

## OPERATING REGULATIONS OF THE IPHES-CERCA OMBUDSPERSON

### SCOPE OF ACTION AND FUNCTIONS

**Art. 1.** The figure of the IPHES-CERCA Ombudsperson (hereinafter Ombudsperson) is framed in the actions of the centre for the implementation of the Responsible Research and Innovation (RRI). Its creation is in the context of the CERCA system's Ombudsperson.

**Art. 2.** The scope of action of the Ombudsperson is that of the activity of the same IPHES-CERCA.

**Art. 3.** The functions of the figure of the Ombudsperson will be the following, among others:

1. Acting as a mediator and counselor, and proposing solutions to conflicts of scientific integrity that may arise in the centre or specific cases of unacceptable practices in the field of research and its management. Including also the management of the centre.
2. Contribute to the fulfillment of the principles of the CERCA Code of Conduct and the European Code of Conduct for Research Integrity and the rest of the rules, plans, and regulations that govern the IPHES-CERCA. Provide the researchers with a framework of confidence in compliance with the rules.
3. In the following assumptions – if requested – they will issue a report: severe cases, when a freer opinion is considered necessary or convenient, or when there may be a conflict of interest.

**Art. 4.** The Ombudsperson will be competent to know the complaints and actions for questions that arise in the field IPHES-CERCA, except when they affect several CERCA centres, which will be the responsibility of the Ombudsperson CERCA, or when they also affect the universities, which then, will be the competence of the CIR-CAT (Committee for Research Integrity in Catalonia).

However, in the most complex cases or if it affects the management of the centre, the Ombudsperson will derive them to the Ombudsperson CERCA, accompanied by the documentation related to the case and a report with his opinion.

**Art. 5.** In the exercise of its functions, the Ombudsperson will act with complete discretion and be guided by the principles of neutrality, independence, and confidentiality, with more *auctoritas* than power, more justice than right, and more humanism than bureaucracy.

Conflict orientation and management by the Ombudsperson will be based on dialog and mediation. They will seek identification of the problem and joint search for solutions or alternatives by the parties.

### APPOINTMENT AND OPERATION

**Art. 6.** The person to develop the functions of Ombudsperson will be proposed by the management of the IPHES-CERCA, with the approval of the Direction Committee and appointed by the Board of Trustees.

**Art. 7.** The duration of the term of office will be four years. However, one lower can be set if the management foresees it or if the circumstances advise it.

After the period of appointment, the management of the IPHES-CERCA can renew the same person in charge – only for a second term – or designate another.

**Art. 8.** For the performance of the Ombudsperson can apply:

1. Any physical person with a contractual relationship, affiliation, or link to the IPHES-CERCA when referring to an issue that arose in their activity at the centre.
2. The management.
3. The internal commissions and committees of governance of the IPHES-CERCA in severe cases or conflicts of interest in the resolution of complaints or conflicts of its scope of action.
4. The Ombudsperson may also act *ex officio*.

**Art. 9.** The resolutions of the Ombudsperson will not have a binding nature for the management. They will be communicated to interested people and, if applicable, executed by the management.

They will not be required to disclose the detail of the information to the governing bodies of the IPHES-CERCA, even to the management.

The Ombudsperson may create *ad hoc* query committees and request collaboration or advice from people, or internal/external committees.

To fulfill its function, the Ombudsperson will have technical and administrative support.

## PROCEDURE AND RESOLUTION

**Art. 10.** Queries, complaints, and communications should be addressed in writing, via e-mail to the Ombudsperson's Office, through the following e-mail address [ombudsperson@iphes.cat](mailto:ombudsperson@iphes.cat).

The writings must be sufficiently argued to allow the initiation of the paperwork and/or procedure, if applicable. They will be accompanied by the documents and evidence on which the interested person bases their right.

Unnamed complaints or writings will not be accepted.

**Art. 11.** Within a maximum of one week, the complaint will be recorded, the receipt justification will be issued, and a first response to the petition made will be given immediately.

**Art. 12.** After examining the complaint or query, the Ombudsperson will perform a first evaluation and, if necessary, ask for more information and evidence from the complainant.

**Art. 13.** The Ombudsperson will be available to meet with the complainant in a place agreed upon outside the facilities of the IPHES-CERCA to preserve confidentiality.

**Art. 14.** In this first phase of the procedure, the anonymity of the person who complains or consults will be kept and vetoed to ensure that there is no negative consequence, both in the scientific field and in the professional and personal field.

**Art. 15.** If the Ombudsperson considers that within the information received are elements to initiate a process of investigation, they will communicate this decision to the complainant, who will be asked for approval to continue the processing. At this time, the complainant will lose their anonymity, despite protecting confidentiality as much as possible. The notification will be made in writing, via e-mail.

The refusal to give approval or lack of response to the requirement will be understood as a withdrawal, and the file will be archived.

The file will also be archived when the complainant, at any time in the proceedings, expressly and in writing, disclaims its action.

**Art. 16.** Once the complainant has approved to continue the investigation, the Ombudsperson will transfer the complaint, through delivery of a copy to the person denounced. To effect that the answer is written in the term of 15 business days, alerting the arguments they believe fit and presenting the documents and the rest of the evidence they have.

The person denounced will have the same right as Article 12 recognizes the complainant.

**Art. 17.** Answered the complaint by the person denounced a copy will be given to the complainant. Both parties will be convened to an encounter with the Ombudsperson to add – if any – nuances, approach positions, and practice the presented evidence.

**Art. 18.** The Ombudsperson will issue a resolution within 15 days and six months from the start of the procedure.

In the case of a friendly settlement and mutual agreement, its content will not transcend to any organ or third parties. There will only be a resolution of the Ombudsperson through an internal report, which will be under their custody.

In the remaining cases, the resolution of the Ombudsperson will take the proposed form of a report to be submitted to the management of the IPHES-CERCA to assess the measures to be taken.

## COMPLEMENTARY RULES

**Art. 19.** The Ombudsperson will end any intervention when other instances are already acting on the same issue, that is, investigated by judicial means.

**Art. 20.** If either party breaks confidentiality, the Ombudsperson reserves the right to reconsider the procedure.

**Art. 21.** The Ombudsperson will attend the IPHES-CERCA facilities on the first Wednesday of each month, without prejudice to interacting via telephone or online, with whom it is necessary and as many times as needed.

**Art. 22.** Once a year, in December, the Ombudsperson, in a confidential manner and respecting anonymity, will present a brief report of the activity of the year to the management of the IPHES-CERCA.

## NORMATIVE FRAMEWORK ON INTEGRITY IN RESEARCH APPLICABLE TO IPHES-CERCA

- European Code of Conduct for Research Integrity, of the European Federation of Academies of Sciences and Humanities (2017) [allea.org/code-of-conduct/](https://allea.org/code-of-conduct/). Catalan version: [allea.org/code-of-conduct/#toggle-id-3](https://allea.org/code-of-conduct/#toggle-id-3)
- CERCA's Code of Conduct to which the IPHES-CERCA is assigned [cerca.cat/ser-cerca/codi-de-conducta/](https://cerca.cat/ser-cerca/codi-de-conducta/)
- Towards a Research Integrity Culture at Universities: From Recommendations to implementation, of the European League of Research Universities (2020) [www.leru.org/publications/towards-a-research-integrity-culture-at-universities-from-recommendations-to-implementation](https://www.leru.org/publications/towards-a-research-integrity-culture-at-universities-from-recommendations-to-implementation)
- CIR-CAT. Committee for the integrity of research in Catalonia.  
[https://recercaiuniversitats.gencat.cat/ca/01\\_departament\\_recerca\\_i\\_universitats/el\\_departament\\_organismes/comite-per-a-la-integritat-de-la-recerca-a-catalunya-circat/](https://recercaiuniversitats.gencat.cat/ca/01_departament_recerca_i_universitats/el_departament_organismes/comite-per-a-la-integritat-de-la-recerca-a-catalunya-circat/)
- IPHES-CERCA HR Excellence in Research [www.iphes.cat/hr-excellence-research](https://www.iphes.cat/hr-excellence-research). IPHES Human Resources Strategy for Researchers (HRS4R) Action Plan:  
[iphes.cat/sites/default/files//arxius/pdf/iphes\\_hrs4r\\_action\\_plan\\_02.pdf](https://iphes.cat/sites/default/files//arxius/pdf/iphes_hrs4r_action_plan_02.pdf).  
[iphes.cat/sites/default/files//arxius/pdf/hrs4r\\_revised\\_action\\_plan\\_2020-2022.pdf](https://iphes.cat/sites/default/files//arxius/pdf/hrs4r_revised_action_plan_2020-2022.pdf)
- Equal opportunity Plan 2021-2025 IPHES-CERCA <http://www.iphes.cat/gender-equality-plan>
- Protocol of Employment and sexual harassment IPHES-CERCA <http://www.iphes.cat/conflict-resolution-procedure>

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Translated by Carla Casadó