

# REGULATIONS OF THE ETHICAL CHANNEL

Approved by the Executive Committee of the Balmes  
University Foundation on 18/05/2023



UNIVERSITAT DE VIC  
UNIVERSITAT CENTRAL  
DE CATALUNYA

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## PREAMBLE

The Balmes University Foundation (hereinafter, FUBalmes) wishes to establish a framework of institutional integrity that respects the principles of honesty, transparency and prevalence of general interest, ethical practices and the rest of the organization's regulations with the aim of promoting and guaranteeing good governance for the institution.

The Balmes University Foundation, established on 9 January 1985, is the owner of the University of Vic - Central University of Catalonia (hereinafter, UVic-UCC). The University is a public university under private management. It provides a public service in the areas of teaching, research and knowledge transfer in its fields of expertise. UVic-UCC's mission is to develop knowledge and innovation to serve the region, and it has a distinctive international vocation. It focuses on students and their all-round training, and instils the values of individual creativity, professional rigour and social commitment. The UVic-UCC is closely associated with the local environment and the cultural, social and economic progress of Catalonia.

The UVic-UCC has a federal structure made up of the Balmes University Foundation, the Bages University Foundation, the Foundation for Advanced Studies in Health Sciences and the Elisava University School Private Foundation. This federation is designed to combine efforts and create synergies between the participating foundations, to enhance the University and the public service it provides and to become a factor for regional development in its environment. These Regulations, without prejudice to the federative framework and common university project mentioned above, are intended to be applied in the entire field of action of FUBalmes. However, it also aims to serve as a model for the rest of the federated entities to follow. As legal entities, they must also have an internal information system that is in accordance with current legislation.

With this objective, FUBalmes undertakes to equip itself with an internal information system, which has all the guarantees stipulated in Law 2/2023 of 20 February on the protection of persons who report violations of the law and the fight against corruption. The internal information system of FUBalmes, called the Ethical Channel, must enable those who are associated with FUBalmes to communicate or report any conduct that is contrary to the legal system within the framework of their professional relationship and that, in accordance with Article 2 of the aforementioned Law, is allegedly a violation of European Union law or constitutes a serious or very serious criminal or administrative offence. Complaints or alerts may be made anonymously and will be treated with all the guarantees provided for in these Regulations. In this respect, the FUBalmes Ethical Channel has emerged as a communication and protection channel for informants who wish to warn of possible illegal activity that is likely to affect the general interest, without suffering any kind of retaliation in the professional or personal sphere as a result.

Complaints or communications must always be made in good faith. Thus, a person who communicates facts in violation of the principle of good faith or with abuse of rights, may incur civil, criminal or administrative liability.

Although the Ethical Channel is established as the preferred tool for people who are professionally linked to FUBalmes,

they can also direct their communications or complaints, like any person outside the university community, to the Spanish Independent Authority for the Protection of Informants (AAI) in accordance with Law 2/2023 of 20 February on the protection of persons who report violations of the law and the fight against corruption. In the regional area of Catalonia, the Anti-Fraud Office assumes the role of an Independent Authority for the Protection of Informants. The link to the ethical channel of this external body is: [Anonymous Whistleblower Mailbox | Anti-Fraud Office of Catalonia](#)

The Ethical Channel will be managed by the entity itself, specifically, by the person or people appointed by the FUBalmes Board of Trustees. This management will require the application of adequate guarantees of respect for independence, confidentiality, data protection and the secrecy of communications.

## TITLE I. GENERAL PROVISIONS

### CHAPTER I. PURPOSE AND DEFINITIONS

#### Article 1. Purpose

The purpose of these regulations is to regulate the operation of the Ethical Channel of the Balmes University Foundation and to establish the guarantees of this system.

#### Article 2. Definition and objectives of the Ethical Channel

1. The FUBalmes Ethical Channel is a communication channel at the service of the university community of the University of Vic - Central University of Catalunya, specifically the Vic Campus. It can be used to report conduct within this institution that may violate European Union law or constitute a serious or very serious criminal or administrative offence.

Communications may consist of complaints or any information intended to warn of any of the types of unlawful conduct referred to in the previous paragraph.

2. The objectives of the Ethical Channel are the following:

- a. Promote and improve good governance and good practices in university management.
- b. Encourage compliance with the ethical principles or rules of good governance and administration that must be followed by all those who make up the university community: teaching and research staff, administration and services staff, student associations, suppliers, collaborators or sponsors who have contracts or are associated with FUBalmes, and any other person who participates in the institution's activity.
- c. Contribute to promoting the conduct indicated above, prioritizing prevention over reactive behaviour.
- d. Promote collaboration to advance in the incorporation of ethical values, good governance and institutional integrity.
- e. Publicly promote the dissemination and use of instruments such as the Ethical Channel.

## CHAPTER II. SCOPE AND GENERAL PRINCIPLES

### Article 3. Subjective scope

People who have obtained information about infractions in a work or professional context can send communications to the Ethical Channel, in particular:

- Any member of the governing bodies of FUBalmes or UVic-UCC
- All teaching and research staff and administration and service staff hired by FUBalmes
- The student body and student associations of the faculties and schools owned by FUBalmes
- Suppliers, collaborators and sponsors who have a contract or relationship with FUBalmes
- Any person who works for or under the supervision and direction of contractors, subcontractors or suppliers of FUBalmes
- Any person who has had an employment relationship with FUBalmes that has already ended, volunteers, grantholders, trainee employees regardless of whether they are paid, and those whose employment relationship has not yet begun

### Article 4. Objective scope

Communications must refer to alleged actions or omissions produced by the activity of:

- a. Any person who is a member of the university community: the teaching and research staff and administration and service staff of FUBalmes.
- b. Institutions or companies that contract or collaborate with FUBalmes, when stipulated in the corresponding contract or agreement or approved by their governing bodies, in their relations with the University and with people within the framework of execution of the corresponding contract.
- c. The people and entities that receive subsidies from the University, when stipulated in the agreement or the regulatory bases, in the context of action subsidised by the University.
- d. The bodies, entities and societies in which the UVic-UCC is present and which voluntarily adhere to the Ethical Channel.
- e. Companies linked to or dependent on FUBalmes.

### Article 5. General principles and rules of use of the Ethical Channel

The Ethical Channel is governed by the general principles and rules of use indicated below:

- a. The use of the Ethical Channel implies the acceptance of these regulations and the conditions of use established therein.
- b. It is guaranteed that communications sent through the Ethical Channel can be made confidentially and anonymously, without harmful consequences or reprisals in the

personal or professional sphere of the informant, as long as they operate in good faith.

- c. Confidentiality is guaranteed in the management of the Ethical Channel, without prejudice to the transfer of data that are required by courts and tribunals in the exercise of their jurisdictional function, or the prosecutor's office in the exercise of its investigative powers.
- d. Due protection must be granted to those in charge of managing the Ethical Channel in the process of verifying the facts related to the legitimate exercise of their functions.
- e. Communications cannot be formulated for a purpose other than that stipulated in these regulations or that violates in any way the fundamental rights to the honour, image and personal and family privacy of other people, or that is contrary to the dignity of the person. Communications must be formulated according to the provisions of Section 2 of Article 6 of these Regulations.
- f. The Ethical Channel is established as the main channel for communicating conduct included within the objective scope of these Regulations.

## TITLE II. RIGHTS AND OBLIGATIONS

### CHAPTER III. RIGHTS AND OBLIGATIONS

#### Article 6. Rights and obligations of the informant

1. The informant is the person who submits a communication to the Ethical Channel. The informant has the right to:
  - a. A secure communication channel that guarantees the anonymity and confidentiality of communications.
  - b. The effective protection of their privacy and anonymity, without revealing their identity at any time, directly or indirectly. This right also extends to possible witnesses who are involved in verifying the communicated facts.
- c. The effective protection of their work integrity, without suffering reprisals, including threats and attempts at reprisals, discrimination, or any other professional consequence involving harassment or any negative effect due to the communication that has been made.
- d. Have the facts that are communicated verified, as long as they meet the requirements stipulated in Article 15 of these Regulations.
- e. The proportional support measures that are considered in each case, such as, by way of example and in no case limiting or exclusive, support in information and advice in the procedure, protection against possible reprisals and psychological assistance.

FUBalmes must particularly ensure the effectiveness of these rights when the identity of the person who formulated the communication is made explicit by any means.

2. The person making the communication is obliged to:

- a. Describe in the most detailed way possible the conduct that they are reporting and provide all the available documentation about the situation that is reported, or objective indications on how to obtain the evidence, since action cannot be taken based only on opinions.
- b. Have reasonable belief about the certainty and veracity of the information that is reported and not formulate communications in bad faith or with abuse of rights. The person who reports facts in violation of the principle of good faith or with abuse of rights, may incur civil, criminal or administrative liability.

#### **Article 7. Rights of the alleged offender**

Those who are alleged to have committed illegal conduct have the same protection as the informants. In addition, the following rights are recognized:

- a. Right to the presumption of innocence.
- b. The right to defence, to remain silent the privilege against self-incrimination.
- c. The right to be informed of the actions or omissions attributed to them and to be heard at all times. The communication must be made at the time and in the form that are considered appropriate for the purpose of verification tasks.
- d. Right of access to the file.
- e. The right to be informed of the admission of a communication that affects them, unless, for justified reasons and in accordance with the principle of proportionality, it is necessary to maintain secrecy in order to verify the facts.
- f. The right not to have any recommendations formulated, nor conclusions issued that, directly or indirectly, contain nominal references until the person has had a real opportunity to know the facts that have been reported and to give their opinion.
- g. The right for nobody to be informed nor the data transferred until the analysis of the facts reveals the plausibility or certainty of the reported conduct. The communication of data to the competent judicial or disciplinary authority does not require prior communication to the person who may have been responsible.

### **TITLE III. ORGANIZATION AND OPERATION OF THE ETHICAL CHANNEL**

#### **CHAPTER IV. THE BODY RESPONSIBLE FOR MANAGING THE ETHICAL CHANNEL AND ITS FUNCTIONS**

##### **Article 8. The body responsible for the Ethical Channel**

1. The FUBalmes Board of Trustees is the competent body for appointing the person or people responsible for managing the Ethical Channel, as well as their dismissal or termination.
2. In the event that this responsibility is given to a collegiate body, it must have a minimum of three and a maximum of five members and delegate to one of its members the

responsibility for managing the Ethical Channel and processing the investigation files.

3. The appointment and dismissal of designated individuals, and members of the collegiate body, must be reported to the Anti-Fraud Office of Catalonia within a maximum period of ten working days, specifying, in the case of dismissal, the reasons for it.
4. The body responsible for the Ethical Channel must carry out its functions independently and autonomously with respect to the other bodies of the entity and cannot receive instructions of any kind on its task. It must have all the necessary personal and material means.
5. In accordance with these Regulations and the Law, reprisals may not be made against members of the body responsible for the Ethical Channel that affect their professional or personal sphere as a result of the mere fulfilment of their obligations.
6. If there is a person responsible for regulatory compliance at FUBalmes, this person can be designated responsible for the Ethical Channel, as long as they meet the requirements established in these Regulations and in current legislation on this matter.

##### **Article 9. Functions of the body responsible for the Ethical Channel**

1. The functions of the body responsible for the Ethical Channel are:
  - a. Carry out the tasks of considering and checking the communications that are assigned to them, and stating whether they are admitted in accordance with the provisions of Article 13 of these Regulations.
  - b. Refer to the relevant area any communications that are not within the scope of the body responsible for the Ethical Channel.
  - c. Communicate to the person or people who is/are the alleged offender the actions or omissions attributed to them and grant them a hearing procedure.
  - d. Guarantee the confidentiality of those who submit a communication through the Ethical Channel and protect their rights so that no harm can come to those who formulate a communication in good faith.
  - e. Guarantee the confidentiality of the alleged offenders.
  - f. Guarantee confidentiality and grant due protection to the people who help the University in the process of verifying the facts. The guarantee of confidentiality does not prevent the transfer of data that are required by the courts and tribunals in the exercise of their jurisdictional function or the prosecutor's office in the exercise of investigative powers.
  - g. Keep a record book of the information received and of the internal checks that have been carried out.
  - h. Draw up recommendations and propose improvements in ethical management and the application of good governance principles.

- i. Once the verification tasks have been completed, issue the corresponding report and, if applicable, make it available to the FUBalmes Board of Trustees so that it can adopt the relevant corrective measures.
- j. Prepare an annual report on the operation and management of the Ethical Channel and the communications received, which must be presented to the FUBalmes Board of Trustees.
- k. Collaborate with any request or investigation carried out by the Anti-Fraud Office of Catalonia, the judicial authorities or the public prosecution service.

## TITLE IV. PROCESSING OF COMMUNICATIONS

### CHAPTER V. PRESENTATION AND ADMISSION OF COMMUNICATIONS

#### Article 10. Presentation of communications

1. Communications can be submitted in writing or verbally, or in both forms.
2. Written communications must be submitted electronically using the Ethical Channel management application that FUBalmes makes available for this purpose on the main page of the institutional website. The informant can choose to identify themselves or not to FUBalmes, and maintain their confidentiality at all times.

#### Article 11. Content and requirements of communications

1. As far as possible, the communications must identify the person or persons who are allegedly responsible for the conduct and describe the facts and circumstances in sufficient detail to facilitate the identification of the action or omission. It is mandatory to fill in as much detail as possible in the field allocated to describing the allegedly infringing conduct.
2. As far as possible, communications must be accompanied by all the documents and/or evidence that constitute proof of irregular conduct.
3. The fields that identify the informant and those relating to their physical and electronic address are optional. They do not have to be completed to submit a communication.
4. All communications made through the Ethical Channel must be in good faith. Therefore, the informant must have reasonable grounds to consider that the facts that are reported are true, considering the circumstances and the information available. If a report is made and the informant knows that it is allegedly false or malicious, and there is an employment relationship with the informant, the body responsible for the Ethical Channel must communicate this to the Talent Policy Area (APT) and General Manager/Office of the Vice-Rector for Teaching Staff so that, when necessary, suitable disciplinary measures are adopted.

#### Article 12. Reception of the communication

1. When the body responsible for the Ethical Channel receives a communication, it must notify the sender of re-

ceipt within a maximum of seven calendar days from its reception, so that the informant has proof that it has been delivered correctly.

The month of August and the periods when the UVic-UCC are closed are considered non-working days.

2. At the time of receiving the communication, the Ethical Channel management application must allow a registration code or equivalent procedure to be generated, which facilitates the anonymous exchange of information between FUBalmes and the informant.

#### Article 13. Admission/non-admission to procedure

1. The body responsible for the Ethical Channel has a maximum period of twenty working days to admit or reject a communication.
2. Communications are only accepted that contain a sufficient and plausible description that allows the conduct to be identified.
3. Communications are not accepted that:
  - a. are without foundation or are obviously false,
  - b. are based exclusively on opinions,
  - c. breach any of the conditions set out in these Regulations.
4. Likewise, communications that are not about a possible breach of European Union law or any serious or very serious criminal or administrative violation are not accepted, due to a lack of jurisdiction in other areas. In this case, the body responsible for the Ethical Channel must refer the communication to the relevant area so that it can be processed in a timely manner.
5. If the body responsible for the Ethical Channel does not accept the communication for processing, it must make this decision known in writing to the author together with a brief explanation of the reason for rejection.

### CHAPTER VI. VERIFICATION TASKS

#### Article 14. Verification of communications

1. If the communication is accepted for processing, the body responsible for the Ethical Channel must carry out an initial assessment of the facts, in view of the report in the communication and the accompanying evidence.
2. Likewise, the body responsible for the Ethical Channel must initiate appropriate verification tasks to check the veracity and accuracy of the facts that are communicated.
3. During the phase of verifying the reported actions, all the steps, checks and tasks that are considered appropriate to clarify the facts should be carried out, such as, but in no case limited to, accessing the documentation, holding interviews, questioning witnesses, carrying out specific audits or requesting reports from internal or external experts.

These aforementioned verification tasks must be undertaken with respect for the principles of consistency, ne-

cessity, proportionality, speed, effectiveness, procedural economy, and the principle of maximum discretion.

4. In the event that the body responsible for the Ethical Channel deems it appropriate, it may seek the assistance and support of internal staff or external specialist advisers, who are subject to the duty of confidentiality regarding the information, data and documentation of a personal nature to which they have access.

#### **Article 15. Duty of collaboration in verification tasks**

1. All those who are within the subjective scope of these Regulations must collaborate in the verification of facts, when required, and maintain at all times due discretion and confidentiality of the information that is communicated.
2. The witnesses who are required to collaborate in verification tasks have a duty to tell the truth about what is asked of them. In the event of false testimony, and there is an employment relationship with the person, the body responsible for the Ethical Channel must proceed to communicate this fact to the Talent Policy Area (APT) and General Manager/Office of the Vice-Rector for Teaching Staff so that, when necessary, suitable disciplinary measures are adopted.

#### **Article 16. Duration of the verification tasks**

The verification tasks must be carried out as quickly as possible, without changing deadlines and always respecting the final deadline stipulated in these Regulations.

#### **Article 17. Completion of the verification tasks**

1. Once the appropriate verification tasks have been carried out, the body responsible for the Ethical Channel must issue the corresponding report within a maximum period of three months from acknowledgment of receipt of the communication. However, if the cases are particularly complex and it is duly justified, the ordinary resolution period can be extended by up to a maximum of three months.
2. If, based on the results of the verification tasks, the reported conduct is not substantiated or this conduct does not constitute a breach, the body responsible for the Ethical Channel must state this in its reasoned report, notify the informant and proceed to archive the file.
3. If the results of the verification tasks indicate the possible perpetration of an unlawful action, the report issued by the body responsible for the Ethical Channel must be made available to the FUBalmes Board of Trustees to determine the measures that must be taken to redress the damage caused and adopt internal corrective measures so that the infringing conduct is not repeated.

When the facts may be indicative of a crime, the body responsible for the Ethical Channel must immediately send all the information it has to the Spanish Public Prosecutor's Office. If the facts affect the interests of the European Union, the case must be referred to the European Public Prosecutor's Office. In case of doubt, the body responsible for the Ethical Channel is obliged to make the information it has available to the relevant authorities.

Otherwise, in accordance with the Law, the body responsible for the Ethical Channel can send all the information it has to the Anti-Fraud Office of Catalonia.

4. The previous point does not exempt from compliance with the current regulations that oblige the person who witnesses the perpetration of a crime and the person who has knowledge of the perpetration of a crime because of their position, profession or trade, to report it to the nearest court, prosecutor's office or police.

### **TITLE V. CONTROL MECHANISMS IN THE MANAGEMENT OF THE ETHICAL CHANNEL**

#### **CHAPTER VII. CONTROL AND MONITORING**

##### **Article 18. Control and monitoring of the Ethical Channel**

1. The activity of the Ethical Channel may be subject to an internal or external audit.
2. Annually, the body responsible for the Ethical Channel must prepare a report on the operation and management of the channel that must be submitted to the FUBalmes Board of Trustees.

#### **CHAPTER VIII. CONFLICTS OF INTEREST**

##### **Article 19. Conflict of interest**

1. A conflict of interest can be considered to exist when the objectivity of one of the members of the body responsible for the Ethical Channel is compromised by their relationship with the informant, the reported person or the reported events. In this case, the person in question must refrain from participating in the verification of the facts.
2. Otherwise, if the reporting person foresees a potential conflict of interest, they can direct their report to the Anti-Fraud Office of Catalonia, as provided for in Article 22 of these Regulations.

### **TITLE VI. DATA PROTECTION, CONFIDENTIALITY AND PUBLICITY**

##### **Article 20. Data protection and confidentiality**

In the event that personal data is included in the communications received by the Ethical Channel, it must be treated in accordance with current personal data protection legislation, considering, among other factors, the principles of legality, loyalty and transparency, and respecting at all times the right to confidentiality and privacy of the people involved.

These data cannot be transferred or communicated to entities or persons outside FUBalmes and can only be processed by the body responsible for the Ethical Channel for the purposes stipulated in these Regulations, unless there is a legal obligation to communicate them.

Only the body responsible for the Ethical Channel can enter and manage the database of the Ethical Channel. Exceptionally, another person or member of FUBalmes may have ac-

cess to this database when necessary to adopt disciplinary measures or process a judicial procedure.

#### **Article 21. Dissemination of the Ethical Channel**

FUBalms must use the appropriate means to disseminate and publicise the existence of these Regulations and the Ethical Channel through publicity on the institution's main website and in other commonly used media.

### **TITLE VII. EXTERNAL INFORMATION CHANNEL OF THE INDEPENDENT AUTHORITY FOR THE PROTECTION OF THE INFORMANT (AAI)**

#### **Article 22. External information channel of the Independent Authority for the Protection of the Informant (AAI)**

1. Any natural person can report the perpetration of any action or omission included in the scope of these Regulations to the Independent Informant Protection Authority (AAI).
2. In the regional area of Catalonia, the Anti-Fraud Office assumes the role of an Independent Authority for the Protection of Informants. The link to the ethical channel of this external body is: [Anonymous Whistleblower Mailbox | Anti-Fraud Office of Catalonia](#)

#### **First final provision**

For all aspects not expressly established in these Regulations, Law 2/2023 of 20 February on the protection of persons who report violations of the law and the fight against corruption applies.

These Regulations will enter into force the day after their approval by the FUBalms Board of Trustees.