



Barcelona School of Economics

# COMPLIANCE PLAN:

# DISCIPLINARY SYSTEM

Disciplinary system of the Criminal Risk Management Model of BARCELONA GRADUATE SCHOOL OF ECONOMICS, by virtue of the provisions of Article 31 Bis of the Criminal Code.

## 1. Introduction:

One of the key principles underlying all the actions of the BARCELONA GRADUATE SCHOOL OF ECONOMICS (hereinafter, “the Company”), is respect for Spanish and European regulations in the broadest possible sense. For the purposes of this document, special mention should be made of Act 1/2015 on the reform of the Criminal Code, which established the requirement of Article 31 Bis 5, according to which the organisation and management models “shall establish a disciplinary system that appropriately penalises non-compliance with the measures set out in the model.”

In accordance with the aforementioned provision of the Criminal Code, this measure, as part of the Compliance Plan, establishes the disciplinary system required to make the criminal compliance programme implemented in the Company effective in the workplace. Through this measure, the Company aims to contribute to preventing criminal conduct that involves a breach of the internal rules or procedures established by the Company, as well as of legal regulations, insofar as it may represent an offence committed in the workplace as defined by the Criminal Code. In addition, the aim is to create a mechanism of exemplary, corrective and remedial action.

## 2. Purpose:

To ensure compliance with the rules, procedures, policies and principles of the Company's Code of Ethics, it is necessary to have a suitable disciplinary system, intended as a tool for the protection of internal procedures.

Thus, in order to ensure the correct application, respect for and effectiveness of the Code of Ethics, criminal and labour legislation, and any policies approved at any given time, **any breach of the aforementioned rules and, in particular, of the Code of Ethics, which may amount to a criminal offence, may be subject to disciplinary action by the Company.** Such disciplinary action shall in all cases be imposed in accordance with the principle of proportionality and discretion, as well as with the provisions of the applicable Collective Bargaining Agreement.

The Company is currently governed by the provisions of the *13<sup>th</sup> State Collective Bargaining Agreement for University Education and Research Centres*.

The disciplinary measures will be the penalties stipulated in the applicable labour regulations and/or civil actions, which may involve disciplinary dismissal or termination of the contract for the provision of services, as well as claims for any damages caused to the company.

The criteria that the Company takes into account when applying such measures are primarily the following: the seriousness of the conduct, the degree of possible responsibility of the offending party, the repetition of the conduct, the possible obtaining of a personal benefit by the employee as a result of the unlawful conduct, and the possible existence of bad faith in the conduct.

### 3. Scope of application:

This disciplinary system applies to all workers who provide services to the Company as employees, whenever there is any indication that the conduct of the worker may represent a criminal offence.

In this regard, any conduct that could represent a strictly labour-related offence and which does not represent a criminal offence will follow the ordinary channels established in the human resources/employee relations area of the Company, as well as the rules established in the Collective Bargaining Agreement and other strictly labour-related regulations.

Similarly, the conduct of independent collaborators, individuals or legal entities with which the Company is related by virtue of agreements, contracts or negotiations, as well as students, insofar as they do not have an employment relationship with the Company, is excluded from this system, without prejudice to the appropriate investigation and follow-up.

### 4. Dissemination and training

The Company undertakes to disseminate this document to all employees of the Company and to provide them with appropriate training.

### 5. Disciplinary powers of the Company:

The Company's power to take disciplinary action is primarily recognised in Royal Legislative Decree 2/2015, of 23 October, approving the Revised Text of the Workers' Statute Act. And, more specifically:

- In Article 1.1, which includes work as an employee “*within the scope of organisation and management*” of the employer.
- In Article 5.c), which regulates the obligation of workers to “*comply with the orders and instructions of the employer in the regular exercise of his/her managerial powers.*”
- In Article 20.1, which states that workers “*shall be obliged to carry out the agreed work under the direction of the employer or person delegated by the employer.*”

Therefore, the disciplinary power lies with the Company. Notwithstanding the above, the investigation of the events that may give rise to the exercise of disciplinary powers by the Company shall be investigated by the Compliance Officer.

## 6. Procedure for action in the event of non-compliance

Although the power to take disciplinary action lies with the Company (and persons to whom this power is delegated), any act that may represent a criminal offence shall be investigated by the Compliance Officer.

### 6.1 The position of the Compliance Officer:

The Compliance Officer shall be the head of the Investigating Body.

### 6.2 Opening of the proceedings:

The Compliance Officer shall be the person in charge of opening the proceedings, in order to carry out a thorough investigation of the facts supposedly contrary to the rules and principles by which the Company is governed.

Thus, he/she shall open an investigation when he/she becomes aware, by any means and in any format or medium, of facts, conduct or indications thereof, which could represent a criminal offence committed by an employee of the Company. In any event, during his/her activities, he/she shall be subject to any internal procedures that may be applicable.

If the Compliance Officer does not find sufficient evidence of the existence of a criminal offence, he/she shall proceed to close the investigation, with a resolution supporting the absence of such evidence.

## 6.3 Investigation:

### 6.3.1 Investigation and proceedings

For the purposes of studying, investigating and, where appropriate, verifying the possible criminal and labour offence, the Investigating Body may take any steps it deems appropriate. By way of example, it may request and assess any documents it considers relevant or necessary. In this regard, if the facts have come to light through the Whistleblower Channel, the Compliance Officer shall carry out his/her tasks through this channel, and also in accordance with the internal procedure established for this purpose, where appropriate.

For this purpose, the Investigating Body may have the support of the Company's legal area, as well as any independent third-party specialised advisor, in order to have the necessary assistance in this initial phase of investigation.

As an example of the steps to be taken, the Compliance Officer:

- may ask a law firm for an assessment of the impact of the reported events,
- may conduct an interview with the person(s) reported to clarify the facts and, **where appropriate, draw up and sign minutes of these meetings**
- and issue a report proposing the measures to be taken and penalties to be imposed.

In any event, the persons involved in the investigation are subject to the duty of professional secrecy and confidentiality and data protection obligations regarding the data and information to which they have access during the procedure. Failure to comply with this obligation will result in the respective legal actions being taken, including disciplinary measures.

The investigation shall be concluded in accordance with the schedule set by the Compliance Officer and with the issue of a conclusions report.

### 6.3.2 Hearing of the alleged offender

As stated in Article 59 of the Collective Bargaining Agreement, the Investigating Body, in the event of conduct that from a labour perspective may represent serious or very serious misconduct, shall give the individual concerned a **hearing** within such period as it deems reasonable, informing the employee of:

- The manner in which the Company has become aware of the alleged offences.
- The conduct or conducts of which he/she is accused.
- The specific deadline for making any claims.
- The method or channel for submitting the aforementioned claims (for example, in writing sent to a specific email address).

## 6.4 Conclusions report:

The report issued by the Compliance Officer shall include at least the following information:

- Description of the alleged main facts representing a criminal offence.
- Summary of the proceedings carried out.
- Express statement as to whether or not a criminal offence has been committed.
- Proposal, where appropriate, of disciplinary measures to be taken after completion of the procedure in which the non-compliance has been established.
- Signature and date of issue.

This report would be sent by the Compliance Officer to the Company Management and/or, where appropriate, to the Human Resources Department.

## 6.5 Resolution and closure of the case:

In the event that the Compliance Officer has found that the employee in question has committed an offence, once the Company has adopted the respective disciplinary decision and has so informed the penalised employee, the Compliance Officer shall proceed to:

- Inform the victim(s) in writing of the offence committed, the conclusion of the investigations, the result thereof, and the disciplinary measure adopted by the Company.
- Carry out any other actions that, as Compliance Officer, may apply with respect to Authorities, Administrations and Organisations.
- Conclude the proceedings.

In the event that, after the investigations, the Compliance Officer has concluded that there is no conduct representing a criminal offence, he/she shall proceed to:

- Inform the alleged victim(s) in writing of the offence committed, the conclusion of the investigations, the result thereof (non-existence of a crime), and any rights they may have with regard to the filing of private legal action.
- Conclude the proceedings.

## 6.6 Other matters:

In the event that the Company becomes aware of conduct representing a criminal offence for which there has already been a final conviction in this area, the Compliance Officer shall be exempt from carrying out any verification procedures, on the understanding that

the final conviction is sufficient to issue a report. In any event, for disciplinary purposes, the employee shall be given a hearing.

## 7. Conduct classified as a criminal offence:

As stated in the previous sections, in the event of a contradiction or conflict of rules, the prevailing regulations to be applied shall be the Collective Bargaining Agreement. In this regard, for the purposes of the Code of Ethics and other regulations, primarily the aforementioned agreement, the following shall be considered:

- Minor offences:
  - Three late arrivals to work without just cause in a thirty-day period.
  - One absence from work without just cause in a thirty-day period.
  - Leaving class without just cause before its scheduled end time up to two times in thirty days.
  - Failure to process the respective sick leave procedure in due time when absent from work for a just cause, unless it is clearly impossible to do so.
  - Failure to notify changes of address within one month.
  - Negligence in the submission of grades on the agreed dates, in the monitoring of attendance and in student discipline.
  
- Serious misconduct:
  - More than three and less than ten late arrivals without just cause in a thirty-day period.
  - More than one and less than four absences from work in a thirty-day period.
  - Failure to adhere to agreed annual schedules.
  - Repeatedly demonstrating passivity and lack of interest in students with regard to subject information or educational training, despite written comments to that effect.
  - Public arguments with colleagues at the school that undermine the image of an educator in the eyes of the student.
  - Seriously insulting the student or his/her family members.
  - Repetition of a minor offence within a period of sixty days.
  
- Very serious misconduct:
  - More than nine late arrivals without just cause in a thirty-day period.

- More than three absences from work without just cause in a thirty-day period.
- Repeated abandonment of the work function or post without just cause.
- Serious lack of respect and mistreatment, by word or deed, of any member of the school's educational community.
- Serious non-compliance with educational obligations, in accordance with current legislation.
- Any behaviour or conduct, in the work environment, that violates the respect for the privacy and dignity of women or men through physical or verbal offence of a sexual nature. If such conduct or behaviour is carried out by taking advantage of a hierarchical position, this shall be considered an aggravating circumstance.
- The carrying out of acts and the continuance of frequent behaviour that repeatedly and systematically seek to undermine the dignity of the person and harm him/her morally, subjecting him/her to a discriminatory, hostile, degrading, humiliating or offensive working environment.
- A repeated offence of serious misconduct if committed within six months of the first offence.

In addition to the above, Article 56 of the Collective Bargaining Agreement in force at the time of approval of this system states that ***“internal regulations may establish and classify situations, facts or omissions not provided for in this Agreement, in accordance with current legislation.”*** Thus, under the aforementioned provision, some, but not all, specific conducts that may be included in the express infringements set out in Royal Legislative Decree 2/2015, of 23 October, approving the revised text of the Workers' Statute Act, are listed by way of example:

<b>CONDUCT</b>	<b>POTENTIAL OFFENCE</b>	<b>POTENTIAL LABOUR OFFENCE</b>
An employee uses a public computer and does not log off. As a result, another person, whether or not a member of the Company, accesses files containing confidential information.	Computer damage.	Indiscipline or disobedience at work and/or breach of contractual good faith, as well as breach of trust in the performance of work.
An employee visits an unsafe website or opens an unknown link with malware.	Computer damage.	Indiscipline or disobedience at work and/or breach of contractual good faith, as well as



		breach of trust in the performance of work.
An employee provides information or documentation concerning a student, the latter's relative or a person related thereto to a third party, without the consent of the person whose data is being disclosed/communicated/sent/disseminated.	Offence of disclosing secrets.	Indiscipline or disobedience at work and/or breach of contractual good faith, as well as breach of trust in the performance of work.
An employee (generally a teacher) carries out a scientific study without citing the sources correctly.	Offence against Intellectual Property Rights.	Indiscipline or disobedience at work and/or breach of contractual good faith, as well as breach of trust in the performance of work.
An employee offers payment to a third party to prepare theses, papers and/or articles on his/her behalf.	Offence against Intellectual Property Rights.	Indiscipline or disobedience at work and/or breach of contractual good faith, as well as breach of trust in the performance of work.
An employee uses a student's credit card without authorisation for purposes not authorised by the student.	Offence of counterfeiting debit and credit cards.	Indiscipline or disobedience at work and/or breach of contractual good faith, as well as breach of trust in the performance of work.
An employee offers a specialised master's/postgraduate course with specific teachers who, when the course is carried out, are not those specified.	Offence of misleading advertising.	Indiscipline or disobedience at work and/or breach of contractual good faith, as well as breach of trust in the performance of work.
An employee offers an academic programme with incentives that are not possible or real.	Offence of misleading advertising.	Indiscipline or disobedience at work and/or breach

		of contractual good faith, as well as breach of trust in the performance of work.
An employee allocates a subsidy for a purpose other than the subsidised project, for an unauthorised purpose or to carry out a project that will not ultimately be carried out.	Offence against Social Security/the Treasury and subsidy fraud.	Indiscipline or disobedience at work and/or breach of contractual good faith, as well as breach of trust in the performance of work.
An employee contracts third parties for services that he/she does not receive.	Offence of fraud.	Indiscipline or disobedience at work and/or breach of contractual good faith, as well as breach of trust in the performance of work.
An employee engages in harassment of another employee, professional collaborator of the Company, student or any third party related to the Company.	Offence of hate and glorification/ offences in connection with the exercise of fundamental rights and public freedoms guaranteed by the Constitution.	Verbal or physical offences against people working in the company or family members living with them, or harassment or acts that undermine the dignity of the person on the receiving end in the work environment.
An employee makes discriminatory remarks on the basis of any personal circumstances of the victim of such remarks.	Offence of hate and glorification/ offences in connection with the exercise of fundamental rights and public freedoms guaranteed by the Constitution.	Harassment on grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation and sexual or gender-based harassment. It may also be an offence to engage in acts and frequent behaviour that

		repeatedly and systematically seek to undermine the dignity of the individual and to harm him/her morally by subjecting him/her to a discriminatory, hostile, degrading, humiliating or offensive working environment.
An employee linked to the foundation publicly makes statements of animosity towards a specific group or individual because of a specific personal circumstance (e.g. religion, ethnicity, marital status, etc.).	Offence of hate and glorification/offences in connection with the exercise of fundamental rights and public freedoms guaranteed by the Constitution.	Harassment on grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation and sexual or gender-based harassment. It may also be an offence to engage in acts and frequent behaviour that repeatedly and systematically seek to undermine the dignity of the individual and to harm him/her morally by subjecting him/her to a discriminatory, hostile, degrading, humiliating or offensive working environment.
An employee helps a student to stay in the country and facilitates the student's stay when his/her visa has expired;	Offence against the rights of foreign nationals.	Abuse of trust in the performance of work, breach of contractual good faith and/or disobedience and indiscipline.

An employee arranges trips with students who have not duly accredited their stay in the country.	Offence against the rights of foreign nationals.	Abuse of trust in the performance of work, breach of contractual good faith and/or disobedience and indiscipline.
An employee accepts payment of tuition fees in cash without knowing the source of the cash.	Money laundering.	Abuse of trust in the performance of work, breach of contractual good faith and/or disobedience and indiscipline.
An employee accepts an anonymous donation to the Foundation.	Money laundering.	Abuse of trust in the performance of work, breach of contractual good faith and/or disobedience and indiscipline.
An employee requests and/or accepts an unfair advantage for the purpose of helping or benefiting another employee.	Offence of corruption between private individuals.	Abuse of trust in the performance of work, breach of contractual good faith and/or disobedience and indiscipline.
An employee, when faced with the risk of imminent bankruptcy, orders, transfers or arranges the transfer of real estate to a third party.	Punishable insolvency offence.	Abuse of trust in the performance of work, breach of contractual good faith and/or disobedience and indiscipline.
An employee orders the transfer, arranges the transfer or transfers assets without the authorisation of the receivership authorities.	Punishable insolvency offence.	Abuse of trust in the performance of work, breach of contractual good faith and/or disobedience and indiscipline.
An employee offers help to any public official in order to speed up the procedures for obtaining a subsidy.	Offence of influence peddling.	Abuse of trust in the performance of work, breach of contractual good

		faith and/or disobedience and indiscipline.
An employee knows a public official and profits from this relationship for his/her own purposes.	Offence of influence peddling.	Abuse of trust in the performance of work, breach of contractual good faith and/or disobedience and indiscipline.

Furthermore, when any of the above conducts is carried out by an individual or legal entity related or linked to the Company, but not a member thereof, the Company, as well as its Investigating Body, may carry out the actions, in particular, the legal actions, to which it is entitled. In this regard, this disciplinary system shall not be applicable insofar as the disciplinary power is held solely by the Company with respect to the employees who provide services within its organisation.

## 8. Statute of limitations of the acts under investigation:

The Company's power to impose penalties shall lapse after: **(i)** 10 days for minor offences, **(ii)** 15 days for serious offences, and **(iii)** 50 days for very serious offences, from the date on which the Company became aware of their commission, and in any event, 6 months after they have been committed.

## 9. Penalties:

- For minor offences: Verbal warning; If repeated, written reprimand.
- For serious misconduct: Written warning, with the knowledge of the personnel officers or the Works Committee if there is one and if the worker so wishes. In the event of a repeat offence, suspension from employment and salary for 5 to 15 days, with a record in the personal file.
- For very serious misconduct: Warning of dismissal. Suspension of the employee and their salary for 16 to 30 days. Dismissal. In all cases, with prior notification to the personnel officer(s) or Works Committee, if there is one.

The warning may be accompanied by suspension from employment and salary.

With regard to penalties, two clarifications should be made:

- (i) The penalties that may be imposed in the labour sphere are without prejudice to any liability that may arise on the part of the employee in other areas, such as, for example, when the offence committed may represent a crime or an administrative offence.
- (ii) As provided for in the aforementioned Agreement, the Company, taking into account the circumstances of the incident and the conduct of the worker, may reduce the penalties for minor, serious and very serious offences as indicated above.

## 10. Entry into force:

This document shall enter into force on the day following its approval by the members of the Board of Trustees.