

Agreement of March 30, 2023, of the Governing Council of the University of Zaragoza, approving the Rules of Coexistence Regulation of the University of Zaragoza.

Boa 10 April 2023

Reason Exposition

Law 3/2022, of 24 February, on university coexistence, repealing the regulation of academic discipline of September 8, 1954, has reformulated the model of coexistence at the university level, adapting it to democratic values and principles. To this end, it establishes the appropriate framework to protect and guarantee the fundamental rights of students, teaching and research staff and technical, management, administration and services personnel. In line with this, in order to deal more effectively with certain conducts, the law encourages the mediation mechanism, so that the disciplinary regime is neither the only nor the preferred means of conflict resolution.

The universities, in the exercise of their university autonomy enshrined in Article 27.10 of the Spanish Constitution, have established and can develop with greater intensity measures and actions that favor and stimulate active coexistence and co-responsibility among all members of the university community.

In this sense, Article 3.4 of Law 3/2022 provides that the rules of coexistence shall be drawn up with the participation and hearing of all sectors of the university community through their respective representative bodies, without prejudice to the possibility of using other processes of participation or consultation, in coordination with the units of equality and diversity, and taking into account diagnoses, protocols and previous plans or any other existing instruments on the subject.

With these budgets, the Governing Council of the University of Zaragoza, by virtue of the Agreement of 28 April 2022, approved the creation of a Commission responsible for drafting these rules, representative of all sectors of the university community, with the following composition: President, the Rector or person to whom he delegates, secretary, director of student secretariat, five representatives of teaching and research staff (PDI), five representatives of the student body, two representatives of technical, management and administration and services staff (PTGAS), one representative of the equality observatory, one representative of the university diversity office and one representative of the General Service Inspectorate.

This Regulation of the rules of coexistence of the University of Zaragoza, is structured in three titles:

Title I contains three chapters. The first sets out the provisions relating to the subject-matter of the rule, its scope, the purpose it pursues and the binding nature of the regulation of those rules in accordance with the provisions of the Law on University Coexistence. Chapter II addresses the principles informing the rules of coexistence. And Chapter III is dedicated to the institutional organisation for coexistence in the University of Zaragoza, based on the principles and objectives set out in Law 3/2022 and in the Statutes of the University of Zaragoza, approved by Decree 1/2004, of 13 January, of the Government of Aragon and amended by Decree 27/2011, of 8 February and Decree 84/2016, of 14 June.

Title II is divided into three chapters. The first regulates the Cohabitation Commission of the University of Zaragoza, specifying its composition, the form of election of its members and renewal. Chapter II is devoted to mediation as an alternative dispute resolution mechanism, with Chapter III governing the procedure.

Title III is dedicated to the disciplinary regime, which it develops in two chapters. The former defines its scope and disciplinary power. Chapter II contains the regime of infringements and sanctions, as well as measures of an educational or recovery nature that substitute for serious misconduct.

Title I

Chapter I

General provisions

Article 1. Purpose of the legislation

The purpose of this regulation is to develop Law 3/2022, of 24 February, on university coexistence in the field of the University of Zaragoza.

Article 2. Scope of application

1. Degrees I and II shall apply to the entire university community, comprising the teaching and research staff sector (PDI), students and technical management and administration and services personnel (PTGAS), unless they are behaviours or behaviours that are considered to be misconduct according to their disciplinary regime or may constitute a crime.
2. The disciplinary regime contained in Title III shall apply only to students.
3. This Regulation shall apply in all physical university spaces, as well as on teaching platforms and websites supporting teaching and other electronic applications or virtual spaces of the University of Zaragoza.

Article 3. Purpose

1. Promote understanding, peaceful coexistence and full respect for democratic values, fundamental rights and public freedoms and compliance with the Statutes within the scope of the University of Zaragoza.
2. Promote the preferential use of mediation as an alternative means of resolving conflicts that alter peaceful coexistence or prevent the normal development of the essential functions of teaching, research and knowledge transfer.

Article 4. Binding nature

The rules of coexistence are mandatory for the persons within their scope of application, both in their individual and collective actions.

Article 5. Effective promotion of values, rights and freedoms

1. The University of Zaragoza will promote within the scope of its competences democratic values, fundamental rights and public freedoms with respect to diversity and tolerance, equality and inclusion.

2. In all its actions, as well as in the development and implementation of its own policies and regulations, the provisions of article 3.2 of Law 3/2022, of 24 February, on university coexistence will be taken into account.
3. In any case, freedom of expression and the constitutionally recognised rights of assembly, association, demonstration and strike shall be guaranteed.

Article 6. Prevention and elimination of any form of violence and of situations of discrimination or harassment of any kind

1. The University of Zaragoza shall promote the elimination of any conduct involving sexual harassment, violence, discrimination or harassment based on sex, sexual orientation, gender identity or expression, sexual characteristics, national origin, ethnic group membership, disability, age, state of health, social class, religion or belief, language or any other personal or social condition or circumstance. It will also guarantee tolerance in all its manifestations.
2. It is for the university community, its bodies and services to adopt, within the scope of their respective competences, measures to prevent and respond to violence, discrimination or harassment for the reasons mentioned in the previous issue, as well as the use of procedures to channel complaints or complaints.

Article 7. Positive action measures for vulnerable groups

1. All those positive measures and actions that promote the integration and full realisation in the university life of vulnerable groups will be promoted and facilitated.
2. The necessary measures will be taken so that all the services provided by the University are accessible to the members of the university community in accordance with the planning to be carried out for the elimination of barriers of any nature.

Article 8. Freedom of teaching, freedom of professorship and academic freedom

The teaching, scientific and transfer activity will always be carried out with respect for and protection of the freedom of professorship and intellectual property.

Article 9. Freedom of expression

1. The university community will be able to freely express its ideas and opinions in the academic field.
2. The exercise of the right to freedom of expression shall not protect demonstrations that violate honour, dignity, fundamental rights and public freedoms.

Article 10. Duties of the university community

1. Relations between the members of the university community shall take place on the basis of equal rights and obligations and under the principle of co-responsibility.
2. The right and duty of mutual respect among the members of the university community will be observed in all activities carried out within the scope of the University of Zaragoza and in the development of university life.
3. The university community must make a correct and responsible use of the heritage of the University of Zaragoza.

Chapter III

Institutional organisation for coexistence at the University of Zaragoza

Article 11. Institutional organisation and transversal nature of university coexistence

1. The University of Zaragoza will guarantee the application of these regulations and the specific protocols of action through different bodies, services and units according to the principle of specialisation.
2. The co-existence Commission shall, where appropriate, coordinate the co-existence action.

Article 12. Cohabitation Commission

The Cohabitation Commission aims to contribute and ensure peaceful coexistence in the University of Zaragoza and the proper functioning of the mediation mechanism, contained in this Regulation.

Article 13. General inspection of services

1. The Inspectorate General of Services is responsible for the instruction of information files and disciplinary cases in cases in which responsibility may arise of public employees or students, as well as the files of reserved information entrusted to it.
2. The Inspectorate-General for Services shall, in accordance with the principle of confidentiality, provide the necessary cooperation to the various bodies which require it to contribute to the correct application of this Regulation.

Article 14. Equality Unit of the University of Zaragoza

The Equality Unit, through the Office of Prevention and Response to Harassment, will act in accordance with the provisions of the Protocol on prevention, detection and action against sexual harassment, based on sex, sexual orientation, expression or gender identity at the University of Zaragoza.

Article 15. Occupational Risk Prevention Unit

The Occupational Risk Prevention Unit will be competent in the framework of its actions to implement the Protocol for the management of conflicts due to psychosocial risk of persons employed at the University of Zaragoza; as well as to propose preventive measures in order to an adequate university coexistence.

Title II

Chapter I

The Cohabitation Commission of the University of Zaragoza

Article 16. Composition

1. Members of the Cohabitation Commission will be two representatives of the PDI with permanent links, two representatives of the students and two representatives of the PTGAS.
2. Its members shall not be subject to an imperative mandate and shall be governed by the principles of independence and autonomy.
3. The chair and secretariat shall be elected at the constitutive session of the Commission from among its members belonging to the PDI or PTGAS sector.
4. Cloister status shall not be required to become a member of the Commission.
5. The Commission may invite to the meetings, with a voice but without vote, any person, to be appointed by the General Secretariat, to provide expert advice.

Article 17. Election, appointment and renewal of the members of the Cohabitation Commission

1. The representatives of the students and their alternates will be elected by the representatives of this sector in the Cloister, from among four proposed by the Student Council. The representatives of the PDI and their alternates and the representatives of the PTGAS and their alternates will be elected by their respective sectors in the Cloister of the University of Zaragoza.
2. The elected members shall be appointed by the Rector for a term of two years. The Commission shall be renewed each year in halves. No more than two consecutive periods may be a member of it.
3. Alternates of the Commission may participate in its meetings when members are unable to attend, must abstain or are challenged.

Article 18. Functions

The functions of the Cohabitation Commission are:

- a. Channel the consultations and initiatives of the students, the PDI and the PTGAS for the improvement of coexistence, and formulate proposals for the improvement of coexistence at the University of Zaragoza.
- b. Promote the use of the mediation mechanism to try to respond to conflicts that may arise between members of the university community when the norms of coexistence are violated. It shall also propose to the parties the person who will act as mediator and the mediation procedure to be followed.
- c. Conduct, where appropriate, briefings to inform the persons concerned of the availability and scope of the mediation mechanism or procedure and to designate the mediator.
- d. The Cohabitation Commission must make an annual information report that will be sent to the Cloister of the University of Zaragoza on the issues it deems relevant in terms of coexistence, and may make proposals for improvement.
- e. Approve the Commission's internal operating rules.
- f. Establish the requirements to be met by mediators and the necessary training to be provided for the performance of their duties.

Chapter II

Mediation

Article 19. Mediation

The University of Zaragoza will promote mediation as a means of resolving conflicts of coexistence at the university level.

Article 20. Reporting principles of mediation

1. In accordance with the principle of voluntariness, it shall be ensured that the parties involved in a conflict are those who, in a free and informed manner, grant their consent to the initiation of the mediation mechanism or procedure and, where appropriate, decide to terminate it at any time of its development.
2. Under the principle of confidentiality, the parties shall be guaranteed the reservation of the information subject to the mediation mechanism or procedure. The mediators may not disclose the information related to it, unless the parties expressly consent or when this is legally imposed or by judicial decision.
3. In accordance with the principle of fairness, the maintenance of the balance between the parties shall be ensured, all having the same possibilities and instruments of action within the procedure.
4. In accordance with the principles of neutrality and impartiality, mediation actions will be carried out in such a way as to enable the parties to the conflict to reach a mediation agreement themselves, acting the mediator with active conduct guaranteeing the balance of the parties and aiming to achieve rapprochement between them.
5. In order to comply with the principles of good faith and mutual respect, the parties will act collaboratively and maintain appropriate deference between them and to the mediator.
6. In accordance with the principle of prevention and prohibition of reprisals, the necessary measures will be taken to prevent and avoid reprisals against persons involved in the conflict.
7. In accordance with the principle of flexibility, in the case of alternative means of resolving conflicts of coexistence, the procedure must be adapted to the specific circumstances of the case and of the parties involved in the conflict.
8. The parties shall also be guaranteed transparency, clarity and access to proceedings throughout the proceedings, without prejudice to any caveats to be applied as provided for in legal rules or judicial decisions.

Article 21. Of the mediation mechanism

1. The mediation mechanism is a self-composing procedure, voluntary and external to a disciplinary procedure, in which, through active, deliberative and respectful dialogue, assisted and managed by those who assume the mediation, the parties to a conflict resulting from non-compliance with the rules of coexistence try to reach an agreement for its solution.
2. The mediation mechanism excludes conduct or actions that involve violence, discrimination or harassment, or that may constitute a crime, as well as those that may constitute academic fraud.

Article 22. Mediation in disciplinary proceedings

1. In disciplinary proceedings involving the student, in view of the nature of the conflict, the investigator may propose to the parties the referral of the file to the Coexistence Commission for the initiation of a mediation procedure.
2. Upon receipt of the file, the Commission shall decide, within 10 days, whether to process the mediation or to inhibit it. In the latter case, it will return the file to the investigator for a statement of objections.

If the Commission decides to deal with the mediation, it shall inform the parties and the disciplinary proceedings shall be suspended.

3. If the mediation procedure is concluded with agreement, the penalty proceedings shall be closed. Otherwise, the disciplinary proceedings will continue.
4. The total or partial agreement reached by the parties as a result of the mediation procedure shall be confidential, recorded in writing and signed by the parties and by the mediator. A copy will be given to each of the parties and to the Cohabitation Commission, so that they can be taken into account and incorporated into the file.

Article 23. Mediators

1. Members of the university community or persons outside the University of Zaragoza who meet the requirements of appropriate training may act as mediators.
2. For the selection of mediators the University of Zaragoza will have a cast of accredited mediators whose call and appointment corresponds to the Rector.

Chapter III

The mediation procedure

Article 24. Initiation

1. The mediation mechanism shall be initiated by the Cohabitation Commission ex officio, or at the request of any one-person governing body of the University or by the parties involved in a particular conflict. In any case it may only be initiated if the persons concerned, duly informed, give their consent and the subject matter of the conflict is not any of the conduct listed in Article 21(2) of this Regulation.
2. The request must clearly state the willingness to avail itself of the mediation mechanism, the subject matter of the conflict and the parties concerned.
3. After verification of the merits of the mediation, the Cohabitation Commission, within ten calendar days, will propose to the parties a mediator, determining the subject matter of the conflict, the timing and place of the sessions and the form of development.

The Commission may propose a new mediator if it finds that there is a conflict of interest or if the parties propose another.

The proposal accepted by the parties concerned shall be forwarded to the mediator.

Article 25. Conduct of the procedure

1. At its constituent session, the mediator shall proceed to identify the parties, stating their consent and drawing up minutes of constitution, which shall be signed by the mediator and the parties.
2. Minutes shall be drawn up of each of the mediation sessions.
3. The mediation mechanism may conclude:
 - a. To have reached an agreement.
 - b. Because either party informs the mediator of its decision to terminate the proceedings.
 - c. Because the agreed maximum period has elapsed.
 - d. Because the mediator justifiably appreciates that the positions of the parties are irreconcilable.
4. The maximum duration of the proceedings may not exceed 30 days from the date of signature of the minutes of the constituent meeting.
5. After the end of the procedure, a final act will be drawn up with the terms of the agreement and the deadline for compliance, which must be signed by the parties and by the mediator. The minutes shall be forwarded to the Cohabitation Commission for the custody and incorporation into the file, and a copy shall be given to each of the parties.

Article 26. Mediation agreements

1. The total or partial agreement reached by the parties as a result of the mediation mechanism shall be confidential, recorded in writing and signed by the parties.
2. These agreements shall be binding exclusively between the parties, without prejudice to any legal or regulatory requirements to which their compliance may be subject.
3. The Cohabitation Commission will verify that the agreements reached in the mediation are in accordance with the university regulations and will monitor their compliance by the parties.
4. In the event of failure to comply with the agreement within the prescribed time limit, penalty proceedings shall be initiated if the infringement has not been time-barred.

Title III

Disciplinary regime

Chapter I

General provisions

Article 27. Object

This title aims to establish the disciplinary regime for students of the University of Zaragoza.

Article 28. Scope of application

1. The disciplinary regime contained in this degree will apply to all students of the University of Zaragoza.
2. Students for this purpose will be considered all those enrolled in any of the studies leading to the obtaining of an official degree and in the own teachings of the University of Zaragoza.

Article 29. Disciplinary power

1. The University of Zaragoza has the power to sanction disciplinary offences committed by students referred to in Article 28(2) of this Regulation, which violate coexistence or prevent the normal functioning of the activities carried out at the University.
2. The Rector is the competent body to exercise disciplinary power in relation to the behaviors of the students of the University. The exercise of this power may be delegated in accordance with the provisions of Law 5/2021, of 29 June, on the Organisation and Legal Regime of the Autonomous Public Sector of Aragon.
3. Disciplinary responsibility is independent of civil or criminal liability that may arise from student conduct.

Chapter II

Regime of infractions and disciplinary sanctions against students

Article 30. Disciplinary responsibility

Students referred to in Article 28.2 of this Regulation shall be subject to the disciplinary regime established in this title, with respect to the activity carried out in the facilities, systems and spaces of the University, as well as in other places where a university activity is carried out.

Article 31. Disciplinary misdemeanors

1. Students' disciplinary misdemeanors are rated as very serious, severe, and mild.
2. Very serious faults shall be considered:
 - a. Perform rookies or any other vexatious behaviors or actions, physically or psychologically, that seriously undermine the dignity of people.
 - b. Harass or exercise serious violence against any member of the university community.
 - c. Sexually harassing or sex-based.
 - d. Discriminate on the basis of sex, sexual orientation, gender identity, national origin, ethnic group membership, age, social class, disability, state of health, religion or belief, or any other personal or social cause.
 - e. Alter, falsify, steal or destroy academic documents, or use false documents before the university.
 - f. Destroy and deteriorate irreparably or remove cataloged works from the historical and cultural heritage of the university.

- g. Plagiarise totally or partially a work, or commit academic fraud in the elaboration of the Final Degree Work, the Final Master's Work or the Doctoral Thesis. Academic fraud will be understood as any premeditated behavior aimed at falsifying the results of an exam or work, own or others, carried out as a requirement to pass a subject or prove academic performance.
 - h. Breach the public health standards established for university centers, their facilities and services, putting the university community at risk.
 - i. Supplant a member of the university community in their own work or give consent to be supplanted, in connection with university activities.
 - j. Prevent the development of the university's electoral processes.
 - k. Have been convicted, by a final judgment, of the commission of an intentional offence involving the involvement of a different legal asset, committed in university centres, their facilities and services, or related to the academic activity of the university.
3. Serious misdemeanours are considered:
- a. Unduly seize the content of tests, examinations or knowledge checks.
 - b. Seriously deteriorate the listed assets of the university's historical and cultural heritage.
 - c. Prevent the holding of university teaching, research or knowledge transfer activities.
 - d. Commit academic fraud within the meaning of Article 31(2)(g) of this Regulation.
 - e. Improper use of content or means of reproduction and recording of university activities subject to intellectual property rights.
 - f. Failure to comply with the safety and health standards established by university centers and their facilities and services.
 - g. Access without proper authorisation to the computer systems of the university.
4. Minor faults are considered:
- a. Access to university facilities to which access is not authorised.
 - b. Use university services in breach of the established requirements of general knowledge.
 - c. Perform acts that impair the assets of the university's heritage.

Article 32. Sanctions

1. The penalties in this Regulation are classified as very serious, serious and minor. The seriousness of the misconduct shall determine the penalties applicable.
2. Penalties are applicable for committing very serious misconduct:
 - a. Expulsion of two months up to three years from the university in which the fault was committed. The penalty with expulsion must be recorded in the academic record until it is fully complied with.
 - b. Loss of partial tuition fees, during an academic year or semester.

3. Penalties are applicable for committing serious misconduct:
 - a. Expulsion of up to a month from the University of Zaragoza. This penalty may not be applied during the periods of evaluation and enrolment indicated in the calendar of the University.
 - b. Loss of the right to the ordinary call in the academic semester in which the fault is committed and in respect of the subject in which it was committed. The loss of tuition fees may not affect the rights relating to scholarships in the terms provided for in its implementing regulations.
4. Private reprimand is the penalty applicable for committing minor misdemeanors.
5. In the case of penalties applicable for the commission of serious misconduct, the sanctioning body may propose a substitute measure of an educational or recovery nature, as provided for in Article 34 of this Regulation.

Article 33. Graduation of sanctions

The body responsible for sanctioning the penalty shall specify the penalty within its gravity, adapting it to the specific case, always in a reasoned manner, in accordance with the principle of proportionality and weighing according to the following criteria:

- a. Intentionality or reiteration.
- b. The nature of the damage caused.
- c. Profit-making.
- d. Recognition of liability by communicating the infringing act to the university authorities prior to the initiation of disciplinary proceedings.
- e. Compensation for damage prior to the initiation of disciplinary proceedings.
- f. The personal, economic, health, family or social circumstances of the offender.
- g. The degree of participation in the facts.
- h. Take action for any of the causes of violence, discrimination or harassment referred to in Article 6.1 of this Regulation.

Article 34. Alternative measures

1. The Rector may impose on students educational and recovery measures in place of the penalties established by this Regulation for serious misconduct, provided that the rights of the person(s) concerned are fully guaranteed.
2. They may consist of participation or collaboration in training, cultural, public health, sports, university outreach and institutional relations, or similar activities. In no case may they consist of the performance of duties or tasks assigned to the staff of the university in the relations of jobs.
3. Its duration may not exceed six months.
4. They shall be imposed in accordance with the following principles:
 - a. There is a clear agreement on the part of the person(s) affected by the infringement, and on the part of the offender.
 - b. The alternative measure of the penalty is aimed at the maximum possible reparation for the damage caused and that its effective enforcement is ensured.

- c. That the offender acknowledges his responsibility in the commission of the misconduct, as well as the consequence of his conduct for the person concerned and for the university community.
- d. The responsible person shows willingness to restore the relationship with the person affected by the infringement. Such restoration shall be provided provided that the person concerned expressly consents.

Article 35. Provisional measures

1. Prior to the initiation of the administrative procedure, the Rector, acting on his own motion or at the request of a party, in cases of urgency which cannot be postponed and for the provisional protection of the interests concerned, may take the necessary and proportionate provisional measures as may be necessary and proportionate. In this case, the provisional measures must be confirmed, amended or lifted in the agreement to initiate the procedure, which must be carried out within 15 days of their adoption, which may be the subject of the appropriate appeal. In any event, such measures shall be null and void if the proceedings are not initiated within that period or where the initiation agreement does not contain an express ruling on them.
2. At any time during the disciplinary proceedings, the investigator may, on a reasoned basis, take such interim measures as he deems necessary in order to avoid the continuation of the effects of the misconduct and to ensure the effectiveness of the decision that may arise.
3. The adoption of such measures may take place either ex officio or at the request of the persons possibly concerned.
4. Such measures shall be temporary, with a maximum duration of six months. They shall be proportionate and may be adjusted in a reasoned manner if there are changes in the situation which justified their adoption. In any event, they shall be extinguished with the effectiveness of the decision terminating the proceedings.
5. The adoption of provisional measures shall not prejudice the outcome of the proceedings.

First additional provision. Coordination of the units or services of the University of Zaragoza in relation to coexistence

The Cohabitation Commission shall communicate to the relevant unit or service the facts which may have consequences within the scope of its respective competence.

Second additional provision. Major Schools

Without prejudice to the provisions of Article 2.3 of this Regulation, their own disciplinary regime shall apply in the Colleges of the University, which shall be supplemented by those established in these regulations.

Third additional provision. Implementation of the Code of Ethics

The values, principles and guidelines of conduct contained in the Code of Ethics of the University of Zaragoza will inform the interpretation and application of these Regulations.

Fourth additional provision. Renewal of the Cohabitation Commission

The members of the Cohabitation Commission of the University of Zaragoza who are to be renewed in the first year, in accordance with Article 16(2) of this Regulation, shall be appointed by lot.

Fifth additional provision. Disciplinary regime

The disciplinary regime established in Title II of Law 3/2022, of 24 February, on university coexistence shall apply.

Sixth additional provision. Protocol for the prevention, detection, evaluation and action in other situations of violence, discrimination and harassment

A protocol for the prevention, detection, evaluation and action in situations of violence, discrimination and harassment on the grounds referred to in Article 6.1 of this Regulation shall be adopted within six months, excluding sexual harassment, on grounds of sex, sexual orientation, gender identity or expression, sexual characteristics, which shall be governed by the Protocol on prevention, detection and action against sexual harassment, on grounds of sex, sexual orientation, expression or gender identity at the University of Zaragoza.

Seventh additional provision. Generic terms

The generic terms in males appearing in this Regulation shall also be understood as referring to their corresponding female terms.

Single transitional provision. Provisional appointment of the members of the first Cohabitation Commission

From the entry into force of these rules, the members of the Cohabitation Commission shall be appointed by the Cloister Bureau and shall cease when the Cohabitation Commission is set up in accordance with Chapter I of Title II of this Regulation.

Single final provision. Entry into force

This Regulation shall enter into force on the day following its publication in the Official Gazette of Aragon.

The Rector of the University of Zaragoza, José Antonio Mayoral Murillo.

Signed electronically and with verifiable authenticity according to Article 27(3)(c) of Law 39/2015