



CERCA System Ombudsperson operating regulations

June 2023

Background

Point 7 of the CERCA Code of Conduct, approved in 2018, on “Coordination with the CERCA Institute and the CERCA Ombudsperson”, establishes the following in respect of the Ombudsperson:

CERCA centres are committed to reporting to the CERCA Institute any material conflicts of scientific integrity as soon as they arise. The centre director or any other person working in the centre in a professional capacity may submit said report. The matter must be reported at the same time to the CERCA Ombudsperson and will be treated with the utmost confidentiality and respect towards the persons involved. Such material cases may involve the revision or retraction of published articles, may lead to disciplinary measures, or involve the directors or management of the centre.

The CERCA Institute Ombudsperson must be appointed for this purpose. The Ombudsperson must be independent and neutral, with powers to propose non-binding solutions to be discussed and approved by the governing body of the CERCA centre involved. The CERCA Institute and the Ombudsperson may also act *ex officio*. The Ombudsperson may set up *ad hoc* consultative committees and ask for advice and coordination from the Generalitat de Catalunya body responsible for resolving issues of scientific integrity.

In the case of international partnerships, the cooperation of national bodies must be sought to resolve the issue raised, and the principles of the *Montreal Statement on Research Integrity in Cross-Boundary Research Collaborations* must be applied.

 [Montreal Statement](#)

Scope of application and appellants

The actions of the CERCA Ombudsperson are aimed at ensuring compliance with the CERCA Code of Conduct, preventing irregularities in the CERCA system and providing young researchers with a framework to generate trust in compliance with rules.

Cases may be reported to the Ombudsperson involving disagreements between researchers, conflicts and questions concerning integrity, poor scientific practice or breaches of the CERCA Code of Conduct.

If a CERCA centre determines that a case requires further investigation that is free of any conflict of interest, it can be referred to the CERCA Ombudsperson, who must treat all parties involved with complete impartiality. This includes, for example, cases involving the centre management, cases involving various CERCA centres or especially serious cases. The Ombudsperson of the CERCA centre must, however, review the case first and issue a preliminary report.

The CERCA Ombudsperson must refrain from acting when other bodies or institutions are already dealing with the same matter. The CERCA Ombudsman may not, furthermore, be involved if the matters are subject to a legal investigation.

Any person employed in a CERCA system centre, the CERCA centre's management, or third parties who may be involved in any way in the centre's activities may ask the CERCA Ombudsman to intervene.

Exceptionally, in highly material cases, affecting more than one CERCA system centre, the CERCA Ombudsperson can refer the case to the Committee for the Integrity of Research in Catalonia (CIR-CAT), informing the centre and the persons involved as soon as possible.

Procedure and documentation

1. The CERCA Institute acts as the technical secretariat of the CERCA Ombudsperson, treating all matters with the utmost confidentiality.
2. The CERCA Ombudsperson must also maintain strict confidentiality concerning any conflict at a CERCA centre that has been successfully resolved through dialogue. Such cases must not be reported under any circumstances. However, if there is clear evidence of potential wrongdoing, the Ombudsperson must investigate and subsequently report to the governing body of the CERCA centre in question. This body will determine what measures, if any, must be taken.
3. Enquiries and notifications must be sent in writing and by email to the CERCA Ombudsperson via the director of the CERCA Institute, who must acknowledge receipt within a maximum period of one week. The report must be sufficiently substantiated to allow an investigation to be opened, if necessary. Anonymously submitted reports will not be accepted.

The identity of the informant must be kept confidential under all circumstances, ensuring that there is no negative impact of any type for their scientific and professional career in the initial stages of the procedure.

If an anonymous consultation or report is received, it may only be accepted provisionally. Once an investigation has been launched, the person must reveal their identity, which will be treated with the strictest confidentiality.

4. In accordance with the previous point, the Ombudsman will initiate a pre-screening stage, deciding whether to accept the case or not, depending on the nature of the consultation. Further information may be requested from the different parties involved in the case. If the information requested by the Ombudsperson is not submitted within a maximum period of 10 days, the consultation is automatically closed. The informant may expressly request the closure of the investigation at any time.

5. The Ombudsperson must obtain the informant's express permission if it is necessary to externally consult other persons or institutions. The informant may only be named in the final decision if they are involved in the case.
6. When an investigation is opened, the CERCA centre concerned must provide the following documentation:
 - a. The arguments of the accused person or of the various parties involved.
 - b. Report by the management of the CERCA centre, unless the management is directly involved in the matter under investigation.
 - c. Final report by the CERCA centre's Ombudsperson, if any, or any equivalent documentation on any mediation process that may have taken place. Before considering the case, the CERCA Ombudsperson will require evidence that the CERCA centre has made attempts to mediate, unless the director or the Ombudsperson of the centre is directly involved in the matter.
 - d. The CERCA centre's internal regulations that are related to the matter under investigation.
7. If the documentation provided is insufficient, the CERCA Ombudsperson may request further information and documentation from all the parties or take other measures deemed necessary to resolve the case.
8. The CERCA Ombudsperson may be assisted or advised by experts, or may set up an ad hoc committee to help them make a decision.
9. In the interests of transparency, all parties involved must be informed of the CERCA Ombudsperson's proposed decision on the case, as well as of any measures that will be taken by the governing body of the CERCA centre.

10. The CERCA Ombudsperson may step down and refer the case to CIR-CAT if there are grounds to do so, such as when various Catalan institutions other than CERCA centres are involved, or because the seriousness or complexity of the case warrants an investigation by an institution other than the CERCA Ombudsperson. In this event, the parties involved must be informed and the Ombudsperson cannot issue a final decision.
11. If any party breaches the requirement for confidentiality, the Ombudsperson reserves the right to modify the normal course of proceedings.
12. The Ombudsperson must meet with the CERCA president once a year and present a brief, confidential report on the year's activities.

Decision

The CERCA Ombudsperson must issue a decision within six months of the acknowledgement of receipt sent to the applicant.

If there is positive and friendly resolution to the case, there will be no appeal and the CERCA Ombudsperson will issue a single decision in a report that will be strictly internal, accessible only to the CERCA Institute and the Ombudsperson.

In all other cases, the Ombudsperson's decision will be detailed in a report that must be submitted to the governing W of the CERCA centre or centres involved, in order to assess the measures to be taken.



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