

Agreement of December 14, 2004, of the Cloister of the University of Zaragoza, approving the rules of organisation and operation of the University Ombudsman of the University of Zaragoza.

In accordance with the provisions of Additional Provision 14 of Organic Law 6/2001 of 21 December 2001 on Universities, the Statutes of the University of Zaragoza (hereinafter, EUZ) have included in Title III the figure of the University Ombudsman, defined in Article 89 as “the single-person body responsible for ensuring respect for the rights and freedoms of the members of the university community in the actions of the different university bodies and services”. According to the same Statutes, the draft rules governing the organisation and functioning of the University Ombudsman are drawn up by the Governing Council, which shall submit it to the Cloister for approval (Article 92 EUZ).

Accordingly, the Governing Council at its meeting on 4 November approved the draft rules for the organisation and functioning of the university defender and forwarded it to the Cloister Bureau for approval.

Therefore, in compliance with the provisions of articles 47.h) and 89 to 93 EUZ, and in accordance with article 46.2.h) and the Additional Provision 14th of the Organic Law of Universities, the Governing Council approves, the following *Regulations of organisation and operation of the University Ombudsman of the University of Zaragoza*

Article 1. Nature and function.

1. The University Ombudsman is the one-person body responsible for ensuring respect for the rights and freedoms of members of the university community in the actions of the various university bodies and services.
2. Its actions, always governed by the principles of independence and autonomy, will be aimed at safeguarding the rights and freedoms of the members of the university community and improving university quality in all its areas.
3. The University Ombudsman shall not be subject to the mandatory mandate of any authority or body of the University.

Article 2. Eligibility requirements.

1. The University Ombudsman shall be an active member of the teaching and research staff or of the administrative and service staff of the University of Zaragoza, chosen by the Cloister by the procedure laid down in the Rules of Procedure of the University of Zaragoza.
2. It may not be the professors emeritus or visitors or the members of the administrative staff and services that are officials of other administrations that provide services at the University of Zaragoza.

Article 3. Term of office.

The term of office of the University Ombudsman shall be three years and may be elected for a maximum of two consecutive terms. There will be no limit on non-consecutive terms.

Article 4. Termination in office.

The University Ombudsman shall cease his office at the end of his term of office, at his own request, by agreement of the Cloister, in accordance with the procedure established by him, or on other legal grounds.

Article 5. Regime of dedication and incompatibilities.

1. The performance of the position of University Defender requires full-time dedication and shall be incompatible with that of any other single-person body and with membership of any collegiate body of the University or the bodies representing the staff of the University. The acceptance of the office entails its automatic cessation in such organs.

2. Those who hold the position of University Ombudsman shall be exempted from carrying out the activities of their status as a member of the teaching and research staff or of administrative and service staff.
3. The University Ombudsman shall be considered Vice-Rector for remuneration and protocol purposes.

Article 6. Organisation and means.

1. The University Ombudsman shall have an office equipped with sufficient human and material resources for the dignified and effective performance of his or her duties. It will also enjoy its own and specific allocation included in the annual budgets of the University.
2. If necessary, the University will provide the University Ombudsman with the necessary legal assistance under appropriate conditions.
3. The University Ombudsman will appoint three advisers, one for each sector of the University Community, who will assist him in the performance of the functions of his/her position.
4. Advisers shall be appointed by the Rector. Its remuneration and dedication regime will be fixed by agreement of the Governing Council, on the proposal of the University Ombudsman.
5. The University Ombudsman will have its own record and file.
6. The academic authorities and the services of the University shall provide the University Ombudsman with the necessary support for the performance of his or her duties.

Article 7. Competences

The University Ombudsman may receive complaints or petitions about dysfunctions, irregularities or deficiencies detected in the functioning of the University's organs or services or in the specific actions of its members, as such.

Article 8. Initiative

1. The University Ombudsman shall act ex officio or at the request of a party.
2. Any member of the university community of the University of Zaragoza, individually or collectively, may submit complaints or petitions to the University Ombudsman in defense of their rights or legitimate interests. This faculty is also recognised by the bodies representing teaching and research staff, students and administrative and service staff.

Article 9. Complaints and petitions

1. Complaints and petitions addressed to the University Ombudsman must be reasoned, will be made in writing and contain the following data:
 - a) The identification of the petitioner, with the expression of his first and last name, identity card number, belonging to the corresponding sector of the university community and address and telephone number of contact.
 - b) The object and motivation of the complaint or request.
 - c) Any accompanying documents.
2. This document may be presented in any of the official records of the University of Zaragoza.

Article 10. Admission and inadmissibility

1. The University Ombudsman shall decide on the admission of the complaint or request in writing within fifteen working days, starting from the day following the date of entry into the official register in which it was submitted. This resolution shall be communicated to the petitioner. If the complaint or petition is inadmissible, the decision shall state the grounds for inadmissibility.

2. For the purposes of the previous paragraph, the non-school periods of Easter, Christmas and Summer are not considered as skilled, according to the academic calendar of the corresponding course.
3. The University Ombudsman shall inadmit complaints and petitions in the following cases:
 - a) When the complainant or petition is not sufficiently identified or it is not possible to determine what the subject matter of the complaint or petition consists of.
 - b) When they do not refer to the functioning of organs or services of the University of Zaragoza, or to the actions of its members, as such.
 - c) When they lack a reasonable minimum basis or are contrary to the purposes of the University proclaimed in the Statutes.
 - d) Where they concern cases in which administrative or judicial proceedings are pending, or in which all the instances and remedies provided for in the Statutes have not been exhausted in advance.
 - e) When more than two years have elapsed when all the instances and remedies provided have elapsed.
4. If the defect can be rectified, the petitioner shall be granted a period of ten working days to rectify it, indicating that, if he does not do so, his complaint or petition will be inadmissible.
5. The University Ombudsman will suspend the processing of complaints and petitions in relation to which, after admission, an administrative or judicial procedure will be initiated.
6. Even if complaints are inadmissible, the University Ombudsman may, on his own initiative, address the study of general problems relating to them.

Article 11. Procedure

1. Admitted to processing the complaint or petition, the University Ombudsman will transfer, by the corresponding office, the subject matter of the complaint or request to the body or service whose operation or activity motivated it.
2. The office shall indicate the information or actions concerned and the period within which they are to be carried out.
3. The consignee may also have a period of 15 working days to argue what he considers appropriate.
4. The University Ombudsman, in the exercise of his or her function, may collect information from all the authorities and bodies of the University, as well as from the members of the university community, in accordance with the provisions of the legislation in force.
5. Of the non-compliance or lack of collaboration by those required, the University Ombudsman will forward to the authorities and services entrusted with disciplinary and inspection functions.

Article 12. Pronouncement

1. The University Ombudsman shall decide on complaints and petitions within a period of not more than four months from their submission.
2. The pronouncements shall take the form of reports in which the university bodies or services involved shall be expressed, the alleged and proven facts shall be summarised and the criteria underlying their pronouncement shall be set out. The reports may also contain recommendations and proposals to authorities and bodies, aimed at improving university quality or regarding the modification of the guidelines that motivate complaints or petitions.
3. The pronouncements will be communicated to the petitioner and the body or services concerned. The University Ombudsman may also transfer, reservedly to the corresponding hierarchical superiors, complaints received about the actions of members of the university community who represent a breach of their obligations.
4. The reports of the University Ombudsman are not considered administrative acts and may not be the subject of any appeal. Nor are they legally binding and, by themselves, they will not modify resolutions or agreements emanating from the bodies of the University of Zaragoza.

Article 13. Annual report of activities.

1. The Annual Report of the activities of the University Ombudsman of the University of Zaragoza shall contain at least a list of the number, provenance and matters to which complaints and petitions submitted relate, complaints and petitions rejected and admitted, and complaints and petitions being processed and informed; in relation to the latter, if they were informed within the meaning of the complaint or request, the criteria underlying the respective reports should be reflected. It shall also include ex officio proceedings.
2. This report shall not contain data to identify the presenters of complaints or petitions.
3. The Annual Report will refer to the activity of the University Ombudsman carried out during the previous academic year. It will be presented to the Cloister in the first quarter of the following year and will be published, for the knowledge of the university community.

Article 14. Information to the University Cloister.

1. The University Defender will be invited to the sessions of the Cloister, in which he will have a voice, but not vote.
2. The Ombudsman shall inform the Cloister of his actions in the following cases:
 - a) When you submit your annual report.
 - b) When you expressly request the inclusion of an item on the agenda of the next session of the Cloister. If it is already convened, it may request the inclusion of that item provided that it does so at least 48 hours before the beginning of the session.
 - c) When requested in writing at least thirty claustrals at least 48 hours before the beginning of the session and specifying the subject matter on which the information is requested.

Article 15. Guarantee and confidentiality in the action.

1. The University Ombudsman shall not be subject to disciplinary responsibility by reason of the opinions he or she formulates or the actions he takes in the exercise of the powers that are specific to his or her office.
2. Except for what may be reflected in the reports that resolve complaints and petitions and in the Annual Report, the information and data collected by the University Ombudsman as a result of the processing of complaints or petitions are strictly confidential.
3. The University Ombudsman must respect the confidentiality of the information in the responses to requests for information made by the Cloister.
4. The University Ombudsman must guard its Archive to ensure the effective confidentiality of the information and data collected in the framework of the processing of complaints or petitions.

Final provision.

This Regulation shall enter into force after its adoption by the Cloister.