



CODE OF CONDUCT

CUNEF Universidad

Approved on 17 July 2023

CODE OF CONDUCT

Preamble

Law 3/2022, of 24 February, on coexistence in higher education, states that all Spanish universities, public and private, must approve a code of conduct to prevent and, where necessary, react to situations of violence, discrimination and harassment of any kind between members of their university community.

CUNEF Universidad, in compliance with this legal mandate and by agreement of its Governing Council, hereby approves this Code of Conduct, which binds all collegiate and individual bodies involved in its governance, teaching and administrative structure. The members of the CUNEF Universidad community—made up of faculty and research staff, administrative and service staff, and students—are also subject to the provisions of this Code of Conduct.

These regulations are structured in three Titles and a Final Provision. Title I regulates the general provisions of the Code of Conduct, with occasional references to Law 3/2022, of 24 February, to avoid unnecessary repetition. It is worth insisting on the binding nature of the Code of Conduct for all members of the university community and for the governing bodies of CUNEF Universidad, all of whom are required to take specific actions in situations of violence, discrimination or harassment.

Title II details the duties of the Conduct Committee, a collegiate body charged by Law 3/2022, of 24 February, with ensuring compliance with the Code of Conduct and promoting mediation as an adequate mechanism for conflict resolution. This Code of Conduct aims to limit the enforcement of the disciplinary rules to those cases where it is imperative, favouring mediation as an alternative method.

Title III details the rules governing the procedures followed by the Conduct Committee to process complaints and reports of breaches of the Code of Conduct, as well as mediation requests, prior to or concurrent with a disciplinary procedure, without prejudice to the necessary enforcement of the regulations that fall within the purview of the Governing Council of CUNEF Universidad.

The Single Final Provision determines the entry into force of this Code of Conduct.

Title I

On the Code of Conduct of CUNEF Universidad

Article 1 Purpose

1. The purpose of this Regulation is to define the Code of Conduct of CUNEF Universidad according to the provisions of Law 3/2022, of 24 February, on coexistence in higher education. This Code of Conduct also incorporates the provisions of the *Disciplinary Rules and Procedures* and the *Action Protocol Against Workplace, Sexual and Gender-Based Harassment*.
2. The competent body for the approval and modification of these regulations, as well as for their subsequent implementation, is the Governing Council of CUNEF Universidad.
3. In any cases regarding peaceful coexistence that are not foreseen by this agreement, Law 3/2022, on coexistence in higher education, will be applied directly.

Article 2 Parties concerned

1. CUNEF Universidad's Code of Conduct is legally binding for all members of its university community, made up of faculty and research staff, administrative and service staff, and students, as well as for all the collegiate and individual bodies involved in its governance, teaching and administrative structure.
2. The provisions of the Code of Conduct of CUNEF Universidad shall be applied and interpreted without prejudice to the regulations of the University Ombudsman of CUNEF Universidad.

Article 3 Objectives of the Code of Conduct

In accordance with Law 3/2022, of 24 February, on coexistence in higher education, this Code of Conduct aims to promote:

- a) Respect for diversity and tolerance, equality, inclusion and positive actions in favour of vulnerable groups.
- b) The rights to free speech, freedom of assembly and association, freedom of education and academic freedom.
- c) The eradication of any form of violence, discrimination, or harassment, be it sexual, gender-based, or based on sexual orientation, gender identity or expression, sexual characteristics, national origin, ethnicity, disability, age, health status, social class, religion or belief, language, or any other personal or social condition or circumstance.
- d) Transparency in all academic activities.
- e) The use and preservation of university assets and resources in line with their public service purpose.
- f) Respect for common spaces, including digital spaces.
- g) The use of the names and symbols of the university following the protocols established.

Article 4 *Duties of the bodies of CUNEF Universidad*

All the governing, teaching and administrative bodies of CUNEF Universidad, as well as the University Ombudsman, will be responsible for compliance with the Code of Conduct within the scope of their respective roles. To this end, they are compelled to report any act that they consider in breach of this Code of Conduct. They will submit their report to the Conduct Committee, unless it describes facts that apparently constitute a disciplinary offence, in which case they will report them to the Rector's Office of CUNEF Universidad.

Article 5 *Information campaigns and enforcement actions*

1. CUNEF Universidad will periodically conduct campaigns to inform its university community of the content of the Code of Conduct and the channels for communicating any offences.
2. Special emphasis shall be made in such campaigns on:
 - a) The protection of human rights against violence, discrimination or harassment on any grounds.
 - b) Prevention against racism, xenophobia or intolerance in sports organised by CUNEF Universidad.
3. CUNEF Universidad will promote primary prevention measures to guarantee the peaceful coexistence of its university community. The purpose of these measures will be to raise awareness and provide training to encourage faculty, staff and students to respect fundamental rights and reject all forms of violence, discrimination or harassment. These measures will be planned by the Rector's Office and implemented by each competent body within the scope of its power.
4. CUNEF Universidad will promote secondary prevention measures enabling the corresponding bodies to take action if they become aware of any situations that pose a risk for peaceful coexistence. This type of measure aims to prevent potential conflicts when there are signs or evidence that they may arise.
5. CUNEF Universidad will implement the necessary procedures to channel complaints or reports of violence, discrimination or harassment. To this end, CUNEF Universidad will inform its university community of the existence of the *Action Protocol Against Workplace, Sexual and Gender-Based Harassment*, as well as of the *Disciplinary Rules and Procedures* already in force. Likewise, it will inform of the regulations of the University Ombudsman.
6. All the aforementioned measures against situations of violence, discrimination or harassment will comply with the principles established by article 4.4 of Law 3/2022, of 24 February, on coexistence in higher education.

Article 6 *Rights of the victim*

Any university body that is informed of a breach of the Code of Conduct must inform the victim of their rights, in accordance with Law 3/2022, of 24 February, on coexistence in higher education.

Title II

On the Conduct Committee of CUNEF Universidad

Article 7 *Duties of the Conduct Committee*

1. The main duties of the Conduct Committee are to ensure compliance with the Code of Conduct of CUNEF Universidad and to promote conflict resolution using alternative means to disciplinary action, when circumstances allow.
2. The Conduct Committee of CUNEF Universidad is not integrated into the governance structure of CUNEF Universidad and will exercise its powers autonomously and independently.

Article 8 *Composition and operation*

1. The Conduct Committee of CUNEF Universidad is made up of a Chair and six members: two faculty representatives, two administrative staff representatives and two student representatives. Each segment of the CUNEF Universidad community must ensure an equal representation of men and women.
2. All members of the Conduct Committee of CUNEF Universidad will be appointed by the Governing Council. The Chair must be a faculty member with a PhD, appointed for a four-year term, renewable for a second four-year term. The members of the Committee will also be appointed for a four-year term, renewable for four more years.
3. In the first meeting of the Conduct Committee of CUNEF Universidad, the Chair will propose the internal operating regulations, which will include the rules for abstention and disqualification of its members.

Title III

On the powers and procedures of the Conduct Committee

Article 9 Powers of the Conduct Committee

To enable it to perform its duties, the Conduct Committee of CUNEF Universidad is granted the power to:

- a) Receive and process complaints and reports of possible breaches of the Code of Conduct.
- b) Refer the complaint or report to the competent body to enable it to find, within the scope of its powers, a solution to the conflict without the need for further action.
- c) Request information about the outcome of the complaint or report.
- d) Propose action plans to the Rector's Office to encourage the efficient enforcement of the Code of Conduct, paying special attention to information campaigns addressed at the university community of CUNEF Universidad.
- e) Where legally appropriate, admit and process requests for mediation, in accordance with articles 5 and 19.c) of Law 3/2022, of 24 February 2022, on coexistence in higher education.
- f) Request reports from any member of the CUNEF Universidad community on facts related to the implementation and enforcement of the Code of Conduct.
- g) Work together with the collegiate and individual bodies of CUNEF Universidad to promote the full implementation of the Code of Conduct.

Article 10 Mediation procedure handled by the Conduct Committee

1. The mediation procedure is the main alternative means of conflict resolution. It will be handled by the Conduct Committee of CUNEF Universidad and governed by the following principles:
 - a) Every member of the CUNEF Universidad community has the right to request mediation by the Conduct Committee.
 - b) The mediation procedure will follow, in compliance with article 5 of Law 3/2022, of 24 February, on coexistence in higher education, the principles of willingness, confidentiality, equity, impartiality, good faith and mutual respect, prevention and interdiction of retaliation, flexibility, clarity, and transparency.
 - c) The personal data included in mediation procedures will be subject to the protection provided by law and to the general policy established by CUNEF Universidad.
2. In any matters related to mediation that are not provided for in this Code of Conduct, the provisions of article 22 of Law 3/2022, of 24 February, on coexistence in higher education, and Law 5/2012, of July 6, on mediation in civil and commercial matters, will apply.

Article 11 Requests for mediation

1. Requests for mediation addressed to the Conduct Committee may:
 - a) Be presented before the start of disciplinary proceedings.
 - b) Arise during a disciplinary procedure.

2. The Conduct Committee of CUNEF Universidad will reject any requests for mediation relating to facts that have led to a final disciplinary sanction. If the disciplinary procedure ended without a sanction, but the conflict plainly persists, the request for mediation shall be included in subparagraph a) in point 1 of this same article.

Article 12 ***Requests for mediation prior to the start of disciplinary proceedings***

If mediation is requested prior to the start of the disciplinary proceedings, the Conduct Committee shall deem the request admissible provided that:

- a) It is signed by a member of the CUNEF Universidad community and shows a desire to find an alternative solution to a conflict with another member of the university community due to a breach of this Code of Conduct.
- b) The facts do not constitute a particularly serious breach of the Code of Conduct, in which case it will be deemed inadmissible, leading to an inadmissibility decision with an order to refer the facts to the Rector's Office, where it will be determined whether they represent a disciplinary offence. The same shall be done when the facts may represent a criminal offence.

Article 13 ***Requests for mediation during disciplinary proceedings***

1. If the request for mediation arises during the disciplinary procedure, the case examiner will refer it to the Conduct Committee, although they may, based on a substantiated decision, refuse the request. If this is the case, the applicant may file an appeal with the Conduct Committee within three days. The Committee shall rule on the appeal within three days of the filing, and their decision will be final.
2. When the Conduct Committee receives the disciplinary proceedings, they will return them immediately if it does not state that both parties have expressed their will to submit to mediation.
3. The Committee may also refuse to open the mediation procedure if precautionary disciplinary measures have been imposed on the subject of the proceedings, if the proceedings are referred before the evidence admitted by the case examiner is taken, or if the facts are especially serious and affect the general interests of the CUNEF Universidad community. Requests for mediation will in no case be admitted when the facts may represent serious disrespect, academic fraud or plagiarism.
4. Once the request for mediation is admitted, the disciplinary procedure will be suspended from the moment the case examiner agrees to refer the proceedings until the Conduct Committee reports the result of the mediation procedure.

Article 14 ***Mediation proceedings***

1. In any of the above cases, and once the request for mediation is admitted, the Conduct Committee will appoint, in the same meeting, a mediator and a secretary, who must be a member of faculty or administrative staff.
2. The mediation procedure will be approved by the Governing Council of CUNEF Universidad in compliance with article 22 of Law 3/2022, of 24 February, on coexistence in higher education.



Single Final Provision: This agreement will come into force on 1 September 2023