

Rules and Regulations for the Student Ombudsman of ISEG – Lisbon School of Economics and Management, Universidade de Lisboa

Article 1

Function and scope of application

- 1 – The Student Ombudsman, hereinafter referred to as the Ombudsman, is an independent entity, with no power of decision, whose function is to defend and promote the legitimate rights and interests of students enrolled in the School from all study cycles and to also promote the necessary mechanisms for integration in the academic community.
- 2 – The Ombudsman's activity covers all the bodies, agents, services, and members of the School.

Article 2

Nature and Designation

- 1 – The Ombudsman is a person of recognised merit, who is either faculty or non-faculty and who possesses a proven reputation for integrity and independence, whose main activity over recent years has been related to higher education.
- 2 – The Ombudsman is appointed by the School Board, on the proposal of the Dean.
- 3 – The term of the mandate of the Ombudsman is the same as that of the School Board, and may be renewed for one more term.
- 4 – The Ombudsman shall remain in office until their successor takes office.
- 5 – The Ombudsman must act in accordance with the law and the principles enshrined in the Charter of Rights and Guarantees and in the Code of Conduct and Good Practices of Universidade de Lisboa, intervening in the matters brought to their attention in a perspective of mediation and conciliation of interests, subject to judgements of equity.
- 6 – The exercise of the Ombudsman's mandate is incompatible with holding a position in a governing body or management position of the School.

Article 3

Competencies

The Ombudsman is responsible for:

- a) Receiving and assessing students' concerns or complaints regarding administrative matters or any other aspect of their academic life;

- b) Acting as a mediator to resolve conflicts between students, or between them and other bodies, agents, services, or members of the School;
- c) Suggesting the recommendations that it considers necessary and appropriate to the School's competent bodies;
- d) Seeking the most appropriate solutions for protecting the rights of students and for improving administrative action, in collaboration with the competent bodies, agents, services, or members of the School;
- e) Issuing the necessary recommendations aimed to prevent and remedy situations of non-compliance and to improve procedures;
- f) Recommending to the Dean the carrying out of inquiries and investigations which they consider to be necessary or convenient;
- g) Issuing their opinion on any matters related to their activity.

Article 4

Organisation

The Dean of the School is responsible for providing the Ombudsman with the necessary resources for carrying out their role properly.

Article 5

Obligation to cooperate

1 – The bodies, faculty, non-faculty, students, and School Services all have the duty to collaborate with the Ombudsman, especially by means of the prompt and punctual supply of information, clarifications, and the delivery of requested documents, in order to guarantee the proper and timely functioning of their role.

2 – The Dean is responsible for ensuring the communication and support for the implementation of the recommendations issued by the Ombudsman.

3 – In cases of duly justified urgency, the Ombudsman can set a deadline in writing for the resolution of a concern or a complaint.

Article 6

Confidentiality

1 – The Ombudsman has the duty to respect confidentiality whenever the nature of the information obtained in the exercise of their duties duly recommends or so requires.

2 – The duty of confidentiality extends to all those who cooperate with the Ombudsman.

3 – Third parties involved in inquiries are subject to a commitment to confidentiality regarding any information to which they have access during the inquiries.

Article 7

Raising a concern or a complaint

1 – A concern or complaint can be raised with the Ombudsman by either just one student from any Study Cycle, or by a group of students, student associations, or other student representative bodies of the School responsible for handling concerns, complaints, or petitions regarding actions or omissions by the School's bodies, agents, services, and members concerning educational, social, and related administrative matters as well as any other originating from their activity at the School.

2 – When the right to raising a concern or a complaint is exercised collectively, the complainant must indicate one single address for the receipt of communications and notifications contemplated in these Rules and Regulations.

3 – All communications and notifications that are sent to the address in the previous Paragraph are assumed to have been received by all the complainants in question.

4 – The Student Ombudsman has the power to use their own initiative regarding any minimally credible occurrences or situations that come to their knowledge.

5 – Concerns or complaints can be submitted to the Ombudsman by letter, e-mail, telephone, or in person, although anonymous complaints will not be considered.

Article 8

Procedure

1 – The concern or complaint raised with the Ombudsman should at least include the following elements:

- a) The identification of the complainant or their representative, namely their name, student number, and contact details;
- b) A description of the facts that infringed their rights or legitimate interests;
- c) The name of those responsible for perpetrating the occurrences or situations, if known;
- d) The grounds for presenting the occurrence or situation.

2 – If the complaint fails to comply with the requirements contemplated in the previous Paragraph, then the complainant will be given the opportunity to rectify their complaint.

Article 9

Inadmissibility to raise a concern or a complaint

1 – A concern or complaint is dismissed out of hand in the following circumstances:

- a) Failure to comply with the provisions of the previous Article;
- b) When the occurrences or situations referred to in the complaint occurred more than one year ago;
- c) If the complaint is presented more than six months after the cessation of the occurrence in a relevant manner which may have prevented or conditioned the complaint within that period;
- d) If the complainant is not the person who is directly affected by the reported occurrence or situation, except in cases where the concern or complaint was raised with the Ombudsman by a representative;
- e) When the complainant chooses to present the occurrence or situation to the Student Ombudsman of Universidade Lisboa;
- f) When the occurrence or situation is beyond the scope of the Ombudsman's competences.

2 – In any of the situations provided for in the previous Paragraph, the Ombudsman shall notify the complainant or their representative in writing of their reasoned decision not to open an inquiry.

Article 10

Rejection in Summary Proceedings

1 – The Ombudsman can reject a complaints procedure through a summary procedure, whenever:

- a) The complainant is not the person directly affected by the reported occurrence or situation, except in cases where the concern or complaint is submitted by a representative;
- b) The concern or complaint is manifestly unfounded;
- c) The Student Ombudsman of Universidade de Lisboa has already pronounced on the subject of the concern or complaint.

2 – The Ombudsman shall determine which matters will be subject to a summary procedure.

3 – In all of the situations contemplated in the previous Paragraph, the Ombudsman shall notify the student or their representative in writing of their reasoned decision not to open an inquiry.

Article 11

Pending another procedure

1 – The Ombudsman cannot initiate a procedure if another one is pending following a request, appeal, or complaint concerning the same subject in the competent bodies, which has not been used by the claimant, except in the case of recourse to judicial channels.

2 - In the case contemplated in the final part of the preceding Paragraph, the Ombudsman will notify the claimant in writing that their concern or complaint is eligible for such a procedure.

Article 12

Acceptance of the concern or complaint

After having received a complaint, the Ombudsman shall provide the complainant with written information describing the steps already taken, within ten days of receipt of the complaint.

Article 13

Hearings

1— To evaluate a concern or complaint, the Ombudsman must gather all the elements that they consider useful and ask the entity complained against to provide the necessary information.

2 - The complainant and the bodies, agents, services, and members to whom the complaint refers, must be provided the opportunity to explain their version of the subject of the complaint in writing.

3 — The Ombudsman can directly summon the parties involved to hearings that they deem to be necessary and take the necessary steps to ascertain the facts that gave rise to each situation and take all the appropriate measures to find a solution.

4 — The Ombudsman may decide on joint or separate hearings of the parties involved.

5 — When deemed necessary with the aim to reach a conclusion, the Ombudsman can request the participation of third parties, as well as their written or oral comments.

6 — The Ombudsman is bound to inform the Dean of the School in cases of refusal to appear, or failure to provide information.

Article 14

Reply to the Ombudsman

1 — The bodies, agents, services, and members of the School shall inform the Ombudsman of the actions and steps taken and the stage reached in the procedure within ten working days after having received a request for information and clarification.

2 — The same time limit shall apply to requests for clarification regarding the implementation of corrections to the illegalities and injustices identified in the recommendations made.

3 — If the notified body, service, agent, or member of the School considers that it has reason to not carrying out a recommendation, they should inform the Ombudsman in writing, stating their reasons for their decision, which should be included in the Ombudsman's activity report.

4 — If the recommendations are not complied with, and in all cases where the Ombudsman fails to obtain the necessary cooperation, the Ombudsman should call upon the competent hierarchically-superior body or the Dean, if appropriate, to intervene.

Article 15

Conclusion of the procedure

1 — Should the complaint be upheld, then the Ombudsman will proceed to write a report containing details of all the respective measures that contributed to its conclusion.

2 — In the case of non-approval owing to the complaint being beyond the competence of the Ombudsman, or if it is ineligible, unviable, or lacks reasonableness, the complaint will then be archived and the complainant will be advised.

Article 16

Communication to complainants

The Ombudsman shall inform the complainants of the conclusions obtained and the recommendations made by the means that they consider to be most appropriate.

Article 17

Annual Report

1 — The Ombudsman will prepare an annual report and also one at the end of their mandate which should include a description of all the activities carried out, whilst specifically detailing the number of concerns and complaints presented, the reason for such, the steps taken, and the recommendations made, together with an explanation of how they were received by those affected.

2 — The report must guarantee the confidentiality of the identity of students and other identifying-elements of the concerns and complaints submitted, which shall include cases of non-compliance with the duty of cooperation referred to in Article 5 of these Rules and Regulations.

3 — The report will be sent to the Dean, and should be included in the School's Annual Activity Report.

Article 18

Interim Ombudsman

1— If the Ombudsman is temporarily unable to carry out the duties of their office, then the School Board, on the proposal of the Dean, may appoint an interim Ombudsman.

2 — The interim Ombudsman shall commence their duties on a date set by the School Board.

3 — The interim Ombudsman will remain in office until the Ombudsman resumes their duties, or until a new Ombudsman is appointed.

Article 19

Entry into force

These Rules and Regulations enter into force the day after they are published in the *Diário da República* official gazette.