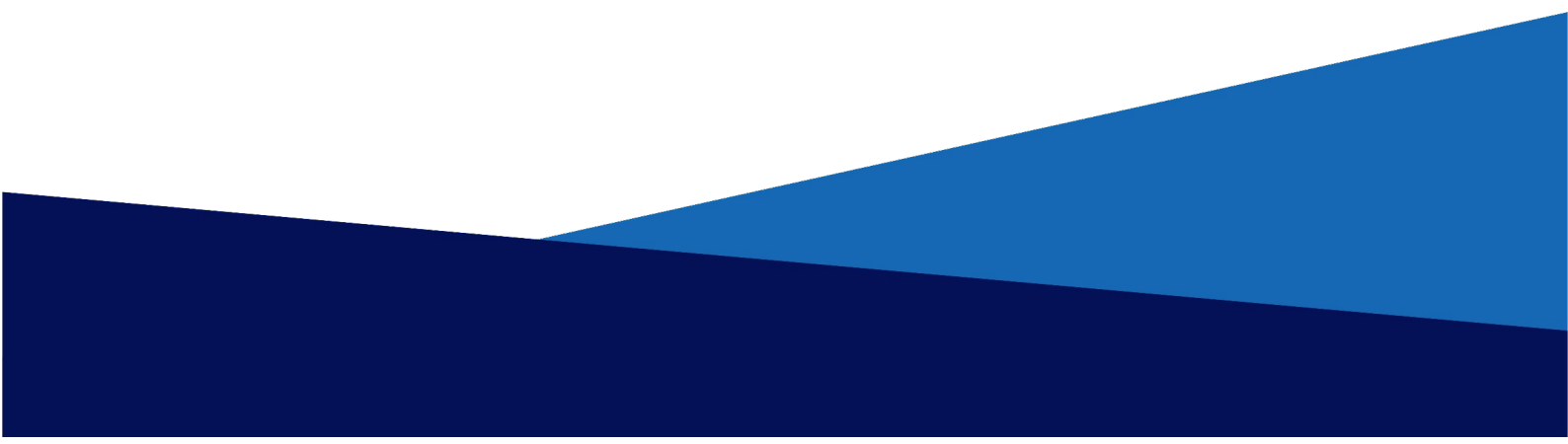


Regulations Governing the Ombudsperson's Office

esade



- Version tracking

Version	Date	Author	Reviewed by	Changes
1.0	February 2021	<i>Internal Audits</i>	<i>Legal Services</i>	Initial version
2.0	June 2026	<i>Internal Audit / Compliance Unit</i>	<i>General Secretariat</i>	Alignment of these Regulations with Law 2/2023 on whistleblower protection and the harassment protocols. The principles of autonomy and confidentiality are incorporated, and the Ombudsperson's mandate is limited.

- Approval

Governing body	Entity	Date	Signature
Board of Trustees	Fundació Esade	April 2021	
Board of Trustees	Fundació Esade	July 2026	Approved by the Board of Trustees on July 20, 2026

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Introduction

Art. 1 The Ombudsperson

Fundació Esade (hereafter, “Esade”) has a designated Ombudsperson whose Office is responsible for ensuring that any actions by Esade’s different university bodies and services as well as those by individual community members duly respect the rights and freedoms of all Esade community members. All these rights and freedoms are regulated by Esade’s academic norms and the regulations governing the institution’s functioning.

Art. 2 Area of Action

The Ombudsperson’s actions will in no case be executive or administrative in nature. Instead, the Ombudsperson’s actions will always be aimed at improving the quality of Esade in all processes and actions taking place within Esade’s university area.

The Ombudsperson shall be understood as the person responsible for managing complaints and reports related to academic and management aspects of university life, such as:

- **Academic:** Evaluation, teaching, study termination, internships, exams, exam review, validations, lack of information, inappropriate student or faculty attitudes
- **Management:** Enrollment, financial matters, day-to-day operations, examinations, degrees, certificates, academic records, medical certificates, final degree projects (TFG) and master’s theses (TFM), and the application of internal regulations.

Under no circumstances shall the Ombudsperson intervene in matters unrelated to the academic sphere or in electoral processes. Furthermore, matters falling within the scope of Law 2/2023, of 20 February, on the protection of persons who report regulatory infringements and the fight against corruption (“Whistleblower Protection Law”), as well as matters covered by the Protocol for Addressing Harassment Situations in the Academic Environment and the Protocol for the Prevention of and Action against Workplace, Sexual and Discriminatory Harassment, shall fall outside the Ombudsperson’s remit. More generally, the Ombudsperson shall not deal with any other matters whose consideration, handling or resolution is expressly entrusted to other bodies or specific mechanisms under applicable law or internal regulations.

Similarly, the Ombudsperson will not be bound by any mandatory instructions from any University body. The Ombudsperson’s actions will be governed by the following principles:

- a. **Independence:** The Ombudsperson is completely independent in terms of structure, function and actions within Esade.
- b. **Neutrality and impartiality:** The Ombudsperson will not participate in any matter which could potentially lead to a conflict of interest.

- c. Autonomy: The Ombudsperson shall exercise their functions independently and in accordance with their own judgment, without receiving instructions from any Esade body or authority, and shall have the necessary resources to properly discharge their duties.
- d. Confidentiality: The Ombudsperson shall maintain the confidentiality of any personal data, information, documents and proceedings that come to their attention, and shall process them in accordance with applicable data protection regulations, without prejudice to any communications that are strictly necessary for the performance of their duties.

Art. 3 Designation and Incompatibilities

The Esade Board of Trustees will name the Ombudsperson after the Director General's Office forwards the proposed candidate's name. The Ombudsperson's initial term is for 3 years with the possibility of renewal for one additional term of equal duration. The Ombudsperson cannot simultaneously hold any management, governance or representative positions at Esade.

Excepting the positions described above, the Ombudsperson may simultaneously carry out other academic activities, without prejudice to any academic leave or other leaves of absence which might apply.

Candidates for the position of Ombudsperson may be members of the university community with an impeccable track record who have been with or otherwise associated with the institution for at least five years at the time of accepting the position, provided that no more than two years have elapsed since the end of their professional relationship with the institution.

The Ombudsperson's name and these Regulations will be freely accessible on both the Esade website and intranet.

Art. 4 Cessation

4.1 The Ombudsperson will relinquish this post in any of the following circumstances:

- a) Upon terminating the period for which the Ombudsperson was designated;
- b) Voluntary resignation;
- c) Unexpected incapacity or disqualification due to a definitive legal or criminal sentence for a wilful crime; and
- d) Non-fulfilment of the obligations of this Office.

4.2 If the cause of the Ombudsperson's cessation is a) or b) above, the Ombudsperson will continue to serve as such until a successor is duly named.

Art. 5 Functions

The Ombudsperson shall perform their duties in accordance with the principles of independence, autonomy, confidentiality, neutrality and impartiality. In accordance with these principles, the Ombudsperson shall enjoy structural, functional and operational independence within Fundación Esade, shall exercise their functions according to their own judgment, shall maintain due confidentiality with regard to any information obtained in the

exercise of their functions, and shall refrain from participating in any matter that may give rise to a conflict of interest.

In no case will the Ombudsperson intervene in any matters which are not related to the academic realm or in matters which are subject to legal recourse, or in those matters that fall within the competence of the Ethics Committee. Likewise, the Ombudsperson shall have no jurisdiction over communications or complaints that fall within the scope of the Whistleblower Protection Law or that are covered by the Protocol for Addressing Harassment Situations in the Academic Environment or the Protocol for the Prevention of and Action against Workplace, Sexual and Discriminatory Harassment in the Workplace. Such communications or complaints shall be channelled through Esade's Internal Reporting System or handled in accordance with the provisions of the applicable protocol.

Without prejudice to the provisions of the Whistleblower Protection Law and any other applicable regulations:

The Ombudsperson's responsibilities include:

- a) Receiving and processing reports filed by Esade community members regarding the **functioning of Esade's bodies and services** or **concrete actions by individual community members** when carrying out their duties;
- b) Gathering information from the university bodies and services affected by the aforementioned reports;
- c) Preparing **non-binding** proposals to resolve the situations about which the Ombudsperson has been informed;
- d) Presenting recommendations to correct any deficiencies detected;
- e) Directing the person presenting the report, allegation or suggestion to the Ethics Committee for all matters beyond the scope of the Ombudsperson's competencies and which represent an infringement of the values and conducts regulated by Esade's Code of Ethics and Code of Conduct or the norms on which they are based;
- f) Informing the Ethics Committee about any questions stemming from the matters it addresses, at all times maintaining due confidentiality; this Office will also inform the Ethics Committee about proposals it believes may in some way reinforce corporate ethics and help to create internal jurisprudence to help to manage and/or process similar matters which might arise in the future;
- g) Participating in mediation processes when duly requested by the affected parties;
- h) Maintaining contact with the Universitat Ramon Llull's *Sindic de Greuges* (Ombudsperson) whenever an Esade community member has presented a report to said URL Office; and
- i) Preparing an Annual Report.

Art. 6 Procedure to Process Reports, Allegations and Suggestions

1. The Ombudsperson will act *ex officio* or at the initiative of any member of the Esade community with a legitimate as well as collective interest.
2. Esade's governing bodies may also ask the Ombudsperson to intervene.
3. All reports, allegations and suggestions have to be duly presented to the Ombudsperson by the interested parties and by means of a written text detailing their reports, allegations and suggestions, in keeping with that established by this procedure and the template made available to the entire Esade community for this purpose. The text presented has to be simple, direct and concise, while also respectful in tone. In addition, if relevant, the affected parties have to mention any

- related actions they have already carried out with the university administration and attach any documents which might serve to shed light on the matter.
4. The personal data and other information the Ombudsperson receives from those requesting its intervention whether orally or in writing as well as all data and information gathered when carrying out its investigation will be considered strictly confidential and will be processed in keeping with data protection norms.
 5. The Ombudsperson will not accept the following types of reports:
 - a) Anonymous reports;
 - b) Those without sufficient basis or with a lack of pretence;
 - c) Those which the Ombudsperson believes are presented in bad faith;
 - d) Those which do not refer to how Esade's bodies or services function or to actions committed by Esade community members;
 - e) Those whose processing may harm the legitimate interests of third parties; and
 - f) Those which refer to matters which are pending administrative or legal decisions or for which not all prior processes to present reports, allegations and suggestions have been exhausted.
 - g) Complaints concerning potential conflicts that may arise in employment relationships within the Foundation, or that fall within the scope of the Protocol for Addressing Harassment Situations in the Academic Environment or the Protocol for the Prevention of and Response to Workplace, Sexual and Discriminatory Harassment. Such complaints shall be submitted through the mechanisms provided for in the aforementioned protocols.
 - h) Complaints falling within the scope of the Whistleblower Protection Law, which the Ombudsperson shall refer through Esade's Internal Reporting System.

The Ombudsperson will duly inform the interested parties about the reasons for not accepting their reports.

6. The period to present reports with the Ombudsperson cannot exceed **three months** as of the date the events provoking the report occurred.
7. The Ombudsperson will not accept any reports that have not exhausted all prior actions as established in the procedure to present reports, allegations and suggestions.
8. The Ombudsperson will not accept any reports pending legal decisions. Similarly, if the affected parties initiate legal proceedings after presenting their reports to the Ombudsperson's Office, the latter will automatically terminate its proceedings.
9. The Ombudsperson has to duly register all the reports and questions the Office receives and formally acknowledge their receipt.
10. Once the Ombudsperson has accepted a report, allegation or suggestion or initiated a report *ex officio*, the Ombudsperson will adopt whatever investigative measures it deems pertinent. The Ombudsperson may require the parties accused in the reports to present any pertinent allegations, provide the necessary documentation or appear before the Ombudsperson to inform the latter. If relevant, the Ombudsperson may also inform the affected academic or administrative bodies and request information from them. These bodies are required to provide the data and information requested by the Ombudsperson when executing its functions in both a timely and urgent fashion and always within a maximum of **twenty days**.
11. The Ombudsperson's decisions and conclusions regarding matters subject to its specific competencies cannot be appealed to Esade. However, they may be appealed to the URL *Sindic de Greuges* as a last recourse.
12. In its decisions or conclusions, the Ombudsperson may issue warnings, recommendations or suggestions to Esade academic and administrative bodies and personnel regarding the protection of community members' rights as well as any legal obligations. However, the Ombudsperson can in no way modify or annul any

administrative agreements or decisions. In all cases, Esade authorities are obliged to study the Ombudsperson's conclusions and suggestions and respond to these **within a maximum of two months' time.**

Art. 7 Mediation

7.1) Initiative:

The Ombudsperson may mediate in conflicts regarding university matters which fall within the scope of the Office's competencies and whenever so requested by any member of the university community and in accordance with the provisions established in Esade's Rules of Coexistence.

This mediation can begin solely if all the parties involved expressly accept the Ombudsperson's participation.

7.2) Mediation process:

Once all the affected parties have expressly accepted the Ombudsperson's mediation, the latter will inform them of the appropriate period to present their allegations and any supporting documents.

After this period, the Ombudsperson will convene the involved parties to one or more joint meetings to present the formulas the Ombudsperson considers appropriate to resolve the question at hand.

7.3) Agreements

The agreements reached through the Ombudsperson's mediation will be incorporated into a document which all the parties will be required to sign. Said agreements will be considered binding if all the parties duly agree with their content and they comply with current Esade norms.

Art. 8 Annual Report

The Ombudsperson will prepare an Annual Report, detailing all the activities carried out by the Office the previous academic year. This report will include information on the number and type of reports presented, on those which the Office did not accept and the corresponding causes as well as those duly accepted and the Ombudsperson's final conclusions. This Annual Report will not include any type of personal or confidential data which could serve to identify any of the interested parties.

Art. 9 Effective Date of These Regulations

These Regulations will be effective the day after their due approval by the Esade Board of Trustees.