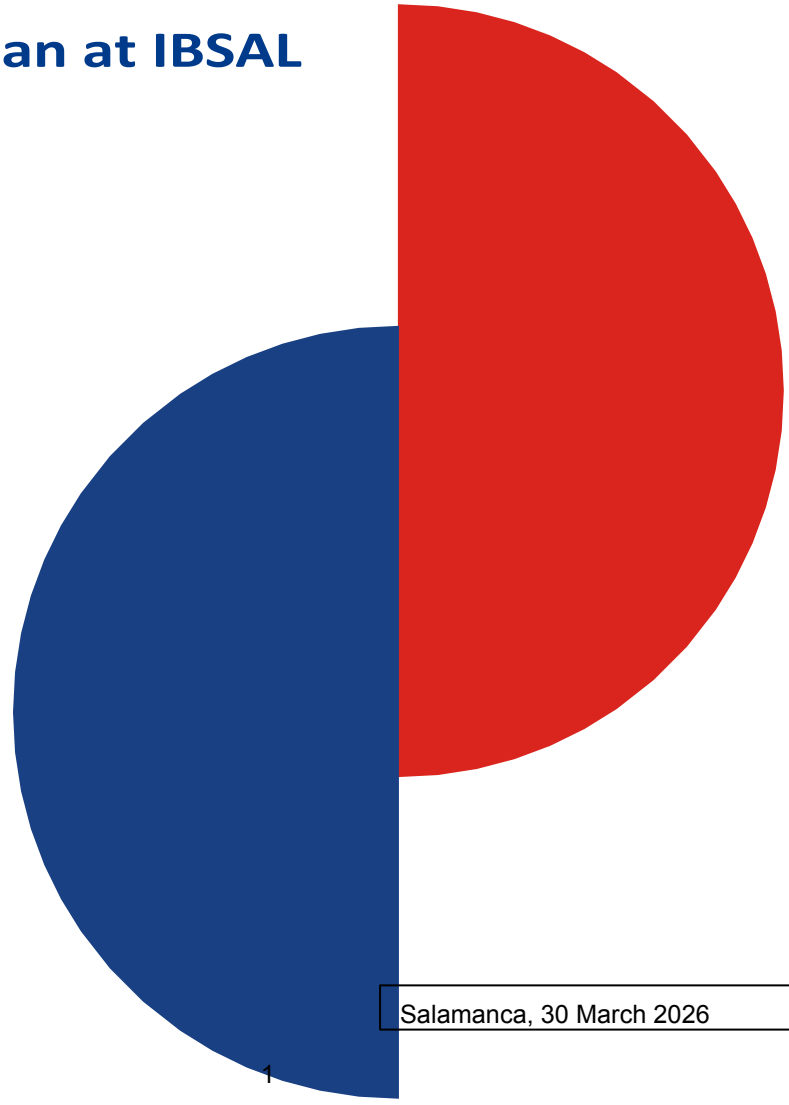
Instituto de Investigación Biomédica de Salamanca

Operating guidelines for the researcher's ombudsman at IBSAL

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In this document, the masculine grammatical form is used as a generic term, in accordance with linguistic usage, to refer to people of both sexes.

Siglas

CR: Governing Council; CCE: External Scientific Committee; CD: Executive Committee; CM: Joint Committee; CI: Research Committee; DC: Scientific Directorate; CG: Management Committee; CC: Quality Committee; CF: Training Committee; CINN: Innovation Committee; UTG: Technical Management Unit; DG: Management Directorate; CII: Research Integrity Committee.

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1. Introduction

Among the general principles and requirements applicable to funding bodies and employers set out in the European Charter for Researchers are those relating to researchers' right to lodge complaints and appeals. This document stipulates that organisations employing and/or funding researchers must establish, in accordance with national provisions and regulations, appropriate procedures – possibly through an impartial person – to deal with researchers' complaints and appeals, including those relating to disputes between supervisors and researchers at the early stage of their careers. These procedures must offer researchers confidential support to enable them to resolve conflicts, with the aim of promoting fair and equitable treatment within the organisation and improving the overall quality of the working environment.

It is therefore considered necessary to establish the role of Researcher Ombudsman and to implement it within the operations of the Salamanca Institute of Biomedical Research (IBSAL), as part of the HRS4R strategy for maintaining and consolidating the *Human Resources Excellence in Research* (HRER) seal at IBSAL.

2. Nature and procedure for the appointment of the ' '

The role of Researcher Ombudsman shall be a single-person post, with the following procedure for appointment, term of office and working hours; it is proposed that:

The Researchers' Ombudsman shall be appointed by the Governing Council, on the recommendation of the Scientific Directorate and with the approval of the IBSAL Internal Scientific Committee, from amongst members of the teaching and research staff who have at least five years' service at the IBSAL centre to which they are administratively attached.

The criteria for appointment shall be made public and shall be based on the principles of equality, merit and competence, whilst respecting, in all cases, the requirements for balanced composition set out in Organic Law 3/2007 of 22 March on effective equality between women and men.

Their term of office shall be four years, with the possibility of re-election for a single consecutive term. Nominations must be endorsed by the Governing Council.

The Researchers' Ombudsman shall be removed from office and the post shall become vacant for any of the following reasons: expiry of their term of office, resignation, manifest inability to fulfil their duties, or by express resolution of the Governing Council passed by a majority. Should the post become vacant, the Chair of the Governing Council shall instruct the Scientific Directorate to initiate the procedures for the appointment of a new Researchers' Ombudsman.

The Research Ombudsman shall be advised by the Research Integrity Committee (CII), of which they shall be chair, and shall have at least one secretary, who shall act as secretary to the research ethics committee for medicinal products, and one member appointed by the Scientific Directorate of the IBSAL, with the approval of the Internal Scientific Committee.

3. Functions

The actions of the Researcher Ombudsman will be aimed at defending the rights of researchers at any stage of their career, whilst paying particular attention – given their greater vulnerability – to those in the early stages, mainly PhD students or postdoctoral researchers who have not yet established a significant level of independence (R1 and R2 researchers according to the classification established for IISs), primarily by mediating in disputes between the centre or the director and the researcher, but also by ensuring that all parties fulfil their respective duties (management, teaching workload, etc.), or by monitoring compliance with the relevant regulations. However, the scope of the role will also extend to all those involved in the research process in their capacity as essential HR staff, such as technical staff, or to non-PhD researchers who are not involved in any doctoral programme.

It shall be the responsibility of the Researchers' Ombudsman to carry out actions which, within the scope of their powers, seek to guarantee freedom of research, based on equal opportunities and non-discrimination against professionals. This entails publicising the rules governing the assessment of their knowledge, providing them with advice and assistance, representing them in the relevant bodies, and safeguarding their freedoms of expression, assembly and association; and the safeguarding of their rights, through standardised procedures specifically drawn up by the Ombudsman for this purpose. The Ombudsman's actions, which are always aimed at improving the quality of research in all its fields, shall not be subject to the binding instructions of any authority and shall be governed by the principles of independence and autonomy.

It shall also be responsible for reporting to the appropriate authorities any irregularities detected within its remit at IBSAL.

4. Specific powers of the Researcher's Ombuds :

1. To act on its own initiative or at the request of a party in relation to complaints, claims, appeals and observed irregularities concerning respect for rights, duties and freedoms, or other shortcomings, raised by any member of the IBSAL research community, including those relating to conflicts between supervisors and researchers at the early stage of their careers.
2. To gather from the various bodies and organisations whatever information it deems appropriate for the fulfilment of its objectives, and to request the attendance of those responsible, whenever necessary for the performance of its duties.
3. To attend meetings of IBSAL's governing bodies that deal with any matter relating to the proceedings currently under way or that are of interest to the Committee.
4. To submit, to the competent bodies, non-binding proposals for the resolution of matters brought to its attention and to offer conciliation proposals that facilitate a swift and effective resolution.
5. To draw up any reports requested of it or which it deems appropriate to issue in relation to its activities.

6. To draw up an annual report on their activities, setting out recommendations and suggestions for improving the quality of research.
7. Strictly employment-related matters are not included within the remit of the Researchers' Ombudsman; these will be handled by the human resources department.

5. Operation

The Researcher's Ombudsman will be supported by the administrative and management structure, as well as by legal advice, in the performance of their duties. Furthermore, the Researchers' Ombudsman shall be entitled to attend meetings of the Internal Scientific Committee and the Governing Council with the right to speak but not to vote, and without their presence being counted for the purposes of *a quorum*, when it is deemed necessary to address matters that must be brought to the attention of these bodies and, in any event, solely in relation to those items on the agenda that concern them.

The Researchers' Ombudsman shall convene the Internal Scientific Committee (CII) on a regular basis, every six months, without prejudice to any extraordinary meetings called at the request of researchers.

Any member of the IBSAL research community who wishes to request the intervention of the Researchers' Ombudsman in relation to incidents in which they consider their rights to have been infringed, or to make an enquiry, may contact the Researchers' Ombudsman. Requests to the Researchers' Ombudsman shall be submitted and processed via the one-stop shop system on the IBSAL website.

The Researcher Ombudsman will assess the request and arrange a face-to-face or online meeting with the researcher. If they consider that the matter falls outside their remit – for example, in employment-related matters – they will refer the researcher to the appropriate body. If the matter falls within the Researcher Ombudsman's remit, they will take the necessary steps to resolve the problem. If deemed necessary, they will convene the CII to assess the best solution. Once these steps have been taken, if the issue has not been resolved, the Ombudsman will refer the matter to IBSAL's scientific management, which will be responsible for ensuring it is resolved.