

## Regional Department of Education

### **Decree 160/2003, of 22 July 2003, by which the Charter of the University of Castilla-La Mancha is approved.**

The Statute of Autonomy of Castilla-La Mancha, approved by Organic Law 9/1982, of 10 August, in article 37 attributes to the Autonomous Community the power for the legislative development and implementation of education in all stages and levels, modalities and specialties, as established by article 27 of the Spanish Constitution and the organic laws which develop it as establish by its article 81(1), notwithstanding the faculties attributed to the State in number 30 of article 149(1) and the high inspection for its fulfillment and guarantee.

Organic Law 6/2001, of 21 December, on Universities, repealed Organic Law 11/1983, of 25 August, on University reform. This legislative change implies the necessity that each University should draw up a new Charter that adjust to the new university regulations, therefore, the Statutes currently in force shall become ineffective.

Article 6.2 of the Organic Law on Universities provides that Public Universities shall establish its Charter, which shall be approved by the Governing Council of the Autonomous Community, prior legality control.

By virtue thereof, on the proposal of the Regional Minister of Education, with the prior deliberation of the Governing Council on the 2<sup>nd</sup> day of July of 2003.

Be it enacted that:

Sole article. The Charter of the University of Castilla-La Mancha is approved according to the text attached to the Decree herein.

#### Final Provision

This Decree shall be effective the following day after its publication in the Official Journal of Castilla-La Mancha.

Signed in Toledo on the 22<sup>nd</sup> day of July of 2003

The President

JOSÉ BONO MARTINEZ

The Regional Minister of Education

JOSÉ VALVERDE SERRANO

#### Annex

Charter of the University of Castilla-La Mancha

#### Preliminary

##### Article 1

The University of Castilla-La Mancha is an institution with the aim of rendering, within its competence areas, the public service of higher education, through research, teaching and study, with autonomy with respect to any economic, social, ideological or political power.

##### Article 2

The fundamental objects of the University of Castilla-La Mancha are:

a) Creation, development and criticism of science, technique and culture through study and research.

b) The critical transmission of scientific, technical and cultural knowledge by means of higher education through quality teaching and education.

c) Providing training for future professionals requiring the application of scientific knowledge and methods, and for art creation.

d) Dissemination of university knowledge in society, as well as the reception of the cultural expressions surrounding its environment.

e) Providing scientific and technical support for cultural development, with special focus on the particular demands from the Autonomous Community of Castilla-la Mancha, where it is established.

2. In order to fulfill such objects, the University of Castilla-La Mancha intends to go beyond any geographical or political frontier, highlighting the urgent need for mutual knowledge and interrelation of cultures, and it is established as a meeting place, a space of tolerance and permanent dialogue.

##### Article 3

1. The University of Castilla-La Mancha is a public institution with legal identity and with its own assets, and carries out its functions in an autonomous regime, in accordance with this Charter, the basic institutional body of rules for its self-governing scheme and within the framework established under article 27.10 of the Spanish Constitution.

2. The autonomy of the University of Castilla-La Mancha is manifested, among other assumptions, in the drafting of this Charter and all

provisions drafted in the exercise of its self-legislative power, and in its full powers on economic, financial, administration and staff management issues.

3. The autonomy of the University of Castilla-La Mancha shall comprise, in any case:

- a) Drafting the Charter and the regulations for internal procedures.
- b) Constituting, appointing and removal of governing and representative bodies.
- c) Drawing, approving and management of its budget and administration of its properties.
- d) Creation and modification of the lists of job positions and organic personnel.
- e) Recruitment, training and promotion of the teaching and research staff and the administration and maintenance staff, as well as stipulation of the conditions under which they shall perform their activities.
- f) Designing and approving the programmes of studies and research, as well as those for specific lifelong learning programmes.
- g) Enhancing and promoting the participation in assessment, recognition and accreditation processes, both at national and international levels, on teaching, research and services quality.
- h) Creation of specific structures to support research and teaching.
- i) Admission, permanence regime and knowledge verification of students.
- j) Issuing the official diplomas valid throughout the national territory, as well as its own diplomas and qualifications.
- k) Developing links with other national or foreign educational,

cultural or scientific institutions, for the promotion and development of its institutional objects.

l) Any other competence necessary for the proper fulfillment of the objects laid out in article 2 herein of this Charter.

#### Article 4

1. The University of Castilla-La Mancha shall act according to the principles of academic freedom, participation and respect for ideological pluralism, and shall be organized according to the principles of non concentration and decentralization, in accordance with its regional multi-campus character. For such purposes, the University shall be committed in the promotion of the use of the new information and communication technologies.

2. The University shall design a teaching, training and research quality program, as well as a procedure to assess academic staff performance and teaching quality.

3. Likewise, the University shall establish management and administrative services quality programs.

#### Title I

##### Structure of the University

#### Article 5

The University of Castilla-La Mancha shall be formed by Faculties, technical schools or higher polytechnic schools, university schools or polytechnic university schools, departments and research institutes, as well as by any other centre, institution, service or structure for the

organization of distance learning studies that may be created.

2. For the purposes of the Charter hereby, any centre and organizational structure in each provincial district shall be deemed as the university campus.

First Chapter. On the Faculties, Technical Schools or Higher Polytechnic Schools and University Schools or Polytechnic University Schools.

#### Article 6

The faculties, technical schools or higher polytechnic schools and university schools or polytechnic university schools are the centers created according to the proceedings in Article 8 above, which shall be in charge of organizing the studies and the academic, administration and managing procedures leading to the attainment of official qualifications, valid throughout the national territory, as well as other duties established hereby.

#### Article 7

The duties of the faculties, technical schools or higher polytechnic schools and university schools or university polytechnic schools are, within own competence area, the following:

a) To draw up and modify their respective syllabus, in collaboration with the departments.

b) To coordinate the academic and administration activities and to supervise the studies to be delivered for the implementation of the syllabus and the quality programs.

c) To carry out the necessary procedures to provide academic certificates, validation of studies, academic reports, registration and similar duties through the administration units established by the University.

d) To promote non official post-graduate studies.

e) To administer the allocated budget and to maintain and develop the common services for academic teaching and research support.

f) To promote the collaboration with other entities or individuals for the best compliance of its objects.

#### Article 8

The creation, modification and suppression of faculties, technical schools or higher polytechnic schools and university schools or polytechnic university schools, as well as the establishment or suppression of studies leading to the attainment of university degrees with official character and valid throughout the national territory, shall be agreed by the Autonomous Community of Castilla-La Mancha, whether upon proposal from the University Social Council or by own initiative, with the consent of the said Council, in any case prior report by the Governing Council of the University.

2. The Coordination Council of the University shall be informed of the creation, modification and suppression of the centers referred to in the previous section.

Second chapter. On the Departments.

#### Article 9.

1. The departments are the bodies in charge of the teaching coordination in their own areas of knowledge in the different centers which make up the University, in accordance with the teaching programme of the University. Likewise, it is their duty to support all research and teaching activities and initiatives from the academic staff as well as to exercise any other function as established in the Charter.

2. The departments shall be organized by areas of knowledge within the same scientific, technical or artistic field, and shall gather all teaching and research personnel whose specialties correspond to the said areas. As an exception, the Governing Council may agree the modification of the said attachment system when considered as necessary on grounds of the size of the department and the territorial distribution of its members. All lecturers or assistant professors serving in the University of Castilla-La Mancha, as well as research fellows, shall be attached to a university department.

3. The minimum number of members required to form a department shall be established by the Governing Council of the University.

4. Departments may be divided into departmental sections, one in each campus, when some professors serve in two or more geographically distant centres and when considered appropriate. Each section shall consist of a minimum number of full professors and tenured assistant professors as established by the Governing

Council, and provided that such number is sufficient to provide the studies required in the campus. The creation of departmental sections shall not be authorised in any case unless those sections include all the professors in the corresponding department in their campus. Sections shall be organised in a similar way as their corresponding departments, pursuant to Article 44 herein. Departmental sections shall draw up the organization of the studies under their competence in each campus within the general guidelines established by the department.

5. Interuniversity departments may be formed through agreements between the University of Castilla-La Mancha and other universities.

6. The name of each department shall be, when appropriate, that of its corresponding area of knowledge. In case the department name cannot coincide with that of the area of knowledge, it shall be determined by the Governing Council.

#### Article 10

1. The creation, modification, change of name or suppression of the departments, as well as, when appropriate, of the departmental sections shall be the responsibility of the Governing Council, after considering the views of the departments and centers that may be affected.

2. The Governing Council may establish, in any case, the department head office, for administrative purposes, following a report from the Governing Council.

3. The initiative for the creation, modification or suppression of departments shall be the responsibility indistinctly of each collegiate governing body or, when appropriate, of a number of full professors and tenured professors equal to the minimum number necessary for the establishment of a department, as referred to in Article 9.3 herein.

The formulated proposals shall include a comprehensive report on the denomination of the area or areas of knowledge affected, the teaching staff, the economic and material resources and the grounds for the necessity or advisability of the measures proposed.

#### Article 11

The University Governing Council shall authorize, upon request from a department, the temporary attachment to the said department of up to two professors from other/s department/s, prior favourable report; the duration of the said attachment may be interrupted upon request of the interested party or of any of the departments, after hearing the parties.

#### Article 12

The duties of the department are:

- a) The coordination of the teaching plans in its own fields of knowledge, in accordance with the educational centers where they are provided and as established by this Charter.
- b) The design and development of the research programme in its areas of knowledge.
- c) The design and development of doctoral studies, in agreement with

the corresponding faculties, technical schools or higher polytechnic schools, as well as the coordination and supervision of doctoral thesis, in compliance with the legislation in force and the present Charter.

d) The promotion of scientific, technical or artistic works, as well as the development of specialization studies or specific training activities, either on its own or in cooperation with other entities, natural or legal persons, whether public or private.

e) The enhancement of scientific and pedagogical renovation of its members.

f) The promotion of coordination with other departments regarding common aspects.

g) The submission of an annual report of the teaching and research performance.

h) Programming and allocating the necessary means and resources, watching the maintenance and renovation of its goods, equipments and installations.

i) The preparation of the reports established by the law or by provisions, in particular as regards position vacancies and teaching staff recruitment.

j) Any other duty or function under this Charter.

#### Article 13

For the fulfilment of their duties, the departments shall be allocated a budget, made up of the budget allocation from the University and of the incomes which could correspond to the department legally or statutorily.

Chapter three. On University Research Institutes.

#### Article 14

1. The university research institutes are centers devoted to scientific and technical research or artistic creation, which may organize and develop doctorate and postgraduate programmes and studies in accordance with their own proper aims and activities. Likewise, these institutes may provide technical counseling and on technology or research results transfer within their competence areas.

2. The university research institutes shall develop the research or artistic creation guidelines necessary to fulfill their objectives, and shall group the researchers attached to the institute whose specialties fall within the said guidelines.

3. The university research institutes may be established by the University of Castilla-La Mancha according to this Charter, or to other universities or public or private entities by agreements and by any other means of cooperation. Likewise, private or public research centers or institutes may be attached to this University by agreement as university research institutes, public or private research centers or institutions

4. In order to create, attach, modify, suppress or separate the university research institutes the legislation in force shall be observed.

5. The university research institutes shall coordinate their research activities and their doctorate and postgraduate studies with those departments working on related knowledge areas, as well as with

the related research groups acknowledged by the university with which they may have affinity.

6. The Governing Council shall approve the procedures to allow university research institutes, either belonging to the University or attached, to organize and develop doctorate and postgraduate programs and studies. Likewise, the Governing Council shall set up the procedures to establish the university research institutes within the University or to draw up the agreements leading to the creation or attachment of university research institutes to other universities or public or private entities.

#### Article 15

The proposal for the creation, modification, suppression, attachment or separation of the university research institutes shall specify the universities or any other public or private entity which constitute it, the aims which justify its creation, and the duties and activities inherent to it, as well as all the basic agreements between the participating institutions for the proper performance of the centre.

Chapter four. On other centers and structures.

#### Article 16

1. The University of Castilla-La Mancha may create other teaching, research, artistic creation or services centers or structures different from those mentioned in previous chapters, whose activities for the development of its institutional purposes may not lead to the attainment of qualifications included in the Catalogue of Official

University Qualifications, by agreement of the Social Council, on a proposal from the Governing Council.

2. In the said agreement, in case of research centers, the research and researcher's scheme, the governing bodies, the funding systems established and the termination procedures for the centres or structures created shall at least be established.

3. Public or private teaching centers established in the territory of the Autonomous Community of Castilla-La Mancha may be attached to the UCLM to provide studies leading to the attainment of official qualifications valid throughout the national territory by means of an agreement which shall be drawn up by the University Governing Council, which shall include at least the academic regulatory scheme of the studies, the academic staff scheme, the governing bodies, student admission procedures, funding systems established and the termination procedures of the agreement. Moreover, the said agreement may establish cooperation ways for the University academic staff in the studies offered by the attached centre.

The attachment shall require the approval by the Autonomous Community, on a proposal from the Social Council, prior report of the University Governing Council. The attached center must be established in the territory of the Autonomous Community.

The University Coordination Council shall be informed of the information in the previous paragraph.

4. The teaching staff of the centers attached who are not part of the faculty of the University of Castilla-La Mancha shall obtain the '*venia docendi*' authorization to teach, granted by the Rector, prior report from the corresponding department.

5. In any case, the position of head of the teaching centers referred to in this article shall be assigned to a full professor or tenured assistant professor of the University of Castilla-La Mancha, appointed by the Rector.

Chapter five. On geographic distribution.

#### Article 17

The University Governing Council, in agreement with the Social Council, shall determine the geographic distribution of the different centers, studies and services of the University.

#### Title II

Governing and Representative Bodies

#### Article 18

1. The governance and representation of the University of Castilla-La Mancha is articulated mainly through the following bodies:

a) Collegiate bodies: Social Council, Governing Council, University Senate, Consultative Board, Centre Boards, Department Councils and University Research Institute Councils. The University may establish, as a collegiate consultative body, the Board of Deans and Heads, whose competences and regulatory

scheme shall be governed by the regulations approved by the University Governing Council. The said Board shall be made up of all the deans and heads of the centers, the heads of department and the heads of the university Research institutes.

b) Unipersonal bodies. Rector, Vicerectors, General Secretary, Manager, Deans and Head of Centres, Department Heads and Heads of University Research Institutes.

Under no circumstances, a person can hold two simultaneous unipersonal governing positions.

Article 19.

The collegiate governing bodied of the University of Castilla-La Mancha shall exercise their competences by means of agreements. Unless otherwise provided in this Charter, the terms used herein shall mean:

-Qualified majority: favorable vote of two thirds of the members present.

-Absolute majority: favorable vote of more than fifty per cent of the members present.

-Simple majority: a higher number of favorable votes; or, when appropriate, if one of the proposal presented obtains a number of votes higher than any other proposal.

2. The ordinary majority required to adopt an agreement shall be the simple majority. Any other majority shall be expressly required by virtue of this Charter.

3. For any purpose, when simultaneous communication

among members of a collegiate body is technically possible, intercommunication in the same act of those individuals shall be deemed as actual presence. In such cases, and unless University rules prevent that act, voting shall be possible using any means which guarantees the identity of voters.

4. Without prejudice to the application of the provisions established in the previous paragraphs, the Governing Council shall approve the general rules of procedures for the University Collegiate Bodies.

Chapter one. On the University Governing and Representative Bodies.

Section one. On the Social Council.

Article 20

The Social Council of the University of Castilla-La Mancha is the collegiate body for social participation in the University.

Article 21

1. The representation of the Governing Council in the Social Council shall be made up by the Rector, the General Secretary, the Manager, as well as by one professor, one student and one representative of the administrative and maintenance staff, elected by the Governing Council by secret ballot and by simple majority.

2. The term of office of the representatives of the Governing Council in the Social Council shall be two years and may be renewed for the same period of time; with the exception of the Rector, the General Secretary and the

Manager, who shall stay as long as they hold their position.

3. If a member of the Governing Body leaves office, this shall imply leaving the office as member of the Social Council. In such case, the Governing Council shall appoint a substitute from among sector members where the vacancy occurs for the remaining period.

Article 22

The task of the Social Council is the supervision of the economic activities of the University and the performance of its of services, promoting the contribution of society to the University's financing and the relations between the University and its cultural, professional, academic and social environment at the service of quality of University activities.

Likewise it shall approve the budget and the pluriannual programming of the University, on the proposal of the Governing Council. Moreover, prior to the accounting procedure referred to in articles 81 and 84 of the Organic Law on Universities, it is its duty to approve the annual accounts of the University and of the dependant entities and without prejudice to the commercial or any other legislation under which the said entities may be subject depending on their legal personality, as well as any other attribution or competence established by the legislation in force and by this Charter.

Section two: on the University Board.

Article 23.

The Senate of the University of Castilla-La Mancha is the senior representative organ of the university community. Its function is to draw up the Charter as well as any other duty as established by the Organic Law on Universities.

#### Article 24

1. The University Senate shall be formed by:

a) The Rector, who shall be its Chairperson, the Secretary General and the Manager of the University.

b) A total of 219 members as representation of the different sectors of the university community, distributed as follows:

-146 members of the teaching and research staff, 112 of them shall be civil servant doctors.

-59 students of the different educational stages.

-2 research fellows.

-12 representatives of the administrative and maintenance staff.

2. The Vice-rectors of the University may attend the Senate meetings in an advisory capacity, unless they are elected members of the Senate, therefore fully enjoying their rights as members.

3. The Secretary General shall act as Secretary to the Senate.

#### Article 25

1. The members elected in representation of the different sectors shall be appointed for a term of four years, except for students and research fellows, who shall be appointed for two years.

2. The Senate membership is a personal and non-transferable condition. Only shall this condition be lost by resignation, enforceable judgement, decease, termination of the term of office or by losing the condition of member of the sector that elected such member.

#### Article 26

1. The competences of the Senate are:

a) To draw up the Charter, monitor its fulfillment and to propose, where appropriate, its modification.

b) To call for elections to Rector, with extraordinary character, on the initiative of one third of the member and with the approval of two thirds.

c) To make declarations on those matters affecting most of the University community.

d) To gather information from the Rector, as provided by the Senate Internal Regulations.

e) To draw up and approve its own Internal Rules and its modification as well.

f) To appoint the six full professors who are to constitute the Claims Committee against the resolutions of the Committees responsible for reviewing the tender for the university teaching corps.

g) To elect the University Ombudsman and approve the procedure for presentation of candidates.

h) Any other competence whatsoever as established by the law or this Charter.

2. The Senate shall appoint a Charter Committee in charge of solving the competence matter which may arise among the different governing bodies of the University.

This Committee shall be made up of seven members from the teaching and research staff, five from which must be civil servants with PhD, three students and one member from the administration and maintenance staff, all of them elected by their respective sectors. The Rector or delegated person shall be the chairman of this Committee.

#### Article 27

The University Senate shall be called by the Rector at least once every academic year. Furthermore, the Rector shall make the call upon request of the Governing Council or of 25% of Senate members. The ordinary meeting agenda shall necessarily include a report by the Rector on the General State of the University.

#### Article 28

The Senate shall draw up and approve its own Internal Rules which shall govern matters regarding the meetings regime, call for meetings and the preparation of the agenda, and the procedures and requirements to present proposals and reach agreements.

Section three: On the Governing Council

#### Article 29

The Governing Council is the ruling body of the University.

#### Article 30

1. The members of the Governing Council shall be:

a) The Rector, who presides over it, the Secretary General and the University Manager.

b) 50 members of the university community, according to the following distribution:

-15 members appointed by the Rector.

-20 members appointed by the Senate, who shall reflect the composition of its different sectors and shall be elected by the respective sectors.

-15 members elected among faculty deans, school and department heads and heads of university research institutes, as follows: eight members shall be elected by the centres deans and directors and seven members by the heads of department and university research institutes, trying to respect the multi-campus reality of the University and the representation of the different areas of knowledge.

c) 3 members of the Social Council, who are not members of the university community.

2. The Rector may invite any other member of the university community to attend meetings in an advisory capacity.

3. The membership of the Governing Council shall only be lost by resignation, definitive sentence, decease, termination of the term of office and repeal of the appointment by the Rector or by losing the membership to the Senate sector which appointed that

member in the University of Castilla-La Mancha or if the Dean of the faculty, school director or head of department or university research institute leaves office when elected because of such position.

4. The Governing Council shall meet, at least once every three months, as well as upon the Rector decision or upon request of 25% of its members.

5. The Secretary General shall act as the secretary of the Governing Council.

#### Article 31

The Governing Council shall:

a) establish the strategic and programming guidelines of the university, as well as the rules and procedures for their application, in the areas of organization of the studies, research, human and economic resources and for the preparation of the budget.

b) elect its representatives in the Social Council, according to Article 21.1 in this Charter.

c) approve and modify, when necessary, the Annual List of Positions for the teaching and research staff and the administration and maintenance staff. Nevertheless, the Governing Council may authorize the Rector to contract temporary teaching staff, on grounds of exceptional needs of academic programming, postgraduate courses or similar situations.

d) decide in accordance with the teaching and research needs and prior report of the corresponding department and centre, whether a minoration, change of name or of

category of the position vacancies may be appropriate.

e) approve the positions to be filled by means of a tendering procedure among successful candidates.

f) designate the members of the panel who shall review the tenders for university teaching staff, to be subsequently appointed by the Rector.

g) approve the regulations which shall govern non permanent teaching staff recruitment.

h) propose the budget and the multi annual programming of the University to be approved by the Social Council.

i) approve the rules on academic disciplinary issues, according to the legislation in force.

j) establish the teaching duties of professors holding a unipersonal academic position as well as the dedication regime corresponding to the University Ombudsman.

k) approve the creation, modification and suppression of departments and departmental sections, within the competencies conferred for such purposes in this Charter and in the legislation in force.

l) create, modify and suppress university services.

m) present a proposal to the Social Council on the allocation of special and individual remuneration concepts, as referred to in Article 55 and 69 of the Organic Law on Universities, for the university teaching and research staff.

n) approve the University syllabus, on the proposal of the corresponding centre, and agree its submission to the University Coordination Council, for recognition purposes.

o) create their own University degrees and qualifications and establish the requirements to be

met and courses to be taken in order to obtain them.

p) establish the capacity of the university centers for admission purposes, after hearing the Centre Board.

q) approve the general research schemes.

r) regulate the procedure for the recognition of research groups, as well as their functions and rules.

s) draw up and approve the internal regulations of the departments, faculties, technical schools or higher polytechnic schools, university schools or university polytechnic schools, university research institutes and of other centers and services that may be created and attached.

t) approve its own Internal Regulations.

u) arbitrate, by adopting the necessary agreements for the better running of the University, in case of competence conflict, or any other conflict whatsoever which may occur between centres and departments or with any other organizational structure of the University.

v) any other duty that shall be conferred by this Charter or by the legislation in force.

#### Section 4: On the Consultative Board

##### Article 32

The Consultative Board shall be the ordinary advisory body of the Rector and the Governing Council in academic matters and shall be granted with power to make proposals to them.

##### Article 33

1. The Rector shall preside over the Consultative Board which shall

consist of the Secretary General and a maximum number of forty members designated by the Governing Council from among renown professors and researchers who hold at least two periods of research and three teaching recognized periods. In any case, the composition of the Consultative Board shall respect the balance between the different areas of knowledge.

2. The Governing Council shall approve the Rules applicable to the Consultative Board.

3. The General Secretary shall act as secretary of the Consultative Board.

#### Section Five. On the Rector

##### Article 34

The Rector shall be the senior academic authority of the University, assuming its representation and acting as management, governance and administrative head of the University. The Rector shall also have the role of president of the University Senate, of the Governing Council, of the Management Council and of the Consultative Board.

##### Article 35.

1. The functions of the Rector are the following:

a) To represent the University officially before public powers and before any person or entity whatsoever, whether public or private.

b) To represent the University judicially and administratively in any legal act and to grant representation powers when so required or where appropriate.

c) To preside over the university acts, if present.

d) To execute the agreements of the Social Council, the University Senate and the Governing Council of the University.

e) To inform the Senate and submit to debate the strategic and programming lines of the University.

f) designate Vice-Rectors and the Secretary General of the University.

g) appoint the Manager of the University, in agreement with the Social Council.

h) appoint the remaining unipersonal governing organs of the University as provided by the applicable legislation in force.

i) call the recruitment processes to fill staff vacancies in the University.

j) appoint, hire and, where appropriate, attach the academic and non teaching staff of the University in accordance the the procedures established by the legislation in force and this Charter.

k) adopt the necessary decisions regarding administrative situations, incompatibility terms and disciplinary procedures for teaching research, administrative and maintenance personnel, within the powers granted by the current legislation.

l) issue, on behalf of the king, the official degrees valid throughout the national territory and, on behalf of the University of Castilla-La Mancha, other degrees or diplomas.

m) organize and authorize expenditures as established by the University Budget.

n) call for elections to the general governing bodies of the University.

o) arbitrate and moderate when necessary.

p) exercise any other function attributable to such position as well

as any other established in this Charter or in the legislation or which shall be conferred by the Social Council, University Senate or Governing Council, and any other functions which are not specifically attributed to other University bodies.

2. For the performance of functions, the Rector shall be assisted by a Managing Council consisting of the Vice-Rectors, the General Secretary and the Manager.

#### Article 36

1. The Rector shall be elected by the University Community by means of a direct vote system and secret free universal suffrage, from among the University full professors, on active service in the University of Castilla-La Mancha. The corresponding body of the Regional Government of Castilla-La Mancha shall be responsible for appointing the Rector.

2. Votes to elect the Rector shall be weighted according to the percentages attributed to each sector in the University Senate. For each electoral process, the electoral commission shall determine, after scrutiny of the votes, the weighting coefficients which shall apply to the vote for valid candidatures in each sector, for the purpose of assigning the corresponding value according to the following percentages: professors with a PhD from the university teaching staff (51%), professors not included in the previous group (15.5%), students and research fellows (28%) and administration and maintenance staff (5.5%).

The candidate who gains, in the first round, proportional support of more than fifty per cent of valid votes to the candidatures, after performing and applying the ponderations stated in this section and specified in this Charter shall be proclaimed Rector. If no candidate gains the said proportion, there shall be a second round within a maximum of 15 days in which only the two most voted candidates in the first round may take part, taking into account the weights established. In the second round the candidate who gains the simple majority of votes, according to the said weights, shall be proclaimed as Rector. In the event of a tie, new elections shall be held within the maximum period of a month.

In the event of one single candidature only the first round shall take place.

3. The term of office of the Rector shall be four years, with the possibility to be re-elected twice at the most, not taking into account terms shorter than two years for the purpose of running as candidate for reelection.

4. In the event of vacancy, absence or illness, the Rector shall be substituted in their functions by the Vice-Rector whom he designates or, by default, by the senior Vice-Rector in the University.

5. The office as Rector shall end under the following circumstances: by own request, at the end of the term of office, as a consequence of a motion of censure or of losing a vote of confidence, in the terms establish in this Charter, in the

event of decease or legal incapacity, for absence for a period of more than four consecutive months, for leaving the office in the University of Castilla-La Mancha or for not inclusion in the rank of university full professor or for any other cause as provided in the legislation in force.

#### Section Six

##### Article 37

1. The Vice-Rectors shall assist the Rector in the management of the University, coordinating and managing the activities assigned to them, and shall also represent the Rector by delegation.

2. The Vice-Rectors shall be appointed by the Rector among the tenured professor with a PhD serving in the University of Castilla-La Mancha and shall leave their post by decision of the Rector, by their own request or when the rector who appointed them leaves their post.

3. The number of Vice-Rectors shall be determined by the Rector. There shall be, at least, a Vice-Rector for each University campus.

4. On leaving their post after a period of service of at least two years, the Vice-Rectors shall opt for a period of up to six months without any teaching duties.

#### Section 7: On the General Secretary

##### Article 38

1. The General Secretary shall act as attestant of the acts and agreements of the general collegiate governing bodies of the University, with the exception of the Social Council.

2. The General Secretary shall be appointed from among A rank civil servants serving in the University of Castilla-La Mancha and shall leave their post by decision of the Rector, by their own decision or when the Rector who appointed them leaves their post.

3. The functions of the General Secretary shall be the following:

a) To produce and guard the minutes of the University Governing Council and of those collegiate bodies where he acts as Secretary, as well as to ensure the publicity of the agreements of the said bodies.

b) To issue the documents and certificates of the minutes and agreements of the University Governing Council and of all acts and events included in the official documents of the University.

c) The custody of the General Registry and the Official Seal of the University.

d) The organization of the solemn acts of the University and the observance of the protocol.

e) Any other function as provided by the Regulations of the Governing Council, the Senate or those conferred by the Rector.

4. The General Secretary may propose to the Rector the appointment of a General Vice-Secretary to assist them in their functions in the event of absence or illness.

5. On leaving office after serving for at least two years, the General Secretary General may opt to a period up to six months without any teaching duties.

Section 8: The Manager

Article 39

1. The University Manager is responsible for the management of the University administrative and economic services. He shall be appointed by the Rector, in agreement with the Social Council, and shall cease by own request, when the Rector who appointed him leaves his post, or upon decision of the Rector in agreement with the Social Council.

2. The Manager shall act, by delegation of the Rector, as head of the university administration and maintenance staff.

3. The Manager shall not exercise teaching tasks and shall serve full-time.

4. For the sake of celerity and efficacy, the structure of the Manager's Office shall be established with the necessary units on grounds of geographical distance of the centers.

5. The Rector, upon proposal of the Manager, may appoint Deputy-Managers, Area Managers and Campus Managers with the specific powers delegated by the Rector.

Section Nine: Common Provisions

Article 40

On proposal of the Vice-Rectors or of the General Secretary, or by initiative of the Rector, the Rector may appoint Academic Directors from among the University academic staff and the administration and maintenance staff, to assist them in the coordination and management of the activities assigned.

Article 41

When the appointment to serve in a unipersonal governing body involves the obligation to live in a town different from the official geographical position of the appointee, such new residence shall be deemed as temporary during the term of office, for the purposes included in the current legislation on compensation for service.

Chapter 2. On the Governing and Representation Bodies of the Departments and Centres.

Section 1: On the Department Councils and Departmental Section Council

Article 42

The Department Committee is the collegiate representative and governing body of the department. Its functions are the following:

a) To elect and revoke the Director of the Department.

b) To draw up the annual report on teaching and research activities of the department.

c) To participate in the drawing up of the syllabi.

d) To approve the distribution of resources allocated to the department.

e) To organise, in the scope of the department, the teaching programme, through its distribution to the lecturers, and the programmes, through coordinated programming.

f) To establish the rules for the assessment of the students.

g) To submit the reports corresponding to the departments as provided by the legislation in force.

h) To propose the award of honors and mentions.

i) To propose the creation, modification or suppression of positions of teaching, research and administration staff attached to the department with the report of the corresponding centers.

j) To exercise any other competence as provided by the legislation in force and this Charter

#### Article 43

1. The Department Council shall consist of:

a) The Head, who shall act as president, the Sub Head and the Secretary, who shall also be secretary to the Department Council.

b) The emerit and tenured professors and all those in the Department holding a PhD.

c) The rest of the teaching and research staff without a PhD shall have a representation not exceeding 15% of that in paragraph b.

d) Students shall have 25% representation of paragraph b, up to a maximum number of ten, in any case.

e) Research fellows shall have a representation of 5% of paragraph b, with at least one representative and 3 at the most.

f) The administration and maintenance staff shall have a representation of 5% of paragraph b, with the representatives at the most.

Each of the previous representations shall be entitled to include issues in the agenda.

3. Elective members of the Department Committee shall be renewed by means of elections at the call of the Head:

a) Every four years, the representatives of professors with a PhD and of administration and maintenance staff.

b) Every two years the representatives of the students and research fellows.

4. The Department Committee shall meet at least twice every academic year and by initiative of the Head or by 25% of its members.

5. The internal Regulations of Departments may establish the procedures to form a Managing Board, as a collegiate organ for ordinary management of the Department, which shall consist of the Head, the Sub Head, if any, the Secretary and some representatives from the rest of Department members elected for such purpose by the Committee. The Managing Board shall perform the functions entrusted by the Department Committee.

#### Article 44

1, The Departmental Section Committee shall be made up according to the same proportion established for the department in the previous article and shall be chaired by the Head Department or by the Sub Head by delegation.

2. The Section Committee shall meet at least twice in the academic year and at the call of the Head or when requested by twenty five per cent of its members.

Section two. On the Boards of the Centers

#### Article 45

The Boards of the Centers are the ordinary collegiate representative and governing body of the Centers.

#### Article 46

The duties of the Board of the Center are:

a) To elect and revoke its Dean or Head.

b) To draw up the syllabi and its modifications, with the participation of the Department, which should be approved by the Governing Council, and to supervise and coordinate its development while assessing its results.

c) to organize the academic and administrative procedures of the studies to be provided for the implementation of the syllabi, in coordination with Departments.

d) To submit the reports as provided by the law or this Charter for each Center.

e) To inform the Governing Council on the creation, modification or suppression of any teaching department of the Center.

f) To promote, together with departments, the configuration of the teaching staff and to inform the Governing Council on the recruitment needs for teaching staff, in accordance with their teaching organizational plans and department proposals.

g) To formulate the Center needs regarding the administration and maintenance staff attached to the Center.

h) To approve the budget allocation for the Center.

i) To propose the award of honors and mentions.

j) To enhance the convergence of the different undergraduate and postgraduate syllabi, whether official or not.

k) To promote the creation of Centers in other autonomous communities or in other country members of the European Union or non EU members.

l) To promote quality assessments in the Center and to create its own quality programmes within the University general quality programme.

m) Any other functions as provided by this Charter, the regulations which develop them or the current legal provisions.

#### Article 47

1. The Board of the Centers shall consist of:

a) The Dean or Head.

b) 18 representatives of the academic staff of the Center, from among the tenured university teaching staff.

c) 6 representatives of the rest of the teaching and research staff of the center.

d) 6 representatives of the students of the Center.

e) 3 representatives of the administration and maintenance staff of the Center.

2. The Governing Council, depending on each Center specific needs, may modify the number of members, respecting the percentages established in the previous paragraph.

3. Those Centers with clinical associates shall be represented by a maximum number of four members as provided in 1(c) herein.

4. Vice-Deans and Sub heads and the Secretary, if not members of the Board of the Center, shall attend the Board meeting in an advisory capacity.

5. The Board of the Center shall meet at least once every three months and at the call of the Dean or Head or upon request of twenty five per cent of its members.

#### Section three: On the Committees of the University Research Institutes

The Committee of the Institute is the collegiate managing and representative body of the University Research Institute

#### Article 48

The Institute Committee is the collegiate governing and representative body of the University Research Institute whose composition and functions shall be regulated in its creation rules.

#### Section four. On the Boards and Committees membership

#### Article 49

The Boards and Committees membership may only be lost by resignation, definitive sentence, decease, termination of the term of office, which shall be four years, except for students and research fellows, with a two years term, or by cease to belong to the sector that elected such member in their respective department, center or university institution.

#### Section Five: On the Heads of Departments

The Head of Department is the highest representative of the department, and is responsible for its ordinary management, holding its representation. He shall chair

the Committee meetings and the Board of Directors, when appropriate, and shall execute their agreements and carry out the competences conferred by this Charter and any other function whatsoever which has not been transferred to the Committee.

#### Article 51

1. The Head of the department shall be appointed by the Department Committee from amongst its professors with PhD belonging to the university teaching corps. By default, the tenured civil servants of the university teaching corps with no PhD or senior lecturers may be elected as head of those departments of areas of expertise as referred to in Articles 58(3) and 59(3) of the Organic Law on Universities. Their appointment shall be responsibility of the Rector.

2. Their term of office shall be four years and they can be reelected twice consecutively with the possibility of being reelected after the lapse of an intermediate term.

3. The Head of Department shall leave their office on their own petition, on termination of the term of office, as a consequence of a motion of censure or of losing a vote of confidence, in the terms established in this Charter; in the event of decease or legal incapacity, absence during more than four consecutive months, and when the appointee ceases to meet the conditions set by law or by this Charter to be eligible for the position, or for any other cause as provided by the legislation in force.

#### Article 52

The Head of Department shall appoint a Secretary from amongst the lecturers of the department, and under the same conditions may designate a Sub Head who shall act as substitute in the event of absence or illness and shall execute the functions that may be delegated.

#### Section 6: On the Deans or Directors of Centers

##### Article 53

The Dean or Director is the highest authority of the faculty or school and its maximum representative with the following duties: to manage and coordinate the functions and activities in the center; to chair the collegiate governing bodies of the center and execute their agreements, extending their competences to the rest of the matters that have not been expressly conferred to such bodies by this Charter.

##### Article 54

1. The Dean or Director shall be elected by the Board of the Center from amongst the professors with PhD from the university teaching corps attached to the corresponding center. In the absence thereof, in university schools and in polytechnic university schools, he may be elected from amongst the tenured civil servants of the university teaching corps with no PhD or senior lecturers.

2. The term of office of the Dean or Director shall be four years, and he may be reelected twice consecutively with the possibility of being reelected after the lapse of an intermediate term.

3. The Dean or Director shall leave office upon: own request, the end of the term of office, a motion of censure or losing a vote of confidence, in the terms established in this Charter; in the event of decease or legal incapacity, absence during more than four consecutive months, and when the appointee ceases to meet the conditions set by the law or this Charter to be eligible for the position, or for any other cause as provided by the legislation in force.

##### Article 55

The Dean or the Director may appoint Vice-Deans or Assistant Directors from among full-time lectures serving in the center, who shall act as their substitutes in the event of absence or illness and shall execute the functions delegated by the Dean or the Director, who may as well, designate a Secretary from amongst full-time lecturers. The Secretary shall act as secretary of the rest of the collegiate bodies of the center. The appointment shall be responsibility of the Rector in any case.

#### Section seven: On the Heads of the University Research Institutes

1. The Head of the University research institute shall be responsible for the governance, ordinary management and coordination of its activities, acting as representative and chairman of the Institute Committee and, when appropriate, of the Standing Committee, executing its agreements, and his powers shall be extended to any other issue not conferred to the Institute Committee or to any other body by this Charter or by the

establishment or attachment regulations of the Institute.

2. The Head shall be designated and appointed by the Rector, after hearing the Institute Committee, when appropriate.

3. The Head of the University Research Institute shall leave office: upon decision of the Rector, by own initiative, on proposal of the Institute Committee, upon request of the Head of the University Research Institute, at the end of the term of office, in the event of decease or legal incapacity, for absence during more than four consecutive months, and when the appointee ceases to meet the statutory or legal conditions set to be eligible for the position, or for any other cause as provided by the legislation in force.

4. The appointment and removal of the heads of the university research institutes created by agreement shall be governed by the terms of the said agreement.

#### Title III

#### Studies in the University

##### Article 57

1. The University of Castilla-La Mancha shall draw up and approve its own syllabus for the official degrees and qualifications valid throughout the Spanish territory, in the terms provided by the university legislation and may establish its own studies leading to obtain its own diplomas and certificates, as well as professional specialization qualifications and loglife training programs, according to the rules approved by the Governing Council. Likewise, the University of Castilla-La Mancha

shall promote postgraduate programs jointly with other national and international universities and institutions.

2. The Governing Council, upon proposal by a Board of center, after hearing the departments affected, may approve syllabi jointly with Spanish or foreign universities. The said syllabi shall be included, where appropriate, within the European higher education area.

#### Article 58

The criteria and procedures concerning degree recognition, academic transfers and simultaneous studies shall be established by the Governing Council. It shall be responsible as well for the development and preparation of the implementation rules of the legislation on admission to University centers.

#### Article 59

The Governing Council shall approve the Regulations of Doctoral Studies in the University of Castilla- La Mancha, establishing the organization and methods of the said studies.

#### Article 60

The Doctoral Commission shall consist of seven tenured professors with PhD of the university teaching corps, of recognised standing, from different areas of expertise, elected by the Governing Council for a four year term.

#### Article 61

The University may award the title of *Doctor Honoris Causa* to individuals of extraordinary academic, scientific, cultural or

technical character. The title may be awarded upon reasoned proposal of a department, faculty, university school or polytechnic higher school and shall be approved by qualified majority by the Governing Council.

### TITLE IV

#### On research

#### Article 62

1. University research is the foundation of teaching and constitutes the means for society's scientific, technical and cultural development. For the proper fulfillment of its functions, the University undertakes as essential duties the development of scientific, technical and artistic research, knowledge transfer to society, including both basic and applied research and researchers training.

2. The University shall acknowledge and guarantee research freedom within the scope of the university.

3. Research is a duty and a right of the teaching and research staff with no other limitations than those deriving from the fulfillment of the objects of the university and the rationality in the use of its resources and from the legislation.

4. The governing bodies of the University shall promote research training and any other action for the attainment of resources for research, for the development of the adequate infrastructure and to gain management support for quality research activities to achieve the highest level of competitiveness.

#### Article 63

The University of Castilla-La Mancha shall encourage the entrepreneurial spirit among members of the university community and shall promote the creation of innovative businesses, with particular emphasis on technology based firms which make use of research results. The Governing Council of The University shall develop the regulations to govern the creation and participation of The University of Castilla-La Mancha and its members in such businesses.

### Title V

#### The University Community

Chapter one. On the teaching and research staff

#### Article 64

1. The teaching and research staff of the University of Castilla-La Mancha shall consist of the civil servants of the university teaching corps and the hired personnel.

2. The civil service professors of the university teaching corps consists of: university full professors, university associate professors, full professors of university schools and associate professors of university schools.

3. The hired staff shall include: teaching assistants, lecturers, instructors (*profesores colaboradores*), senior lecturers, adjunct professors, visiting professors, emeritus professors.

4. When required for specific work or service, teaching or research staff or technical or any other staff as appropriate may be hired to

develop specific scientific or technical research projects. The regulation of the contracting procedures of the said staff shall be the responsibility of the Governing Council.

#### Article 65

1. The teaching and research staff shall be necessary attached to expertise areas, departments and centers, without prejudice to its attachment to any other institute or center belonging to the university of Castilla-La Mancha.

2. As an exception, The Department Committee, or when appropriate, the Governing Council may entrust the teaching of the subject concerned to professors belonging to a related area of expertise or common subject, of the same or different department.

3. The previous paragraph shall be especially applicable when a professor has changed the area of knowledge and concerning the area and subjects in which he had been included previously and when similar subjects belong to different departments.

Section One. On contracted teaching and research staff

#### Article 66

The University of Castilla-La Mancha may contract, in labor regime, teaching and research staff among the following ranks: teaching assistant, lecturer, instructor (*profesor colaborador*), senior lecturer, adjunct professor, visiting professor and emeritus professor. The labor regime shall be that established by autonomic legislation, by the labor legislation

in force and by collective bargaining agreements.

#### Article 67

1. The teaching assistants shall be hires from university graduates meeting the requirements established in article 49 of the Organic Law on Universities.

They shall be contracted full time for unextendable term of no more than four years. The duration of the contract shall be two years and can only be renewed once, after hearing the department, for a maximum term of two years.

The activities of the teaching assistant, while preparing their doctoral thesis, shall be preferably oriented to complete their research training, with the possibility to perform teaching tasks, with a maximum dedication time of one third of the teaching load of a full time professor, in the terms and with the limitations as provided by the Governing Council.

2. Senior lecturers shall be hired from among those who meet the requirements established in article 50 of the Organic Law on Universities.

The senior lecturers shall perform teaching and/or research tasks, on full time basis, for a maximum unextendable period of four years.

3. The University of Castilla-La Mancha may hire, in labor regime and for indefinite term, instructors and senior lecturers, as provided by the legislation in force and in compliance with the norms established by the Governing Council.

4. Likewise, professionals and specialists of acknowledged competence who accredit the exercise of his professional activity outside the university teaching scope may be hired as adjunct professors.

5. Visiting professors may be hired on temporary basis from among eminent teaching and research professionals from different Spanish or foreign universities or research centers, prior agreement by the Governing Council and upon the Rector's, a center or a department proposal submitted with a report on the activity and merits of the professor. The contracts of visiting professors shall be for a maximum term of one year, which can be extended annually.

6. The Governing Council, upon department, center or Rector's proposal, may hire as emeritus professor those retired civil servants belonging to the university teaching corps who have made significant contributions to the University for at least ten years. Internationally renowned professionals of recognized cultural or scientific standing may also be hired as emeritus professors in the terms provided by the legislation in force.

7. The Governing Council, upon department, center or Rector's proposal, may agree the appointment of honorific cooperators from among those professionals who, because of their special qualification, may provide effective contributions to teaching or research. The said persons shall not receive economic retribution and shall be required the award of

authorization to teach (*venia docendi*).

#### Article 68

1. The process of hiring teaching assistants, lecturers and adjunct professors shall be performed by means of a tender offer, respecting the principles of equity, merits and capacity.

2. The committee which shall review the recruitment procedures for teaching assistants, lecturers and adjunct professors as well as the recruitment of temporary teaching or research staff and the contracted staff referred to in article 69(6), shall consist of the Rector or a Vice-Rector by delegation, three civil servant lecturers, designated by the Governing Council, the Head of the department to which the position is attached and the Dean or Director of the center which calls the job offer. Substitutes shall be designated using the same process.

The Governing Council shall approve the necessary norms for calls and recruitment.

#### Article 69

1. Recruitment of cooperating professors (*profesores colaboradores*) and senior lecturers shall be performed by means of a tender offer, respecting the principles of equity, merits and capacity.

Cooperating professors and senior lectures shall be contracted prior approval of the agreement by the Governing Council upon proposal of the department to which the position is attached, following a report of the department or university research institute.

2. The recruitment committees for cooperating professors, which shall be approved by the Governing Council, shall be made up by senior lecturers of the area of expertise of the position or, in the absence thereof, of common areas of the same department or degree, and shall consist of: the Chairman, who shall be a university full professor or associate professor, where appropriate, or a university school full professor, designated by the Rector, one member designated by the center to which the position is attached, and three members designated by the department or the university research institute, where appropriate, from which at least one shall be of recognized standing from a different university. Substitutes shall be designated according to the same scheme.

3. The recruitment committees for senior lecturers, which shall be approved by the Governing Council, shall be made up by senior lecturers of the area of expertise of the position or, in the absence thereof, of common areas of the same department or degree, and shall consist of: the Chairman, who shall be a university full professor, designated by the Rector, one member designated by the center to which the position is attached, and three members designated by the department or the university research institute, where appropriate, from which at least one shall be of recognized standing from a different university. Substitutes shall be designated according to the same scheme.

4. The recruitment process of cooperating professors and lecturers shall consist of two parts:

a) The first part shall be the debate and oral presentation before the Committee of his curriculum vitae.

b) The second part shall be the defense of his academic or research proposal in accordance with the position requirements.

5. The Governing Council shall establish the rules for the call, the content of the test and the tendering procedures.

6. As an exception and in extraordinary circumstances, upon decision of the Governing Council, the University may hire cooperating professors and senior lecturers on temporary basis. The recruitment of the said academic staff shall be performed following the same procedure as for teaching assistants, lecturers, adjunct professors and temporary teaching and research staff.

7. The University may provide temporary contracts to substitute a teaching assistant or lecturer entitled to the reservation of his position or to fill temporarily a vacant position while the recruitment procedure established is under process.

Section two. On the civil service teaching and research staff

#### Article 70

1. The Governing Council, upon department proposal, shall establish the number of vacant positions to be tendered among successful applicants and the Rector shall call the tenders to fill the said vacancies.

2. The committees which shall review the tenders shall be

appointed by the Rector and shall consist of:

a) One full professor of the area of knowledge of the vacancy, with two six year terms of research, who shall chair the Committee, appointed by the University Governing Council upon proposal of the Rector.

b) Three university full professors of the area of knowledge with two six-year terms of research. If the vacancy is for an associate professor, university school full professor or university school associate professor, the appointees shall be one university full professor and the other two members shall belong to the corps of university associate professors, university school full professors or university school associate professors, with doctoral studies, depending on the position, and shall have a six year term of research. They shall be appointed by the Governing Council upon proposal of the department to which the position is attached. In the absence of professors belonging to the same area of knowledge, the department may propose professors from similar areas of the same department or degree.

c) One university full professor with two six-year term of research in the area of knowledge of the vacancy. If the vacant position is for an associate professor, university school full professors or university school associate professors, the appointee may be part of the corps of university associate professors, university school full professors or university school associate professors with doctoral studies, depending on the vacant position, and shall have a six year term of

research. The Governing Council shall designate the appointee from among three proposed by the center to which the position is attached. In the absence of professors belonging to the same area of knowledge, the center may propose professors from similar areas of the same department or degree.

d) Substitutes shall be designated according to the same procedures.

3. The teaching staff referred to in article 89(1) of the Organic Law on Universities may be members of the Committees responsible for reviewing the tenders for the university teaching corps.

Substitutes shall be designated according to the same procedures.

4. In the committees responsible for reviewing the tenders for the university teaching corps to fill vacant assistantships of health institutions attached to teaching positions of the said corps, two more members shall be included, designated in accordance with the applicable legislation in force.

5. The Governing Council shall establish the tender regulations as well as the award criteria of the positions and the tendering procedures.

6. The University shall publish the lists of the tender Committees, as well as the award criteria of the position.

#### Article 71

The candidates may submit claims before the Rector against the committees' proposals of the public tenders. Upon claim admission, the

appointment shall be suspended until resolution by the Rector.

The claim shall be reviewed by the Claims Committee, made up by the Rector, acting as chairman, and by six university full professors of different areas of knowledge, with two six-year terms of research and designated by the Senate.

#### Section three: Common Provisions

##### Article 72

1. The teaching and research staff of the University of Castilla-La Mancha shall mainly enjoy the following rights:

a) Academic freedom, specified in teaching and research freedom.

b) Participation in the governing and representative bodies of the University.

c) That the University adopts policies and designs schemes to guarantee, promote and acknowledge initial and lifelong training of the teaching staff, as well as to improve teaching quality.

d) Membership to trade unions in the terms established by the legislation in force.

e) The use of university services and facilities.

f) Receive information on issues affecting to university life

g) To enjoy the social benefits by the university to its staff or which may be established in the future.

2. Apart from the duties established by the legislation in force, the teaching staff of the University of Castilla-La Mancha shall have the following duties:

a) To perform the teaching tasks provided in accordance with the

criteria established by the competent bodies.

b) To develop the research tasks provided.

c) To observe and make others observe the University Charter, as well as any other rule or agreement issued by the competent bodies.

d) Respect for University properties.

e) Respect for other members of the University Community and their tasks.

f) To contribute to the fulfillment and development of the objects of the University.

g) To undertake the responsibilities implied by the positions they were elected or appointed to.

h) The right to efficient protection, information and education on occupational health and safety issues at the workplace, in compliance with the legislation in force.

#### Article 73

1. The University may grant study permits to the teaching staff in the terms provided by the legislation in force. Study permits for up to one year term shall be granted by the Rector prior favorable report of the department and the center. Those permits for more than a year shall be authorized by the Governing Council.

2. The Rector, prior favorable report of the department and after hearing the center, may authorize study permits in a different university or Spanish or foreign academic institution, granted to the contractual categories referred to in transitory provision five of the Organic Law on Universities, for a one-year term which can be extended to one more year.

#### Article 74

1. Upon petition of the interested party, duly justified, The Governing Council, after hearing the department, may grant a sabbatical year following six years of full time service as permanent professor in this university, with no teaching tasks.

2. Only the petitions of those who have not enjoyed study permits for that time which are the same when added.

The petition from applicants who were imposed, in the corresponding disciplinary proceeding, a penalty of suspension in office, whether provisional or definitive, shall not be reviewed for the period of its duration, in compliance with articles 47 and 50(6) on the Law on the State Civil Servants.

3. Salaries shall be fully paid during that sabbatical year.

4. Upon completion of the term and within a period of three months, the professor shall submit a report to the Rector on the tasks performed.

#### Article 75

To the extent provided by the legislation in force, the Rector, in exceptional cases and prior favorable report of the department, may grant unpaid leaves to the teaching and research staff, maintaining the teaching position for a maximum period of one year, when the following requirements are met:

a) Scientific or professional activities of evident relevance.

b) Especial or serious personal or family circumstances.

#### Article 76

1. The teaching staff of the University of Castilla-La Mancha shall be regularly assessed for the purposes of attaining quality complementary payments.

2. The assessment of teaching and research performance shall be carried out by the Governing Council, which may request the pertinent reports by the departments, institutes, centers and students.

3. Overall assessment results shall be duly published.

Chapter two. On students

#### Article 77

Any person enrolled in the studies of the University of Castilla-La Mancha specified under articles 57 and 59 of this Charter shall be considered as students of the mentioned university.

#### Article 78

The students of the University of Castilla-La Mancha shall enjoy, among other, the following rights:

a) Right to equal treatment and non discrimination for any circumstance.

b) To receive the theoretical and practical teaching as provided in the study programmes elected, and its academic tutorials.

c) To attend the theoretical and practical classes and its tutorials

and to facilitate, to any possible extent, external practical periods.

d) To be assisted and guided in their studies through a customized tutorial system.

e) To use the facilities and proper resources to perform their studies.

f) That the University of Castilla-La Mancha facilitates, to any extent possible, the adequate conditions for disabled students to receive university education.

g) To participate in the monitoring of quality teaching through the channels established in this Charter.

h) To an objective assessment of their academic performance and to be informed on the evaluation criteria used.

i) The publication of students' marks and exam reviews in the terms established by the Governing Council.

j) To set up and organize students associations and unions within the University, being facilitated the pertinent means.

k) To enjoy the pertinent channels for the development of freedom of speech and the right to set up and organize students associations within the University.

l) To enjoy the study financial aids which, through university agreements, may be established.

m) To apply to calls for cooperation grants in the services offered by the University.

n) To participate in university activities and to be guided and informed on those issues affecting the development and running of the University.

o) The students enrolled in the official studies shall be entitled to participate in the governing and representative bodies of the University as established by this Charter and to be facilitated

concerning their learning duties when coinciding with the exercise of the representation in the bodies and positions to which they were elected prior accreditation of attendance to the said bodies. The same opportunities shall be provided to the students participating in official sports competitions representing the University.

#### Article 79

Beside all duties established in the legal provisions in force, the duties of the students are the following:

a) The study and, when appropriate, initiation to research.

b) To contribute to the fulfillment and development of the objects of the University of Castilla-La Mancha, and to observe its Charter, rules and agreements issued by the competent bodies.

c) To respect all members of the university community and the tasks they perform.

d) To respect the university property.

e) To undertake the responsibilities implied by the positions to which they were elected.

f) To fulfill the procedures established by the teaching staff to perform the assessment test of their knowledge.

#### Article 80. On the Representative Committee

1. The Representative Committee is the body which coordinates and channels the representation of students within the framework of the University of Castilla-La Mancha.

2. The Representative Committee shall consist of:

a) Four representatives of the students of each campus, which include the Governing Council representatives.

b) The delegates or coordinators of the campuses or of the centers in the same city.

c) The Secretary and the Treasurer of the Representatives Council.

Any other representative of the students whose presence is particularly advisable shall attend, by previous express call, in an advisory capacity.

3. The Representative Committee shall have the following functions.

a) Elect and revoke the Delegate of the Students of the University. Such position shall imply the possibility to be proposed for the Social Council as students' candidate.

b) Elect and revoke the Secretary and Treasurer of the Representatives Council upon proposal of the Delegate of the Students.

c) Promote the creation of as many commissions as it may be considered necessary.

d) Draw up and approve its own Internal Regulations.

e) Approve the general action guidelines for student representation.

f) Approve the distribution of the funds allocated for student representation.

g) Any other competences or functions assigned by the Law, the Charter of the University and the regulations implementing them.

## Article 81. On the Campus Central Delegations and Center Delegations

1. The campus central delegations and the center delegations are the coordination managing bodies of the student representation in each Campus and center of the University of Castilla-La Mancha

The students representing the center in the Senate, in the Board of the Center and in the Departments, as well as the class delegates and sub-delegates shall be part of the delegations of the center.

The Senate representatives and one representation from each center shall form the Campus Central Delegation.

2. The central campus delegation and the center delegations are responsible for:

- a) Elect and revoke the Student Delegate of the Campus and of the Center respectively.
- b) Elect and revoke the Subdelegate, the Secretary and the Treasurer of the central delegations of the campus and center respectively.
- c) Draw up and approve its own Internal Regulations.
- d) Approve the distribution of the funds allocated to the Central Campus Delegation and Center Delegations.
- e) Any other competences or functions assigned by the Law, the Charter of the University and the regulations implementing them.

## Article 82. On student delegates.

The Student Delegate of the University of Castilla-La Mancha represents the students of the University and is responsible for the

coordination and representation of the Representative Committee, with the functions and duties established by the Law, the Charter of the University the Internal Regulations of the Representative Committee and the provisions implementing them.

Each campus and center shall have one Student Delegate with equal powers in their own area; they shall be elected by each respective central campus delegation and center delegation.

## Article 83

1. The service and maintenance staff of the University of Castilla-La Mancha shall be formed by the civil service and labor staff serving in the university, through a relationship of professional paid services.

2. The administrative and maintenance units of the University of Castilla-La Mancha are aimed to provide the University the necessary support to fulfill its objects.

3. The administrative and maintenance staff, as sector of the university community, is responsible for providing support assistance and counselling to academic authorities, performing administrative and managing tasks, especially in the areas of human resources, financial issues, computer sciences, general services as well as any other management and assistance procedure as considered necessary for the Mancha in order to fulfill its objects.

## Article 84

1. The administrative and service staff of the University of Castilla-La Mancha shall enjoy, among others, the following rights :

- a) Participation in the governing and managing bodies.
- b) Free association.
- c) Enjoy the use of the services and facilities of the University.
- d) Attend the activities considered interesting for their professionalization.
- e) Professional promotion.
- f) Enjoy the social benefits offered by the University to its staff or those which may be established in the future.
- g) Be informed and heard through their representatives in those questions which affect them.
- h) The right to protection, information and efficient education on occupational health and safety issues at the workplace, in compliance with the legislation in force.
- i) Participation in improvement activities which may result in the enhancement of the quality of university services.

2. The administrative and service staff shall have the following duties, beside any other as established by the legislation in force:

- a) To fulfill and make others fulfill the Charter of the University and the rules and agreements issued by the competent bodies.
- b) Cooperate with the proper running of the University.
- c) Participate in improvement courses and similar activities directed to their specific training.
- d) Respect the property of the University.

e) Undertake the responsibilities implied by the administrative positions to which they were appointed.

f) Respect other members of the university community and their tasks, as well as any other person they may contact in the performance of their tasks for reasons of their position.

g) Perform the tasks assigned by the competent bodies, within the scope of the tasks pertaining to their position.

h) Participate in quality management and administrative services programmes.

#### Article 85

1. The administrative and maintenance staff shall be governed by the Organic Law 6/2001, of 21 December, on Universities and by the general legislation on civil servants and by the dispositions implementing them issued by the Autonomous Community of Castilla-La Mancha and by this Charter and the regulations implementing them.

Beside the provisions of the Organic Law on Universities and the regulations implementing them and these Statutes, the administrative and maintenance labor staff shall be governed by the labor legislation and the applicable collective agreement.

2. The Governing Council shall issue the necessary norms for the implementation of the applicable legislation, in any matter of university competence as regards the administration and maintenance staff.

#### Article 86

1. The recruitment of the administrative and maintenance staff of the University of Castilla-La Mancha shall be carried out, in accordance with the employment offer, through public call and by means of a tender system, merit system or merit-tender system, safeguarding the principles of publicity, equity, capacity and merit.

2. Likewise, the University of Castilla-La Mancha may appoint or contract on temporary basis the necessary staff to perform specific or urgent tasks or to substitute fixed personnel with the right of reservation of the position.

3. The recruitment tests of the administrative and maintenance staff shall be called by the University of Castilla-La Mancha and shall be reviewed by a panel designated to such effect by the Rector whose composition shall be established in each case.

#### Article 87

1. The University of Castilla-La Mancha may establish its own staff ranks in accordance with the qualification ranks required in compliance with the general legislation on public service.

2. The corps, ranks and categories of the administrative and maintenance civil servants of the University of Castilla-La Mancha shall include, according with the qualification required for inclusion, the following groups:

A) Ranks of the General Administration:

A rank: those with university higher degree or equivalent. It may include, among others, the following ranks: Technical, Higher Rank on Information Technology and Systems, Degrees in Archive Studies, Libraries and Museums.

B rank: those with a three year university degree or equivalent. It may include, among others, the ranks of: Management, with the specialties of General Administration, Economic and Financial and Audits, of Computer Systems Management, of Archives, Libraries and Museums Assistant.

C rank: Those with High School Diploma (*bachiller superior*) or equivalent. It may include the following: Administrative Clerk, Computer Technical Assistant, Technical Clerk for Libraries and Archives and Maintenance Technician.

D rank: those with a General Certificate of Primary Education (*graduado escolar*) or equivalent. It may include the following: Administrative Assistant and Maintenance Clerk.

E rank: with the School Attendance Certificate, it may include the junior members of staff.

B) Administrative Special Ranks: the civil servants who perform tasks assigned with functions which constitute the particular object of a qualification, profession or occupation.

In consideration of the type and level of the qualification required, the mentioned civil servants may be distributed into higher technical staff, intermediate technical staff, assistants and occupational staff, classified respectively into ranks A, B, C and D.

This rank may include, among others and only for enumerative purposes and not as a limitation, the following:

- Rank of laboratories.
- Rank of drivers.
- Rank of design and Graphic Arts.
- Ranks with especial mission, which shall include, among others: the post as lawyer, architect, engineer, technical engineer, technical architect, maintenance, sports, health and quality.

3. The List of Ranks of the Administrative and Maintenance Staff may also establish other general or especial administrative ranks.

4. The corps, ranks and categories established in this article shall be updated in accordance with the provisions established in the List of Ranks of the Administrative and Maintenance Staff approved by the Governing Council.

5. The categories of the administrative and maintenance staff hired in labor regime shall be defined by the collective bargaining, in accordance with the negotiation reached, whether at state or autonomic level or with the University itself.

#### Article 88

1. The recruitment of administrative and maintenance staff of the University of Castilla-La Mancha shall be performed by means of a tender procedure.

2. However, without prejudice to other posts being created on grounds of its especial responsibility as established in the

lists of job positions, only the positions assigned with level 26 or higher with complementary remuneration on geographical grounds of the post and secretary ranks dependent on them and those of the secretaries and offices of unipersonal governing bodies and academic ranks and of the Chair of the Social Council may be filled by the system of free designation, in consideration of the nature of the said functions as based on confidence.

#### Article 89

1. The administrative and maintenance staff of the University of Castilla-La Mancha shall depend organically on the person holding the office of Head of Staff and functionally on the unipersonal governing body of the center, department or university research institute or, where appropriate, the head of the administrative staff to which the post is attached.

2. The classification of the administrative and maintenance staff shall be performed through the List of Ranks. The structure and content of the List of Ranks shall be subject to the applicable legislation.

#### Article 90

The University of Castilla-La Mancha, in compliance with the legislation in force at each moment, shall facilitate the promotion of its staff, prior call for recruitment tests by means of a tender procedure or merit-tender system, taking into consideration, among other, the merits acquired in previous posts.

#### Article 91

The administrative and maintenance staff may participate in the development of the contracts referred to in article 83 of the Organic Law on Universities by the exercise of the functions assigned to the said staff and derived from such contract, with the possibility to receive payment in the form established in the said contract as long as it is not prohibited by the legislation.

#### Article 92

To the extent permitted by the legislation in force, the Rector, prior favorable report of the manager and in exceptional occasions, may grant unpaid leaves to the administrative and maintenance staff, with the right to reserve their job and position for a maximum period of two years, when the following circumstances are met:

- a) Professional activities of evident relevance.
- b) Especial or serious personal or family circumstances.

#### Title VI

Financial and economic regime

#### Article 93

1. The assets of the University of Castilla-La Mancha is made up of all its equity, allowances and liabilities of economic content whose ownership has been assigned to it by any legal concept.

2. The exercise of the duties concerning decision making issues on expenditures and on economic and financial management implies responsible undertaking of the decisions adopted independently of

the advisory acts which other bodies may formulate.

3. It is the duty of the body responsible for economic and financial management to establish the internal monitoring procedures considered appropriate with the aim to provide a reasonable level of assurance of the objects set, in accordance with the principles of efficiency and cost saving, information liability and fulfillment of the applicable legislation.

4. Economic and financial management is subject to internal audits which will be carried out in the terms provided in this Charter and the provisions developing them.

5. The rendering of accounts shall be carried out as provided by the Organic Law on Universities within the period of seven months after the end of the financial year.

#### Article 94

1. There shall be one only budget which shall be public and balanced. Its structure shall be adjusted to the general principles applicable to the public sector. The University may develop the structure of the organizational classification and the necessary economic applications adapted to its peculiarities.

2. The University shall develop the rules for the drafting of the budget and its submission for approval.

3. The application period of the budget shall be the natural year. However, the University shall establish the necessary rules and procedures for the allocation of the

expenditure commitments acquired in previous years according to law.

4. If the first day of the corresponding financial year the budget had not been approved, the budget of the previous year shall be automatically considered extended until the new budget is approved.

#### Article 95

1. The University shall adjust the budget modification rules of procedures to the general principles applicable to the public sector. Without prejudice to the peculiarities under this Charter and in the regulations implementing them issued by the Governing Council, the necessary specifications which facilitate a more efficient and cost saving management without detriment to the necessary legality safeguard could be included, in a justified manner, in the budget implementation basis of each year.

2. The credits authorized in the expenditure programmes shall be recorded as financial disaggregation of the item. However, in a justified manner, a different level of assignment may be established in the implementation budget basis of each year.

3. The credit carry-forwards deriving from allocated resources or earmarked funds or assigned to a specific purpose may be incorporated with no time limit and kept to that specific authorized purpose. The carry-forwards from research projects or contracts finished shall be incorporated to research lines with no time limit.

#### Article 96

1. The spending plans including a global initial budgetary allocation for a variety of expenses for decentralized management of teaching centers, departments and other budget-spending centers which manage research activities, included in the cost/expenditures items 290, 291 and 292 or in those items which, in a similar way, may be drawn up in the future, the said allocation shall be assigned to the items and sub-items in chapters 2, 3, 4 and 6 of the statements of expenditures by virtue of the agreements reached by the Boards of the Centers, Department Committees and other bodies with the same functions. In the rules on budget drafting of each year, the maximum possible amount to be allocated for these purposes shall be determined and the assignment deadlines shall be established in the rules on budgetary implementation.

2. The assignment referred to in the previous paragraph shall not be considered as credit transfer for the purposes under article 70 of the Amended Text of the General Budget Law and in article 53 of Legislative Decree 1/2002, of 19 November, approving the Amended Text of the Treasure Law of Castilla-La Mancha.

#### Article 97

The financial aids and subsidies granted by the University shall be governed by the internal regulations issued for that aim, which shall be subject to the regulations established for the public sector of Castilla-La Mancha. Such regulations shall be approved by the Governing Council.

#### Article 98

1. The budget settlement shall be made according to the rules Established by the University, subject to the general principles applicable to the public sector.

2. Annual accounts shall be submitted to the University Governing Council within the period of six months after the end of the budget year. They shall be approved in the following month by the Social Council and sent to the Governing Council of the Regional Government of Castilla-La Mancha.

#### Article 99

Within the contract legislative framework of Public Administrations, the Governing Council may approve the necessary rules on contracts and economic management.

#### Article 100

1. The University shall ensure the safeguard of its internal monitoring system, organizing its accounts in compliance with budget, financial and accruals-based accounting principles.

2. Without prejudice to the establishment of different monitoring instruments or procedures, the University shall channel its internal control system by means of an Internal Audit Unit, independent from the supervision functions under the competence of the Social Council through the Audit Committee and the obligations implied by the principle of responsible management and decision making for those with the power to make decisions and perform managerial duties.

3. The Internal Audit Unit shall exercise its commitments with full autonomy with respect to the expenditure bodies whose function is monitored by the said unit.

#### Article 101

1. Financial control shall be exercised by means of the Internal Audit Unit through the realization of audits or any other monitoring system agreed by the University within the action scheme framework approved by the audit committee, establishing the scope and type of monitoring to be performed by the Internal <Audit Unit.

2. Audits shall be the ordinary monitoring system. The results of the audits performed by the Internal Audit Unit shall be written in specific reports. In any case, the reports shall separately include the main conclusions and recommendations deriving for the audit.

3. As an exception, private audit companies may be hired to carry out financial control programmes. The said companies shall adjust, concerning the task object, to the rules and instructions set by the Audit Committee and approved by the Social Council. The Rector shall be the competent authority to contract the said audit company.

#### Article 102

1. Under the Social Council, the Audit Committee is the supervising body of the economic and financial activity of the University, and its functions are those specified for the Social Council under article 82 of Act 6/2001, of 21 December, of the Organic Law on Universities.

2. The functions of the Audit Committee shall be established by the regulations of the Social Council, and shall include:

- a) Proposing the Social Council the approval of the annual audit scheme.
- b) Supervising the activities carried out by the external audit companies.
- c) Informing the Social Council of the most relevant results of the monitoring programmes carried out.
- d) Submitting proposals to the Rector, through the Social Council and, considering the recommendations of the audit reports, on the adoption of the measures considered necessary to improve internal monitoring procedures of the University.

3. To implement its functions, the necessary material means shall be available to the Audit Committee, being entitled to obtain as much additional information as required from the internal audit unit.

4. The Audit Committee shall consist of five members, which shall include the representatives of the Governing Council and the Rector. The individuals who are to fill those positions shall be designated from among persons of recognized standing within the field of economics or finance.

5. The Manager and the person responsible for the Internal Audit Unit shall attend the meetings in an advisory capacity.

#### Article 103

The University, as part of its social function of technology transfer and

patrimonial use of research results, may participate in the creation of business partnership constituted for the exploitation of patents or of research results of projects carried out by those researchers. Likewise, the University may participate in the capital of business partnerships, both with the aim to take part in industrial or technology development processes and to capitalize the surpluses of its assets.

#### Article 104

1. The creation of or participation in business partnerships shall be approved by the Social Council, upon proposal of the Governing Council, within the provisions contained in each year budget or in the pluriannual programming of the University.

2. The creation or participation proposal may lie on the necessity to speed up and improve the performance of specific university services, on the participation with other universities in common strategic projects, or in the exploitation of research projects carried out by its departments, centers or university institutes, under article 83 of the Organic Law on Universities, leading to the creation of industrial property rights under legal protection.

The participation in industrial development of research projects shall be based upon the existence of patents or research results registered by the University, having been developed by its research groups, departments, institutes or professors, and whose exploitation is deemed necessary to complete the research process.

3. The participation in partnerships to speed up and improve the performance of specific university services shall not damage the economic rights that the University may thereby have been receiving.

Likewise, the University shall not participate in partnerships to carry out common strategic projects with other universities or the exploitation of research results of projects developed in its departments, centers or research institutes when it is foreseen that after the end of the profitability entry period, which must not exceed four years, it may suffer assets loss of more than 30,000euro/year. In any case, after that time period, the said loss occurs, the University shall be obliged either to terminate the partnership or to transfer its participation.

4. The proposal for creation or participation shall be accompanied by:

-The economic and financial report illustrating the foreseen functioning cost.

-The patrimonial resources assigned to the partnership, where appropriate.

-Its activity funding stating ordinary subsidies and capital grants to be received from the university budget.

-The medium term profitability study.

5. When such participation of the University involves research projects for industrial development, the following shall be included:

-A report on the ownership of the patent and research results.

-An investment plan for the period required until the start of the exploitation of the research results or the patent.

-Forecast of the start date of the exploitation and foreseen cash flow in its first four years, stating the profitability rate of the investment.

#### Article 105

1. The University may create foundations and other non-profit entities or participate in their activities, with the aim to:

a) Promote and improve teaching and research.

b) Boost and disseminate the study of science, culture and sport.

c) Assist the university community.

d) Engage postgraduate students in the labor market and professional activities.

e) Promote the interrelation between society and the university by all means leading to cultural and professional education, the development and improvement of the quality of life and the safeguarding of conditions of health, environment and cultural heritage.

f) Enhance and promote the implementation of projects, under article 83 of the Organic Law on Universities, as a means to exploit the creating potential of the university to address specific social problems.

g) Perform any other activity which may favor the fulfillment of the objects assigned to the University by the legislation in force.

2. The creation or participation in the entities referred to in the previous paragraph shall be

approved by the Social Council, upon proposal by the Governing Council, within the forecasts established in the budget for each year. The proposal for creation or participation shall meet any of the objects stated in the said paragraph.

#### Article 106

1. The assets of the University of Castilla-La Mancha is made up of all its properties, rights and duties.

2. The University takes on the ownership of the State properties for public use which are attached to the fulfillment of its functions, as well as any other which may be assigned to the same ends in the future by the State, the Autonomous Community of Castilla-La Mancha or any other public entity with legal capacity.

3. The property attached to this University which are part of the State Historic Heritage shall have the public ownership established by the Law.

4. The property for public use whose ownership corresponds to this University shall, as earmarked for a different use, be considered as part of its assets.

5. The University of Castilla-La Mancha shall prepare and keep updated the inventory of its properties, rights and duties, with the only exception of fungible goods, purpose for which the Governing Council of the University shall approve the necessary legislation.

#### Article 107

1. No administrative court, judge or authority shall issue a writ of attachment or writ of execution against the property or rights of the assets of the University, or against the income, earnings or gains of its assets, with the obligation to comply with the applicable legislation of the Regional Government of Castilla-La Mancha.

2. The property or rights part of the University assets shall only be encumbered with the legal requirements necessary for alienation.

3. No transaction is allowed, neither shall any dispute arising on the said assets be submitted to arbitration, except upon decision of the Rector, with the obligation to inform The Social Council.

#### Article 108

1. The administration and use of public use assets and patrimonial property, whose ownership correspond to the University, shall adjust to the general rules governing this matter and under this Charter.

2. The following bodies shall have the functions as established:

a) The Social Council, prior proposal by the Governing Council, shall agree the detachment of the public use assets, as well as the acquisition or alienation by any title and lien on immovable property and movable property of exceptional value with the condition of patrimonial property whose value, based on appraisal value, exceeds 2% of the University annual budget.

Detachment agreements on public use assets shall be executed by the Chairman of the Social Council, being the Rector responsible for the execution of the agreements of this body on the acquisition, disposition, alienation and encumbrance of the assets referred to.

b) The Governing Council shall agree the acquisition and alienation by any means, even free assignment, and encumbrance of immovable property and movable property of exceptional value with the condition of patrimonial property whose value, based on appraisal value, exceeds 1.5 % of the University annual budget. The Rector shall be responsible for the execution of the agreements made by the Governing Council on the acquisition, disposition, alienation and encumbrance of the assets referred to.

c) The Rector shall be responsible for the acquisition and alienation by any type of title deed, even free assignment, and encumbrance of immovable property and movable property of exceptional value with the condition of patrimonial property whose value, based on appraisal value, does not exceed 1.5 % of the University annual budget. The Rector shall report on the previous acts to the Governing Council and the Social Council in the first meeting of the said bodies after the act.

d) In compliance with the procedures established by the legislation in force, the Rector shall arrange the disposition by any type of title deed of the movable properties different from those already mentioned in the previous paragraphs. The resolution establishing the disposition of the said property shall imply the

detachment to public use of the said property and shall be considered as sufficient to be taken off the inventory.

3. Waste materials as well as any movable property which is fully depreciated or has become obsolete, may be transferred upon resolution of the Rector, in accordance with the procedures established by the legislation in force. However, by means of a cooperation agreement approved by the Governing Council, The University may donate such property to non-profit organizations. In such cases, the resolution establishing the disposition of the said property shall imply the detachment to public use of the said property and shall be considered as sufficient to be taken off the inventory.

#### Article 109

1. The University may sign cooperation agreements with national or foreign public institutions or private entities to meet its specific objects.

2. The drafting procedure and the discharge procedure as well as the management and termination procedures of the agreements shall be approved by the Governing Council, in compliance with the provisions of the applicable legislation. When the agreements involve financial duties, the availability of the necessary budget allocations must be guaranteed.

3. The agreements shall be undersigned by the Rector or a delegated person, or by the Chairman of the Social Council,

within their own areas of competence.

4. The University may agree with banking institutions the necessary cooperation mechanisms to capitalize its assets, manage the treasury, to have access to different funding sources, authorize borrowings or any other operation characteristic of such entities.

#### Article 110

1. The University of Castilla La-Mancha, its departments or research institutes, its academic staff, researchers and research groups under its authority, through such groups or bodies, centers foundations or similar organizational structure of the University devoted to channeling research initiatives by its faculty members and to research result transfer, may enter into contract with public or private entities, or with natural persons, for the implementation of works of scientific, technical or artistic nature, or for specialized teaching or any other training activity.

2. All contracts, duly documented, except those signed by the Rector, shall require the consent of the Vice-rectorate for Research, within eight days, time after which they shall be deemed to be authorized. The R+D Regulations, which shall be approved by the Governing Council of the University, shall rule the authorisation procedure.

3. The administrative and economic management of these contracts shall be the responsibility of the University of Castilla-La Mancha (internal management) or through any other entity with which the

University has signed a cooperation agreement for such purpose (outsourcing). For such purpose, management through the General Foundation of the University of Castilla-La Mancha shall be considered as outsourcing. The granting of the authorization for outsourcing the contracts referred to in this article shall be responsibility of the Rector or delegated Vice-rector.

4. The budgets of the said contracts shall include the necessary allocations for the formalization and execution of the work, including the possible emoluments to teaching and research staff and other staff allocations, as well as the amounts that the execution of the contract may yield in the centers. The previous expenditure items, except for those of contracted external staff and of inventoried materials under the contract itself, shall have 10% increase for research overheads, which shall be divided into three equal parts and shall be managed respectively by the Research Committee, the University Management Office and the department or research institute to which the contract is attached.

5. Should there be a of breach of the conditions established in the contracts referred to in this article or for infringement of the legislation of the University, attributable to the director responsible or to his team, being lawful the complete or partial refund to the body or funding company of the contract, the responsible director and the team involved in the project shall refund such amounts to the University of Castilla-La Mancha, which could

claim them through any procedure established to this respect by the legislation in force.

6. The university specific studies, specialization programmes and any other teaching activity not leading to the attainment of official degrees valid throughout the national territory shall be integrated in the contracts under article 83 of the Organic Law On universities, as regards the effects of the said contracts with respect to the system of remuneration and compatibility of the faculty and the rest of the staff involved and as regards the economic rights that the University may obtain in compliance with the provisions in paragraph 5 of this article.

#### Article 111

1. The ownership of the inventions developed by the University Faculty as a consequence of their research function in the University and which belong to the scope of their research and teaching tasks, shall correspond to the University of Castilla-La Mancha, notwithstanding the stipulations contained in article 83 of the Organic Law on Universities.

2. In the event that a faculty member of the University develops an invention as a consequence of a contract with a public or private entity, the contract shall specify to which contracting party is ownership granted. In the absence thereof, ownership shall be deemed to be granted to the University.

3. By means of an agreement by the Governing Council, the University of Castilla-La Mancha

may transfer its exploitation rights on the patented inventions of its ownership to a third party when its direct exploitation is impossible or burdensome for the University.

4. By means of internal regulations approved by the Governing Council, aspects concerning invention reporting, remuneration system of researchers, patent implementation and exploitation, ownership transfer and exploitation rights, etc.

#### Article 112

Research management shall be performed as provided by specific internal regulations established by the University, taking into account the general principles set out in this Charter.

#### Article 113

The Governing Council shall establish the modalities for complete or partial exemption from payment of the public fees for teaching services.

#### Article 114

Earned incomes, both for teaching and research staff and for administrative and maintenance staff, due to works performed by virtue of contracts under the provisions of article 83 of Act 6/2001, of 21 December, of the Organic Law on Universities or similar, shall be determined by the legislation on this matter approved by the Governing Council by adapting general State legislation.

#### Article 115

The regulations on Indemnities to be paid for service to staff serving in the University or attached to it, shall be made in compliance with internal regulations.

### Title VII Services to the University Community

#### Article 116

1. The University of Castilla-La Mancha shall establish assistance services to the university community, prior agreement by the Governing Council, determining their operation scheme and conditions.

2. The minimum services included in the University of Castilla-La Mancha shall be: libraries, archives, Computing Center, Publishing Service, Languages Service, Maintenance Service and Culture and Sports Services.

#### Article 117

1. The University of Castilla-La Mancha may establish halls of residence and student dormitories (*colegios mayores*). Likewise it may promote the creation of halls of residence and student dormitories, with or without the cooperation of public or private entities.

2. The halls of residence and student dormitories promoted by public or private entities shall have official recognition through an agreement undersigned by the promoter and the University and approved by the Governing Council.

3. The head of each hall of residence and student dormitory shall be appointed by the Rector,

after hearing the Governing Council of the University; in the case of halls of residence and student dormitories promoted by public or private entities, the head shall be appointed upon proposal of the said entity.

4. The charters of the halls of residence and student dormitories shall be approved by the Governing Council, and shall contain rules, at least, on their legal personality status, governing and representative bodies, member participation, educational line and economic-administrative scheme.

#### Article 118

The University of Castilla-La Mancha may create residences for retired personnel of the University and may promote the service of infant schools.

#### Title VIII

##### On the University Library

#### Article 119

1. The Library is a resource center for learning, teaching, research and any other activity linked to the operation and management of the University as a whole.

2. The mission of the Library is to facilitate access and dissemination of information resources and to cooperate in knowledge creation processes to assist in the attainment of the objects of the University.

3. It is the function of the Library to provide efficient management of information resources, regardless of the budget item and the procedure those resources may be

acquired or contracted and of its material format.

#### Title IX

##### On the University Ombudsman

#### Article 120

1. To ensure respect to the rights and freedoms of faculty members, students and administrative and maintenance staff, to the actions of the different university bodies and services, the University of Castilla-La Mancha shall establish in its organizational structure the office of University Ombudsman.

2. The University Ombudsman shall be elected by the University Senate, by secret ballot by absolute majority and shall be appointed by the Rector.

3. The University Ombudsman shall be elected from among a member of recognized standing of the university community.

4. The term of office shall be four years, and he/she may be re-elected twice.

5. The University Ombudsman shall leave office:

- upon own petition,
- upon completion of the term of office,
- in the event of decease or legal incapacity,
- if absent for more than four consecutive months,
- if he/she ceases to serve in the University of Castilla-La Mancha or leaves the university community,
- upon decision of the Senate adopted by absolute majority,
- as a result of any other cause as provided by the current legislation.

6. The acts of the University Ombudsman, always intended to improve the quality of the University in all its areas, shall not be subject to any mandatory instruction from any university instance and shall be ruled according to the principles of independence and autonomy.

7. The University Ombudsman shall combine the functions of this office with the tasks pertaining to the condition as member of the University community, giving priority to the duties arising therefrom. The performance of their functions shall be incompatible with any academic, representative or governing position.

8. The University shall provide the necessary means for the performance of their functions and their organizational and operational scheme shall be established by the Governing Council.

#### Title X

##### On the Representation and Defense of the University

#### Article 121

The representation and defense of the University of Castilla-La Mancha before jurisdictional bodies, prior granting of powers by the Rector, shall be assumed by the legal representatives serving in its legal service, notwithstanding that, for specific cases and prior agreement of the Rector, such functions may be entrusted to any officially registered attorney or solicitor, especially designated for such purpose, or just to an advocate member of the Spanish Bar, when

the representation by attorney is not required.

#### Title X

#### On the Inspection of Services

#### Article 122

1. The University of Castilla-La Mancha shall include a Service Inspection Office, which shall act as support boy for the Rector to perform the functions as disciplinary authority commissioned by the current legislation. It is responsible for advising, inspecting the operation of services, cooperating and, when appropriate, opening a disciplinary file and perform tracking functions and general monitoring of academic discipline.

2. Each service inspection official shall be appointed by the Rector, among civil servants of rank A serving in the University of Castilla-La Mancha.

3. The activities of the Service Inspection Office shall be immediately dependent on the Rector.

4. The Service Inspection Office shall be governed by the regulations approved by the Governing Council.

#### Title XII

#### Election and Removal in Governing Bodies

#### Section one: On elections

#### Article 123

1. The representatives of the different sectors of the University community to the Senate,

Department or University Committee and Center Boards shall be elected by direct universal suffrage in a free and secret ballot.

2. The representatives of faculty members, students and administrative and maintenance staff in the Governing Council shall be elected by their respective sectors of the University Senate or as established for each sector in this Charter.

3. Each sector representative shall be elected by and form among its members.

All persons serving in the University of Castilla-La Mancha on the date of convocation of the elections shall be eligible and are entitled to vote, as well as all students matriculated on that date and research fellows serving in the University of Castilla-La Mancha.

4. The right to vote is personal and non transferable, and shall in no event be exercised by delegation.

5. The electoral rules shall establish the circumstances under which voting by correspondence is allowed to elect unipersonal governing bodies, as well as the validity conditions for such vote.

6. The representatives elected shall not be bound by mandatory instructions.

7. Those members of the University community who belong to more than one sector, for representation purposes in the same collegiate body, shall only appointed as candidates for one of them.

#### Article 124

The electoral scheme shall be ruled according to this Charter and by the implementation rules approved by the Electoral Committee, which shall dictate the precise rules for interpretation of both.

#### Article 125

1. Each member of the University community shall vote with the electoral body to which they belong and in the corresponding circumscription.

2. The number of representatives from each circumscription belonging to collegiate bodies shall be established by the Electoral Committee according to the census data, ensuring, to any possible extent, the presence of one representative from each center or campus.

#### Article 126

1. Elections to collegiate bodies shall be held under the system of weighted majority voting.

2. In the event of a tied vote, the candidate shall be selected by lot.

3. If a representative leaves office owing to due to voluntary resignation or to ceasing to be a member of the body which elected him/her, the member with the highest number of votes in the elections where they were elected shall substitute in office. In the absence of substitutes, seats shall remain vacant except that the number of representatives of a sector is reduced to less than half of its members. In such event, the elected members shall be

representatives until the next ordinary election.

4. If there are no sufficient candidates for the seats vacant in the collegiate body, those included in the census of each sector shall be declared elected, except by express renunciation.

#### Article 127

1. The election of the rector, deans and head of centers shall be held under the requirements in this Charter articles governing such unipersonal bodies.

2. The rector shall be elected according to Article 36 in this Charter.

3. With regards to the rest of unipersonal governing bodies, the candidate from amongst the members of the corresponding collegiate body who obtained absolute majority shall be elected. In the event that no candidate obtained absolute majority, a second ballot shall be held, restricted to the two candidates with the highest number of votes and the elected candidate shall be the candidate obtaining a simple majority. In the event of a tied vote, the candidate shall be elected by lot. When there is only one candidate, a simple majority shall be sufficient for the election.

4. If, after calling the elections, there are no candidates, the Rector, after hearing the Governing Council, shall take the necessary actions to solve temporarily the situation, nevertheless, new elections shall be called within a maximum period of three months.

5. With the exception of the elections for Rector, the term of

office of the candidate for a unipersonal body who was elected as a consequence of a motion of censure shall be reduced to the remaining term of office of the revoked member.

#### Article 128

1. In the event of absence or illness, the deans and heads shall be substituted in their respective functions by the vice dean or subhead to whom the function has been delegated, or in absence thereof, the senior among them.

2. Upon termination of the term of office to which the unipersonal body was appointed for, or in case of voluntary leave, they shall continue in office until a substitute is elected.

3. In the event of leave owing to a legal cause, the functions shall be carried out, provisionally, by the person appointed by the Rector.

4. In both situations an election shall be held within the next three months.

#### Section Two: On the Electoral Committee

#### Article 129

1. The Electoral Committee of the University of Castilla-La Mancha is an independent body responsible for ensuring the purity and transparency of the election process

2. The Election Committee shall be formed by six professors, three students and a member of the administrative and maintenance staff, elected from amongst each sectors' representatives in the Senate, and shall be chaired by a

university full-professor appointed by the Senate.

3. The members of the Committee shall be renewed when the respective sectors of the Committee are renewed.

4. An appeal for a review may be filed before the Rector against the agreements of the Committee.

5. The Electoral Rules shall establish the conditions on incompatibilities of its members, as well as the possibility of the existence of the Center Electoral Boards.

#### Article 130

1. The Electoral Committee shall:

a) Draw up the electoral regulations.

b) Construe the regulations governing the electoral process

c) Submit the final list of candidates as well as the final results of the election and the elected candidates.

d) Settle the claims and disputes on any matter related to the electoral process or its results, within a maximum of 10 days.

2. The Electoral Rules shall establish, when appropriate, the competences of the Center Electoral Boards.

#### Section Three: On the Motion of Censure and Vote of No Confidence

#### Article 131

1. Any of the unipersonal bodies of the university may file a vote of no confidence before the corresponding collegiate body. The vote of no confidence shall take

place on the time and date set by the aforementioned body.

2. The vote of no confidence shall not be discussed until at least 24 hours after its tabling.

3. The confidence shall be deemed as vested through simple majority.

#### Article 132

1. The persons elected for a unipersonal body may be removed from office by the collegiate bodies which elected such persons by means of approving a motion of censure.

2. The motion of censure shall be formally tabled by one third of the members of the collegiate body and shall necessarily include the proposal of a candidate. The motion shall be discussed and voted within fifteen to thirty days after its tabling.

3. The motion of censure shall be deemed to have been approved when the absolute majority of collegiate body members, in which event, the candidate proposed by the signatories of the motion shall be automatically elected.

4. This section is equally applicable for motions of censure against the representatives of each sector which make up the collegiate bodies. The majorities and the required percentages shall be counted according to the body.

5. The signatories of a dismissed motion shall not propose a new motion within the same academic year.

#### Supplementary Regulations

First. In order to approve a new Charter or the partial amendment of this Charter, the corresponding project submitted by one third of the members of the Senate shall be approved by absolute majority.

Second. The Governing Council shall develop as many new provisions as required for its implementation.

Third. Where a center is to be established or integrated, the Rector shall designate a faculty member who shall have the same functions as a Dean or Head of the center during three years, period which shall be extended upon decision by the Governing Council.

Fourth. The deadlines to issue the reports mentioned in this Charter shall be established by agreement of the Governing Body.

Fifth. According to paragraph Article 43(b) of this Charter, in Departments with associate clinical lecturers, their representation in the Department Committee shall not exceed 25% of the rest of full-time senior lecturers of the Department.

Likewise, according to Article 43(c) of this Charter, in such departments, the representation of the associate clinical teaching assistants shall not exceed 10% of those under Article 43(b).

Where vacancies attached to the said departments were to be announced, the Governing Council may modify the representation of the clinical teaching assistants referred to in the aforementioned paragraph.

#### Transitory provisions

First. The current Senate, elected according to paragraph 1 of the Second Transitory Provision of the Organic Law 6/2001, of the 21<sup>st</sup> December, on Universities, and the Governing Body elected accordingly, shall serve in their office until the expiration of the term established in this Charter, which started on the date when the Senate was constituted. Upon termination of the term of office, the election for the new Senate shall be held according to this Charter.

Likewise, all unipersonal and collegiate bodies of this University and the Rector shall continue in office until the termination of the term for which they were elected according to the legislation and the Charters prior to the Organic Law 6/2001, of 21 December, on Universities. Upon termination of the said term, an election to form such bodies shall be held in compliance with this Charter. For this purpose, the restrictions for consecutive office included in this Charter, shall start to count from the first election held after this Charter came into force.

Second. In the absence of the mandatory legislative implementation, the Governing Council may take the appropriate actions, within the legal framework in force, for the proper functioning of the university. Such provisions shall be valid until the definitive regulations are approved.

Third. Until the annual approval of the draft List of Positions for the Teaching and Research staff, as referred to in article 70 of the Organic Law on Universities, the

University may approve public tenders for the teaching corps, through the preparation of a provisional catalogue or list of individual vacancies according to the academic rank and area of expertise.

Fourth. The contracts of full-time associates and teaching assistants which had been extended by virtue of transitory provisions fourth and fifth of the Organic Law on Universities, shall be automatically extended in both cases until the 30<sup>th</sup> of September of 2006.

From that date, contracts shall only be made under the terms of the Organic Law on Universities.

#### Repealing provision

Be repealed the Charter of the University of Castilla-La Mancha passed by Royal Decree 205/1999, of 28<sup>h</sup> September, as well as any provision issued by the University which is contrary to this Charter.

#### Final Provision

This Charter shall come into force from the date of publication in the Official Gazette of the Community of Castilla-La Mancha.