members of the university community, being its fundamental purpose the contribution to the improvement of the quality and the good operation of the San Pablo-CEU University.

TITLE II NOMINATION, DURATION AND DISMISSAL

Article 2

1. The University Defender shall be designated by the Board of Directors of the University at the proposal of the Rector, after consultation with the Governing Council. Any member of the university community who has a personal and professional career that proves to be experienced and impartial may be elected to this position.

2. The University Defender will be elected for a period of two years, and may be re-elected for a maximum of three more equal periods, observing, in any case, the same procedure as for the initial proposal.

Article 3

1.- The University Defender will cease to carry out his duties for any of the following reasons

- a) At his own request.
- b) Due to the expiration of his or her term of office.
- c) Due to death or sudden incapacity.
- d) Due to the loss of the necessary conditions to be elected.
- e) By agreement of the Board of Directors of the University at the motivated proposal of the Rector.

2.- When the position is vacant, the procedure for the election of the new University Defender will be initiated within a period not exceeding one month.

3.- In the case of dismissal for reasons a) or b), the Defender shall remain in office until a successor to the post is elected.

TITLE III COMPETENCES AND GUARANTEES IN THE EXERCISE OF THE POSITION

Article 4

1.- The University Defender will carry out his functions with autonomy and according to his criteria. The defender shall not be subject to any mandate, nor may be given instructions by any academic or institutional authority.

The University Defender shall not be subject to disciplinary proceedings for the opinions expressed or actions taken in the exercise of his or her functions.

Article 5

The position of University Defender will be incompatible with the exercise of any other position of university representation or government.

Article 6

The University Defender may only act, at the request of a part, on all those matters that may affect the rights and duties of the members of the university community, in order to avoid situations of defenselessness or arbitrariness, always with respect for the legislation in vigor and the internal regulations of the University.

The University Defender may request from the university administration the collaboration he/she considers appropriate for the development of his/her functions. To this end, he may address all those responsible for the governing and administrative bodies of the University he considers necessary.

TITLE IV PROCEDURE FOR HANDLING COMPLAINTS

Article 7

Any member of the university community of the San Pablo CEU University, without any restriction, may address the University Defender in an individual or collective manner in the motivated defense of a legitimate interest.

Article 8

All requests for intervention addressed to the University Defender, both individual and collective, shall be submitted, signed by the interested party or parties, in a written statement of the reasons for the request, which shall include the personal information, as well as the address for notification purposes.

Article 9

1. The University Defender will reject anonymous complaints and observations, those formulated with insufficient foundation or with no intention of being so,

and all those whose processing causes damage to the legitimate rights of third parties. In any case, he will inform the interested party in written form the reasons for the rejection of their request.

2. The University Defender will not enter into the individual examination of those complaints on which a judicial, administrative or disciplinary resolution is pending, and will suspend any action if, once initiated, a claim or appeal is lodged with the ordinary courts or administrative bodies. If the complaint or appeal is filed or dismissed, the University Defender may continue to act.

Article 10

1. Once the complaint has been admitted, the University Defender will start the appropriate investigation, giving an account of the substantial content of the request to the appropriate administrative body or authority, so that, within a maximum period of fifteen working days, the appropriate reports and allegations are delivered to him, informing all parties who may be affected by their content.
2. If the allegations or report are not submitted within the established period, the Defender shall inform the corresponding university authority so that it may proceed accordingly.

Article 11

- 1.-All university bodies are obliged to assist the University Defender in the steps he or she takes in the exercise of his or her powers on a preferential basis.
- 2.- During the phase of verification and investigation of a complaint, the Ombudsman may go to any university center or office to verify the information that is necessary and to carry out the pertinent personal interviews.
- 3.- For this purpose, the defender may not be denied access to any administrative file or documentation related to the facts under investigation.
- 4.- Likewise, he/she may request his/her appearance at the sessions of the different collegiate bodies of the University, when so required for the fulfillment of his/her functions.

Article 12

The information that any person affected by the complaint may provide in the course of the investigation through their personal testimony will be strictly confidential, except for the provisions of the Law of Criminal Procedure on the reporting of facts that could be of a criminal nature.

TITLE V PROCEDURE IN MEDIATION AND CONCILIATION ACTIONS

Article 13

When all the parties involved accept the mediation, the University Defender may begin any actions to solve the disagreements that may exist between members of the university community for academic reasons.

Article 14

1.- Any request for mediation to the University Defender shall be made in writing, clearly stating the claim being made, the name and address of the applicant or applicants and, if necessary, the university sector in whose representation they are acting.

2.- Once a request for mediation has been received, it will be communicated to all those directly involved, so that there is a record of its receipt, and at the same time a written reply will be prepared in which it is clearly stated whether or not the mediation is accepted.

3.- If within a period of fifteen working days from the date of receipt of the written submissions, the University Defender does not receive a reply accepting the mediation, it will be understood that the mediation has not been accepted.

Article 15

1.- The Defender will communicate in writing to the parties involved the beginning of the period he considers appropriate so that the parties can formulate their claims in writing and present the documents that support them.

2.- Once this period has expired, the Defender will summon the parties involved to a meeting, in which he will try to conciliate, informing and reasoning the allegations made and proposing agreements on the controversial issues.

3.- The agreements resulting from the mediation and conciliation session will be recorded in a report to be signed by the University Defender and all the parties involved. These agreements will be binding on the parties involved.

TITLE VI RECOMMENDATIONS, NOTIFICATIONS AND REPORTS

Article 16

The University Defender, even though he is not authorized to modify or annul decisions and acts of the governing bodies of the University, if the Defender verifies that they may cause unfair or harmful situations for the members of the university community, he/she may suggest that the competent body or authority modifies them.

Article 17

1.- The Defender may issue warnings, recommendations, reminders of legal duties and suggestions for further action to academic and administrative

authorities and services. In all cases, the University authorities shall be obliged to respond in writing within a period not exceeding one month.

2.- Once their recommendations have been made, if within a reasonable period of time the affected authority does not take appropriate action in this regard, or if the authority does not inform the Defender of the reasons it deems necessary not to take such action, it may bring the background of the matter and the recommendations presented to the attention of the Rector.

Article 18

The University Defender must notify all those directly affected by his actions, the result of the said actions. In collective complaints, this information will be sent to the designated representative. In the absence of the representative, the notifications will be made to the person who signs first.

Article 19

1.- The University Defender will present to the Rector, annually, a Report on the performance of each academic year. This report shall contain, at least, the number and type of complaints presented, those that have been rejected and their causes, as well as those that have been the object of actions.

2.- This report will be submitted by the Rector to the Board of Directors of San Pablo-CEU University.

3- The Report will not contain personal data that would allow the identification of those interested in the investigation procedure.

TITLE VII INSTITUTIONAL SUPPORT FOR THE EXERCISE OF THE POSITION

Article 20

1.- San Pablo-CEU University shall provide the University Defender and his office with the material and human means necessary to fulfill their purposes.

2.- The economic resources necessary for its operation shall be assigned each year, within the ordinary budgets of the University.

FINAL STATEMENT

These rules will come into force the day after their approval by the Board of Directors of San Pablo-CEU University.