

Code of Ethics and Guarantees Unibasq – Agency for Quality of the Basque University System

Approved by the Governing Board of Unibasq on 15th July 2019

ARTICLES

TITLE ONE. GENERAL PROVISIONS

Article 1. Object

Article 2. Scope of application

Article 3. Dissemination of the Code and promotion of the ethical commitment

Article 4. Approval and review of the Code of Ethics and Guarantees

TITLE TWO. ETHICAL PRINCIPLES

Article 5. Principles regarding public service that define the responsibility frame of Unibasq

- Independence
- Transparency and good practices
- Social responsibility

Article 6. Referential principles that define the working style of Unibasq

- Impartiality
- Rigour and Objectivity
- Confidentiality

Article 7. Average principles that define the compromises of Unibasq

- Continuous improvement and innovation
- Efficiency
- Cooperation and teamwork

TITLE THREE. RIGHTS AND OBLIGATIONS OF THE MEMBERS OF THE COMMITTEES AND COMMISSIONS OF UNIBASQ

Article 8. Rights of the contributors of Unibasq

Article 9. Obligations of the contributors of Unibasq

Article 10. Causes for incompatibility

Article 11. Abstention and appeals

TITLE FOUR. COMMITTEE OF ETHICS AND GUARANTEES

Article 12. Competences of the Committee

Article 13. Composition of the Committee of Ethics and Guarantees

Article 14. Operational principles

Article 15. Regulations

ANNEX.

FOREWORD

The Agency for Quality of the Basque University System-Unibasq was created with the fundamental mission of contributing to the improvement in quality of the Basque University System (BUS), its object being the evaluation, accreditation and certification of quality in that field, considering Spanish, European and international frameworks.

As a quality agency, Unibasq must guarantee the objectivity and impartiality of its activities. Likewise, as a public entity that develops its activity in the field of higher education, Unibasq wishes to be an active entity in the improvement of the training and critical capacity of Basque society for which it is committed to the development and application of the sustainable development goals (SDG) approved by the UN. To this aim, this Code of Ethics and Guarantees is approved, which defines the system of values and principles that must govern all the activities by Unibasq and by the persons who work for or provide services for the agency.

For the design and creation of this Code, the general application basic principles are incorporated in all the services of the civil service, as well as those more specific to the university service and to certification, accreditation and evaluation activity. The European approach of Unibasq is also shown in the writing of this Code, since it has used for reference the values, principles and standards that can be found in the main international higher education agencies and institutions, especially the Guidelines for Quality Assurance in the European Higher Education Area (ESG).

This Code designates the Ethics and Guarantees Committee of Unibasq as the body in charge of ensuring compliance. Any person who observes any non-compliance with this Code or a conflict of interest that might risk the objectivity or transparency of any activities will be able to submit a claim before the Committee.

Management, staff and the governing bodies of Unibasq are obliged to give the organisation an ethical and socially responsible character. To do so, they will ensure the compliance of the Code of Ethics and Guarantees, so all its activities adhere to the principles of the same in relation with the carrying out of all its functions.

TITLE ONE. GENERAL PROVISIONS.

Article 1. Object

1. The Code of Ethics and Guarantees of Unibasq is justified by the need for the Agency to be endowed with principles and rules that allow it to act internally according to criteria of trust and social responsibility. These principles should in turn serve to create a climate of shared values integrated in its working methods and promote the SDG.

2. The ultimate goal is to guarantee objectivity and transparency in the Agency's activities in the evaluation, accreditation and quality certification processes of the Basque University System.

Article 2. Scope of application

Unibasq has as its objective the evaluation, accreditation and certification of quality in the scope of the Basque university system, considering the Spanish, European and international frameworks. This Code of Ethics and Guarantees is an essential instrument for the achievement of this purpose and for the credibility of the activity of the agency itself. For this reason, it will apply to Unibasq's relationships with the higher education institutions of the Basque Country as well as with other institutions or interest groups with which it has a relationship.

This also applies to the person in charge of management, if applicable to the deputy person in charge of the management and to the governing bodies of the Agency, the staff assigned to its different areas, the technical and evaluation bodies, as well as the persons who form them or who provide professional services to Unibasq.

Article 3. Dissemination of the Code and promotion of the ethical commitment

Unibasq is committed to train its staff and the people who collaborate with the Agency in the use and understanding of the values, principles and commitments of this Code, as well as to make them available. For this purpose, it will be publicised on the website of the agency and all staff and people that provide any services of certification, advice, accreditation or evaluation will be informed of it. All these persons will sign a statement confirming their adherence to the Code of Ethics and Guarantees in all its terms (Annex I).

Article 4. Approval and review of the Code of Ethics and Guarantees

It is the responsibility of the Governing Board to approve and amend the Agency's Code of Ethics and Guarantees in order to guarantee the objectivity and impartiality of its activities.

TITLE TWO. ETHICAL PRINCIPLES

Article 5. Principles regarding public service that define the responsibility frame of Unibasq

Unibasq intends that its initiatives contribute to satisfy the public interest of improving the quality of the Basque University System. All this within the framework of a democratic society based on respect for human rights, freedom, equality, free development of personality and, especially, the right to education.

1. Independence

Unibasq will act freely and autonomously, in the execution of its obligations, with the purpose of fulfilling its mission with due professionalism and credibility.

No person working for or with Unibasq will allow any external pressures, influences or interferences to alter their opinion or action.

2. Transparency and good practices

Unibasq will offer, in a very trustworthy manner, all prior information on the criteria and evaluation processes, procedures, forms, applications and tools that may be necessary for their activities, and may not withhold any information that users of their services may require.

They will also pursue compliance with any legal dispositions that may be applicable in the grounds of transparency, accessibility of public information and good practices, providing for this purpose a transparency portal in their website.

3. Social responsibility

Unibasq will keep in consideration at all times the impact of their activities in society and will respect the environment and the objectives for sustainable development. In this regard, they will establish the required means of communication between all stakeholders involved in the improvement of the Basque University System with whom they may need to exchange information and opinions to be taken into consideration in the continuous improvement processes of the services offered by Unibasq.

The activities of Unibasq will be marked by the respect for the autonomy and diversity of the Basque universities, and may seek cooperation and communication among them.

Article 6. Referential principles that define the working style of Unibasq

Unibasq is committed to the improvement of their services, offering personal attention and clear and accessible information about their activities. All staff members of Unibasq, management bodies, and evaluation committees will be respectful of the necessities of people and institutions, and will act responsibly, impartially and promptly, communicating the results and decisions taken to those people or institutions affected in an appropriate manner.

1. Impartiality

Both the Agency and the people working for Unibasq will try, by all means, to be impartial and fair in their judgements. Therefore, no discrimination of any kind will be tolerated. Members of the bodies of the

Agency execute their actions in their own name and with independence of criteria, and not as representatives of any collective they may be part of. They will not estimate any prior judgements, whether they may be positive or not, on the people engaged in the activities conducted by Unibasq, and will refrain from participating in any other activity that may present a conflict of interests that could cast any shadow of doubt on their impartiality.

2. Rigour and Objectivity

Unibasq will ensure that the correct mechanisms for the protection of the personal information are applied, fully compliant with the current legislation. For this purpose, effective measures to protect the confidentiality of the personal information provided will be enforced. The Agency will not provide information pertaining personal information of evaluated persons, unless a prior authorisation exists, or judicial warrants are presented.

Article 7. Average principles that define the compromises of Unibasq

Unibasq is committed to quality, service and the culture of excellence and innovation in all their activities, and so reflects through the constant improvement of their services and the adequacy of their actions to the common rules of international recognition.

1. Continuous improvement and innovation

The Agency undergoes external evaluation and certification in order to achieve continuous improvement in the results obtained by their activities, and in the trust of their users, society and the university community. In addition, to make a continuous effort of innovation in the realization of the activities that it develops and the processes that it designs and applies, so that these improve in terms of efficiency and agility.

2. Efficiency

The direction, personnel, bodies, and people cooperating with Unibasq seek efficiency in the use of the resources provided for their activities. Unibasq will administer their economic resources transparently, rationally, independently and efficiently; this means, utilising them in the most appropriate manner to serve best the Basque University System, a principle that will be applied to both the origin of such resources, and use made of them.

3. Cooperation and team work

Team work in a good working environment, cooperation and exchange of ideas between experts and staff members of Unibasq are requirements considered essential to the nature of the Agency and the achievement of their objectives. In the same line, Unibasq will encourage active participation of the

stakeholders of the Basque University System in the definition of the strategies of Unibasq and their integration in the new scenarios and demands that may arise.

TITLE THREE. RIGHTS AND OBLIGATIONS OF THE MEMBERS OF THE COMMITTEES AND COMMISSIONS OF UNIBASQ

Article 8. Rights of the contributors of Unibasq

All members of the commissions and committees constituted for the development of the different programmes of Unibasq, as any other expert that may cooperate with the Agency, has the right to:

1. The strictest respect to their independence of judgement in the decisions to be made, and to keep them from any possible interference.
2. Receive assistance and technical support from Unibasq in the development of their functions and adequate training for this purpose.
3. Receive prior information about the files in which they may intervene in the collegiate sessions.
4. State discrepancies with collegiate decisions, issuing a dissenting vote.
5. Recognition and certification of their cooperation with Unibasq.
6. Economic retribution as stated in the agreements of the Governing Board of Unibasq.

Article 9. Obligations of the contributors of Unibasq

All members of the commissions and committees constituted for the development of the different programmes of Unibasq, as any other expert that may cooperate with the Agency, commits to:

1. Act objectively, impartially, independently and rigorously in the performance of the processes of evaluation and accreditation.
2. Proceed in complete neutrality, autonomy, and under their own person, regardless of any other compromises with academic institutions or professional liaison they may have.
3. Devote the necessary dedication to the development of the tasks entrusted on them.
4. Stick to the established procedures for the evaluation of the files in their care, participating in the decision-making processes and collegiate agreements and reason appropriately the decisions made.

5. Abstain when necessary, as agreed in article 11 of the present Code, informing Unibasq of any conflict of interest that may arise.
6. Strictly preserve the confidentiality of the personal information of the applicants that they may obtain in the evaluation processes, sticking to the present regulations on personal data.
7. Keep the secrecy of the deliberations of the commissions and committees; of the criteria or positions of their members, particularly concerning the applicants, and the resolutions that have not been formally notified.
8. Refrain from granting access to the computer applications and databases provided for the experts for the performance of their duties.
9. Apply the agreements and meeting the requirements of the Committee of Ethics and Guarantees.

Article 10. Causes for incompatibility

1. The Agency and the persons providing services for Unibasq shall endeavour to be impartial in their judgements and, therefore, will not discriminate in any way. The members of the bodies of the Agency carry out their work on their behalf and with independent criteria and not as representatives of the group of which they are part. They will not attend anticipated judgements in favour of or against persons involved in the processes related to the services that Unibasq provides, and will refrain from participating in any activities that might involve any conflict of interest that would allow their impartiality to be questioned.
2. In the case of requests for accreditation or evaluation carried out by natural persons, the following are incompatibility grounds for the carrying out of the same:
 - a.- Belonging to the same department or university centre as the applicant.
 - b.- Being related within the fourth degree of consanguinity or affinity within the second degree with the applicant.
 - c.- Having participated in two or more research or innovation projects already expired with the applicant, or participating in one that is in force when the application is made or when it should be evaluated.
 - d.- Having been director of the doctoral thesis of the applicant.
 - e.- Having a pending dispute or having had one in the past with the applicant.
 - f.- Having a personal interest in the matter in question or in another whose resolution might influence it.

g.- Having intimate friendship or demonstrable enmity with the applicant.

h.- Any other circumstance that could give rise to a conflict of interest that could disturb the objectivity and impartiality of the person who participates in the accreditation or evaluation.

3. In the case of requests for certification, accreditation or evaluation reports carried out by institutions (university centres, universities, etc.) the following are incompatibility grounds for the carrying out of the same:

a.- Belonging to the same university to which the institution is attached or having provided professional services of any type for the applicant centre in the last two years.

b.- Being related within the fourth degree of consanguinity or affinity within the second degree with those who represent the applicant's institution (the centre, the university, etc., depending on which institution makes the request).

c.- Having a pending dispute or having had one in the past with the university to which the applicant's institution is attached, or with the persons who represent the applicant's institution (the centre, the university, etc., depending on which institution makes the request).

d.- Having personal interest in the matter in question or in another whose resolution might influence it.

e.- Having intimate friendship or demonstrable enmity with those who represent the applicant's institution (the centre, the university, etc., depending on which institution makes the request).

f.- Any other circumstance that could give rise to a conflict of interest that could disturb the objectivity and impartiality of the person who participates in the certification, accreditation or evaluation.

Article 11. Abstention and appeals

1. Whenever any of the grounds for incompatibility mentioned in the previous article concur, the person who participates in the certification, accreditation or evaluation of those proceedings must notify it to the Ethics and Guarantees Committee as soon as possible. If any of the grounds mentioned in letters a, b, c, d and e of Article 10.2, or in letters a, b and c of Article 10.3 concur, the Committee, after collating the assumption of the fact provided for therein, will automatically order the person to be removed from that process.

In the case of the grounds set out in letters f, g and h of Article 10.2, or of letters d, e and f of Article 10.3, the Ethics and Guarantees Committee shall study the circumstances of the case and decide whether or not the person is removed from the process on the basis of whether it considers that they have the sufficient entity to put at risk the objectivity and impartiality of their decision.

If the role assigned to the person withdrawn was the writing of the report of the application or was a member of a visiting panel of a certification or institutional accreditation, another person should be appointed to replace them. However, when he/she is a member of a committee which has to decide on the basis of reports drawn up by other persons on a number of proceedings (including one in which there is a cause of abstention for which he/she has been withdrawn), he/she must leave the meeting when the other members of the Commission are about to deliberate and take a decision on the specific file in which a cause of abstention concurs. In the latter case, no substitute person shall be appointed, the other members of the Committee shall decide.

2. In cases in which a reason for incompatibility of those mentioned in Article 10 concurs but the Ethics and Guarantees Committee has not been asked for abstention, nor has it acted ex officio, the interested parties may request that the person in whom they understand the reason at any moment of the procedure may concur be challenged. The challenge will be presented in writing addressed to the Ethics and Guarantees Committee of Unibasq, and it will state the cause or causes on which it is based. The Committee shall transfer the same to the person challenged so that he/she may state whether the alleged cause or reason of incompatibility exists. If it is accepted, this person will automatically be withdrawn from the proceedings with the effects established in section 1 of this article. If he/she denies that the reason concurs, the Ethics and Guarantees Committee will decide after listening to the parties and analysing the possible evidence provided following the procedure established in Article 6 of the Regulation. If the challenge is approved, the consequences of its decision will also be those established in section 1 of this article.

TITLE FOUR. COMMITTEE OF ETHICS AND GUARANTEES

Article 12. Competences of the Committee

The Ethics and Guarantees Committee is the body responsible for ensuring compliance with the Code. Specifically, its duty is:

- 1) To supervise the correct implementation, interpretation and application of the Code.
- 2) To evaluate and decide on communications regarding the duty of abstention or requests for challenge that may be submitted to it under Article 11 of this Code.
- 3) To conduct periodic reviews of the implementation of both the Code and the Regulation, if necessary, and transfer those results to the Governing Board.
- 4) To decide on appeals against certification and accreditation decisions, or evaluation reports issued by Unibasq that are based on a formal defect that damages any guarantees established in favour of the person or institution evaluated, or in the lack of impartiality of any person who has intervened in the

process. If the resolution considers the appeal, the consequence will be the declaration of nullity of the decision and the repetition of the appealed certification, accreditation or evaluation report. The procedure and the grounds for bringing this appeal are established in Article 6 of the Regulations of the Ethics and Guarantees Committee referred to in Article 15 of this Code.

5) To report on the claims submitted for breach of the Code that are based on any other reason than the one specified in the previous paragraph. The procedure for bringing such claims is established in Article 7 of the Regulations of the Ethics and Guarantees Committee referred to in Article 15 of this Code.

Article 13. Composition of the Committee of Ethics and Guarantees

This committee will be made up of three persons outside the Basque University System and outside all the governing and / or evaluation bodies of the Agency. The Governing Board, the Advisory Board and the Unibasq Student Consultative Committee will choose one of them.

A person from the Unibasq staff, with voice but no vote, who will perform the functions of technical secretariat, will assist the committee.

The members of the Committee shall be appointed for a period of three years, renewable only once for an identical period. They may not be reappointed until three years have elapsed after they left the Committee.

Article 14. Operational principles

The members of the Committee shall have as general reference the ethical principles defined in this Code. When dealing with claims for non-compliance with the Code, the principles that will be specifically considered will be those of objectivity, impartiality, independence, confidentiality, contradiction, respect for the people affected and reasonable speed.

Article 15. Regulations

The functioning of this body will be specified in an internal regulation that will be approved by the Committee itself and which must be ratified before its publication and entry into force by the Governing Board of the Agency. Any amendments thereto approved by the Committee should also be ratified by the Board and subsequently published on the Unibasq website.

Annex I

ACCEPTANCE OF THE CODE OF ETHICS AND GUARANTEES AND DECLARATION OF CONFIDENTIALITY, IMPARTIALITY AND LACK OF CONFLICT OF INTERESTS

The undersigned person declares that he/she has read and understood the Code of Ethics and Guarantees of Unibasq and, consequently,

DECLARES:

- That he/she accepts and will interpret it in good faith and will ensure that it has been respected.
- That he/she will abstain from participating in the evaluation of any proposal that could generate conflicts of academic or personal interests, or in those in which he/she might be related directly or indirectly to any of the applications being evaluated. Specifically:

In the case of requests for accreditation or evaluation carried out by natural persons, the following are incompatibility grounds for the carrying out of the same:

- a.- Belonging to the same department or university centre as the applicant.
- b.- Being related within the fourth degree of consanguinity or affinity within the second degree with the applicant.
- c.- Having participated in two or more research or innovation projects already expired with the applicant, or participating in one that is in force when the application is made or when it should be evaluated.
- d.- Having been director of the doctoral thesis of the applicant.
- e.- Having a pending dispute or having had one in the past with the applicant.
- f.- Having a personal interest in the matter in question or in another whose resolution might influence it.
- g.- Having intimate friendship or demonstrable enmity with the applicant.
- h.- Any other circumstance that could give rise to a conflict of interest that could disturb the objectivity and impartiality of the person who participates in the accreditation or evaluation.

In the case of requests for certification, accreditation or evaluations carried out by institutions (university centres, universities, etc.) the following are incompatibility grounds to carry out the same:

- a.- Belonging to the same university to which the institution is attached or having provided professional services of any type for the applicant centre in the last two years.

b.- Being related within the fourth degree of consanguinity or affinity within the second degree with those who represent the applicant's institution (the centre, the university, etc., depending on which institution makes the request).

c.- Having a pending dispute or having had one in the past with the university to which the applicant's institution is attached, or with the persons who represent the applicant's institution (the centre, the university, etc., depending on which institution makes the request).

d.- Having personal interest in the matter in question or in another whose resolution might influence it.

e.- Having intimate friendship or demonstrable enmity with those who represent the applicant's institution (the centre, the university, etc., depending on which institution makes the request).

f.- Any other circumstance that could give rise to a conflict of interest that could disturb the objectivity and impartiality of the person who participates in the certification, accreditation or evaluation.

- That he/she undertakes to inform Unibasq immediately, as soon as he/she becomes aware of any direct or indirect conflict of interest, with the proposals or curricula that he/she had to evaluate, or that are discussed at any meetings in which he/she is present.

- That he/she will not disclose any information about the evaluation process or its results.

- That in the event that the evaluation is carried out outside Unibasq's premises, he/she assumes that he/she will be personally responsible for maintaining the confidentiality of any written or electronic documentation sent to him/her and that, after completing the evaluation, he/she will destroy or erase all confidential documentation unless he/she is told otherwise by Unibasq.

Place and date

Signature

Full name