

Procedure for preventing undesirable conduct in employment relationships and towards students and PhD researchers at Jagiellonian University

Chapter I

General provisions

§ 1

1. The procedure for preventing undesirable conduct in employment relationships and towards students and PhD researchers at Jagiellonian University, hereinafter referred to as “the Procedure”, sets out the rules and procedure for action and the measures taken by Jagiellonian University to prevent, identify and respond to undesirable conduct, in particular: mobbing, discrimination, harassment, sexual harassment and other conduct of employees violating the dignity, safety or ethical standards applicable at Jagiellonian University.
2. The Procedure is intended to ensure a safe, dignified and undesirable-conduct-free environment for work and academic activities.
3. Proceedings conducted pursuant to the Procedure shall concern exclusively undesirable conduct committed by an employee.
4. Proceedings conducted pursuant to the Procedure are internal in nature and shall neither replace nor preclude the application of:
 - 1) statutory liability procedures, in particular:
 - a) employment-related or civil liability,
 - b) disciplinary liability of academic teachers,
 - c) criminal or administrative liability;
 - 2) liability arising from the University's internal acts.

§ 2

1. Every member of the University community who has experienced undesirable conduct, or who has witnessed such conduct, shall have the right to make use of the measures provided for in the Procedure.
2. A report of undesirable conduct may be made by any member of the University community.
3. A report may also be made by a former member of the University community, but no later than three years after termination of employment or loss of the status of a member of the University community.
4. A report of undesirable conduct made in good faith, with the intention of protecting oneself or another person, and in compliance with the rules and procedure provided for in the Procedure, shall not constitute grounds for adverse treatment of the reporting person.
5. A report of undesirable conduct made in bad faith, i.e. with knowledge that the allegations are untrue or for the purpose of causing harm to another person, or an unfounded allegation of undesirable conduct, is prohibited, and the reporting person may be subject to legal liability.

6. Withdrawal of a report of undesirable conduct shall not preclude the possibility of continuing the case if this is required in the Employer's interest, for the protection of other persons, or follows from the nature of the undesirable conduct reported.
7. If the Employer establishes a breach of employment duties, conducting proceedings under the Procedure shall not be mandatory, and the Employer shall have the right to implement measures provided for by law, including termination of employment relationship with or without notice, referring the case, in the case of academic teachers, to disciplinary proceedings provided for in the act – Law on higher education and science, as well as notifying the competent authorities.

§ 3

The following terms used in the Procedure shall have the following meanings:

- 1) University, Higher Education Institution, JU – Jagiellonian University with its registered office in Kraków;
- 2) Rector – the Rector of Jagiellonian University;
- 3) member of the University community – an academic teacher, student, PhD researcher or employee who is not an academic teacher;
- 4) Employer – Jagiellonian University and Medical College, i.e. an organisationally separate and financially distinct part of the University employing employees. The functions of the Employer provided for in the Procedure shall be performed, as appropriate, by the Rector, Vice-Rector for Medical College, Chancellor and Deputy Chancellor for Medical College, in accordance with the scope of powers specified in separate internal regulations of Jagiellonian University;
- 5) employee – a person employed by the Employer under an employment contract, appointment, nomination, regardless of the type of work, working time and position held;
- 6) reporting person – a person reporting the occurrence of undesirable conduct;
- 7) persons participating in the proceedings – the potentially aggrieved person, the accused person and the Employer;
- 8) potentially aggrieved person – a current or former member of the University community identified as a person who may have been harmed by the actions of the accused person;
- 9) accused person – a person against whom a report has been made concerning the commission of undesirable conduct;
- 10) undesirable conduct – conduct including, in particular, mobbing, discrimination, harassment, sexual harassment or other conduct of employees violating the dignity, safety or ethical standards applicable at Jagiellonian University;
- 11) discrimination – a situation involving unequal treatment of persons, whether direct or indirect, in particular on grounds of sex, age, disability, race, religion, nationality, political beliefs, trade union membership, ethnic origin, creed, sexual orientation, employment for a fixed or indefinite period, or full-time or part-time employment;
- 12) harassment – undesirable conduct the purpose or effect of which is to violate the dignity of a member of the University community and to create an intimidating, hostile, degrading, humiliating or offensive environment for that person;
- 13) sexual harassment – undesirable conduct of a sexual nature or related to the sex of a member of the University community, the purpose or effect of which is to violate the dignity of a member of the University community, in particular by creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; such conduct may consist of physical, verbal or non-verbal elements;

- 14) mobbing – acts or conduct concerning or directed against a member of the University community, consisting of persistent and prolonged harassment or intimidation, resulting in that person's diminished assessment of their professional or academic suitability, or intended to humiliate, ridicule, isolate or eliminate that person from a team;
- 15) Committee – the committees for preventing undesirable conduct appointed by the Rector separately at the University and at Medical College;
- 16) Team – a team appointed from among the members of the Committee to conduct proceedings in a particular case.

Chapter II

Obligations of the Employer and employees, and preventive measures

§ 4

1. The University prevents undesirable conduct, in particular mobbing, discrimination, harassment, sexual harassment or other conduct of employees violating the dignity, safety or ethical standards applicable at Jagiellonian University.
2. The obligation to prevent undesirable conduct rests, in particular, with all persons holding managerial positions at the University and persons managing employees, regardless of the type of function and the size of the team managed by them.
3. The Employer which has obtained information about undesirable conduct shall take adequate remedial measures aimed at eliminating such conduct.

§ 5

Employees shall be obliged to refrain from undesirable conduct, in particular mobbing, discrimination, harassment, sexual harassment or other conduct violating the dignity, safety or ethical standards applicable at Jagiellonian University.

§ 6

1. The University prevents the occurrence of undesirable conduct, in particular through preventive and support activities carried out by the organisational units of Jagiellonian University. The Vice-Rector for Medical College may entrust preventive and support tasks to the organisational units of the Medical College.
2. The University undertakes preventive measures, in particular by promoting alternative dispute resolution methods, including through the activities of the permanent Team of Mediators.
3. Other preventive measures are implemented at the University, in particular by:
 - 1) conducting training and educational, informational and promotional activities aimed at the safety and equal treatment of members of the University community, including disseminating knowledge on ways of responding to manifestations of undesirable conduct;
 - 2) conducting information activities and training on the procedures applicable at the University and available educational materials relating to safety and equal treatment;
 - 3) cooperation between the organisational units of the University and members of the University community in undertaking initiatives aimed at strengthening the safety and equal treatment of members of the University community;
 - 4) developing and disseminating good practices in the field of safety and equal treatment;
 - 5) issuing recommendations and guidelines on conduct and developing proposals for measures aimed at preventing undesirable conduct.

Chapter III

Contact point for receiving reports of undesirable conduct

§ 7

1. The contact point for receiving reports of undesirable conduct, hereinafter referred to as the “contact point”, shall serve to receive reports concerning undesirable conduct.
2. The contact point shall be designated by the Rector separately for the University and the Medical College.
3. Employees providing services at the contact point:
 - 1) have knowledge and experience in the field of generally applicable laws and the University's internal regulations concerning undesirable conduct;
 - 2) demonstrate high interpersonal skills, analytical thinking skills, and the ability to diagnose and assess situations and to deal constructively with conflict situations while observing the principles of objectivity and respect for dignity;
 - 3) have knowledge of the organisational structure of the University and the operating principles and tasks of individual organisational units of Jagiellonian University, and, in the case of the contact point at the Medical College, also knowledge of the organisational structure of the Medical College and the principles of cooperation with healthcare entities;
 - 4) undergo periodic training in the field of preventing undesirable conduct.
4. The duties of employees providing services at the contact point shall include:
 - 1) receiving and conducting a preliminary analysis of reports of undesirable conduct;
 - 2) providing the Employer on an ongoing basis with information on reports of undesirable conduct, together with recommendations concerning possible measures;
 - 3) taking action on the basis of the Employer's decision;
 - 4) maintaining a register of reports of undesirable conduct and information on the measures taken and the manner in which cases have been concluded;
 - 5) preparing annual reports for the Employer concerning the measures taken and proceedings conducted;
 - 6) preparing data for external entities at the Employer's instruction;
 - 7) providing administrative support to the Committee and the Team.

Chapter IV

Committee for preventing undesirable conduct

§ 8

1. Each of the Committees, appointed by the Rector separately at the University and at Medical College for a four-year term, shall consist of 25 members.
2. Members of the Committee shall be independent in assessing factual findings and recommendations prepared in the cases conducted.
3. The chair of the Committee at the University and their deputy shall be appointed by the Rector.
4. The chair of the Committee at the University can be an academic teacher, and the deputy chair can be an employee who is not an academic teacher; both shall have legal education.

5. The chair of the Committee at Medical College can be an academic teacher, and the deputy chair can be an employee who is not an academic teacher; both shall be employed at Medical College and have education in law, administration or management, including human resources management.
6. The chair of the Committee at Medical College and their deputy shall be appointed by the Rector at the request of the Vice-Rector for Medical College.
7. Each Committee shall comprise:
 - 1) six academic teachers;
 - 2) six employees who are not academic teachers;
 - 3) six employees with legal or administrative education (from among academic teachers or employees who are not academic teachers);
 - 4) five employees with education in management, including human resources management, psychology or sociology (from among academic teachers or employees who are not academic teachers);
 - 5) one student;
 - 6) one PhD researcher.

§ 9

1. The administrative support for the Committee and the Team referred to in § 7 (4) (7) shall include:
 - 1) administrative support for activities performed by the chair and deputy chair of the Committee and the chair of the Team;
 - 2) handling correspondence, including sending notices of meetings of the Committee and the Team;
 - 3) providing administrative support for meetings of the Committee and the Team;
 - 4) taking minutes of meetings of the Committee and the Team and preparing official notes or other documentation specified by the chair of the Committee and the chair of the Team;
 - 5) ensuring the proper circulation of documentation between the organisational units of the University and the Medical College, and the Committee and the Team;
 - 6) storing documentation.
2. Administrative support for the Team in a particular case shall be provided by an employee providing services at the contact point and designated by the chair of the Committee.

Chapter V

Proceedings concerning the prevention of undesirable conduct in employment relationships

Division I

Proceedings in the event of a report of undesirable conduct to the contact point

§ 10

1. Reports of undesirable conduct shall be submitted to the contact point in writing, electronically or orally, indicating in particular:
 - 1) the potentially aggrieved person;
 - 2) a concise description of the violations and, where necessary, evidentiary motions;

- 3) the expected manner of resolving the case.
2. An oral report shall be documented in the form of minutes prepared by the employee providing services at the contact point and signed by the reporting person.
3. Anonymous reports shall not be accepted.
4. Employees providing services at the contact point shall, in particular:
 - 1) collect basic data enabling the case to be proceeded with;
 - 2) conduct a preliminary analysis of the report;
 - 3) request that deficiencies in the report be remedied, where necessary;
 - 4) notify, in respect of each report:
 - a) the Rector or, in the case of Medical College, the Vice-Rector for Medical College,
 - b) the Chancellor or, in the case of Medical College, the Deputy Chancellor for Medical College,
 - c) another competent entity, in the event of a conflict of interest concerning the persons referred to in points (a)–(b).
5. Employees providing services at the contact point shall take further action in the case on the basis of a decision of the entities indicated in Section 4 (4).
6. The reporting person shall be instructed on the further course of the proceedings. The instruction shall be provided in writing or electronically against acknowledgement of receipt.

Division II

Mediation proceedings

§ 11

1. The Employer shall support amicable resolution of disputes.
2. The Employer may refer a case to mediation at any stage thereof, with the consent of the persons participating in the proceedings.
3. Mediation shall be conducted by a mediator from the Team of Mediators, accepted by the persons referred to in Section 2.
4. In the event of a conflict of interest or an express request by the persons referred to in Section 2, and with the consent of the Employer, the mediation may also be referred to an external mediator. In such a case, the costs of mediation shall be borne by the Employer.
5. If a case is referred to mediation, the employee providing services at the contact point shall provide the designated mediator with information that the case has been referred to mediation by the Employer and with the contact details necessary to conduct the mediation.
6. Mediation proceedings shall be confidential.
7. If a mediation settlement is concluded, the mediator shall provide the Employer, through the contact point, with the signed mediation settlement and, if no settlement is concluded, information that the mediation proceedings have been concluded without a settlement being reached.
8. In matters not regulated by the Procedure, the provisions of the Code of Civil Proceedings concerning mediation proceedings shall apply accordingly.

Division III

Proceedings before the Committee and the Team

§ 12

1. The Employer may refer a case to proceedings conducted by the Committee and the Team.
2. Proceedings before the Committee and the Team shall not constitute a mandatory stage for the Employer, which shall have the right to implement measures provided for by generally applicable law, or for the employee, who shall have the right to refer the case for consideration by other authorities or common courts.
3. The proceedings shall be conducted with due regard to impartiality, confidentiality and expedition.
4. In matters not regulated by the Procedure, decisions resolving matters relating to the conduct of proceedings in a particular case shall be made by the chair of the Team.

§ 13

1. After a case has been referred to the Committee, the chair or their deputy shall, taking into account the specific nature of the case, promptly appoint the Team and its chair.
2. The Team shall consist of five persons appointed from among the members of the Committee, and its composition should include:
 - 1) at least one academic teacher if the potentially aggrieved person or the accused person is an academic teacher;
 - 2) at least one employee who is not an academic teacher if the potentially aggrieved person or the accused person is an employee who is not an academic teacher;
 - 3) at least one person with legal or administrative education;
 - 4) one student if the potentially aggrieved person is a student;
 - 5) one PhD researcher if the potentially aggrieved person is a PhD researcher.
3. In the event of a conflict of interest, a person appointed to the Team shall submit to the chair of the Team a statement of exclusion from the Team. If a statement of exclusion from the Team is submitted, the chair of the Committee or their deputy shall promptly appoint another person to the Team.
4. If a member of the Team is excluded due to a conflict of interest, the chair of the Committee may designate another member of the Committee operating, as appropriate, at the University or the Medical College.
5. The conduct of proceedings may be entrusted to the Committee operating at the University or at the Medical College if a conflict of interest excludes all members of the Committee operating at the relevant Employer.
6. If a conflict of interest excludes all members of the Committee at the University and the Committee at the Medical College, the Rector, acting on their own initiative or at the request of the Vice-Rector for Medical College, may appoint a Team whose composition ensures that a conflict of interest is avoided, including, where necessary, persons not associated with the University community. In such a case, the provisions of the Procedure shall apply accordingly.
7. In cases concerning the actions of the Rector, the chair of the University Council may appoint a Team whose composition ensures that a conflict of interest is avoided, including persons from outside the University community. In such a case, the provisions of the Procedure shall apply accordingly.

8. Members of the Team shall receive a flat-rate one-off allowance added to their remuneration, in accordance with the principles and in the amount specified in the Remuneration regulations for employees applicable at the Employer. In the case of members of the Team who are not employees of the University or the Medical College, remuneration shall be paid on the basis of an appropriate agreement.
9. The chair and deputy chair of the Committee shall receive a task allowance (periodic allowance), paid in accordance with the principles and in the amount specified in the Remuneration regulations for employees applicable at the Employer.

§ 14

1. Within seven days of the appointment of the Team, the chair of the Team shall, in writing or electronically:
 - 1) notify the accused person of the circumstances requiring clarification (the scope of the anticipated proceedings), the stages of the proceedings, and the detailed rights and obligations of the accused person in the proceedings;
 - 2) notify the potentially aggrieved person of the commencement of the proceedings (if that person was not the reporting person), the circumstances requiring clarification (the scope of the anticipated proceedings), and their rights and obligations in the proceedings;
 - 3) notify the reporting person, if they are not the potentially aggrieved person, of their rights and obligations in the proceedings;
 - 4) convene meetings of the Team without undue delay.
2. Before the first meeting of the Team, the chair of the Team may request the accused person and the potentially aggrieved person to supplement the information, submit a written position and make any evidentiary motions that should be considered in the proceedings.
3. At each stage of the proceedings, information and notices summoning persons to meetings of the Team shall be provided in writing or electronically to an email address in the domain uj.edu.pl or cm-uj.krakow.pl, and, in the case of the aggrieved person or where the person does not have an email address in the uj.edu.pl or cm-uj.krakow.pl domain, to the email address indicated for correspondence.
4. Proceedings conducted by the Team should not last longer than three months. The chair of the Team may request the chair of the Committee or their deputy to consent to an extension of the proceedings in complex cases, in particular cases involving multiple persons (multiple potentially aggrieved persons or suspected persons).

§ 15

1. The proceedings shall be conducted in camera.
2. Only invited persons and the employee providing services at the contact point and designated to provide administrative support to the Team in the particular case, who shall act as the secretary, may be present at meetings of the Team.
3. The Team shall make decisions by an absolute majority of votes in the presence of all members of the Team.
4. In the course of the proceedings, the Team may:
 - 1) conduct examinations of the reporting person, potentially aggrieved person and accused person;
 - 2) examine witnesses;

- 3) request necessary documentation from any organisational unit of the University or entity operating at the University;
 - 4) request necessary written explanations or documentation from any member of the University community;
 - 5) appoint experts and seek their opinions, including inviting experts with an advisory vote to meetings of the Team.
5. The Team shall conduct examinations in person. In exceptional cases justified by the circumstances of the case, at the request of the person being examined, the chair of the Team may order that the examination be conducted using means of direct remote communication, provided that the confidentiality of the proceedings is maintained.
 6. The activities of the Team shall be documented, and minutes shall be drawn up of examinations. The person being examined shall sign their testimony. In exceptional cases justified by technical considerations, the signature of the person examined may be dispensed with.
 7. Minutes shall be drawn up in writing or electronically. The minutes shall be signed by the chair of the Team and the secretary.
 8. Notes and other documents prepared in writing or electronically shall be signed by a member of the Team and the employee referred to in Section 2.

§ 16

1. Persons participating in the proceedings may act with the assistance of a representative. The representative may participate exclusively in activities at which the person they represent is present.
2. Materials collected in the course of the proceedings shall be made available, in whole or in a specified part, to:
 - 1) the Employer;
 - 2) disciplinary officers for academic teachers;
 - 3) the Disciplinary Committee for Academic Teachers;
 - 4) the Team for receiving reports from whistleblowers;
 - 5) the Committee for considering reports of violations of law at Medical College;
 - 6) courts and other competent authorities upon their request.
3. Materials collected in the course of the proceedings may also be made available to other persons if this is justified by the purpose of the proceedings, pursuant to a decision of the chair of the Team. In particular, witnesses, experts or other persons invited to meetings of the Team may be provided with documents necessary to clarify their explanations or present an expert opinion.

§ 17

1. The Team shall conduct a preliminary analysis of the case, including, in particular, the materials collected and the positions of the persons participating in the proceedings, as a result of which the Team may:
 - 1) find that the report is manifestly unfounded and conclude the proceedings;
 - 2) decide to examine the case.
2. If the report is manifestly unfounded, the Team shall prepare only a report on the proceedings conducted.
3. The report shall contain:
 - 1) findings of the facts of the case;

- 2) reasons indicating the absence of grounds for formulating allegations concerning any undesirable conduct;
 - 3) an assessment of the report made (in particular, indicating whether the report was made in good or bad faith);
 - 4) recommendations for the Employer concerning possible general preventive measures or additional comments by the Team.
4. The report shall be submitted to the Employer without undue delay, no later than within seven days of its preparation.
5. The persons participating in the proceedings shall receive information on the conclusion of the proceedings due to the manifestly unfounded nature of the report.
6. Upon a request submitted within seven days of receiving the information, a person participating in the proceedings shall have the right to inspect all materials collected by the Team and to request delivery of a copy of the report, excluding the recommendations for the Employer, in writing or electronically.

§ 18

1. If a decision is made to examine the case, the Team shall inform the participants in the proceedings thereof and update the information concerning the circumstances subject to clarification.
2. After completing the examination of the case and before the Team proceeds to prepare the report, the chair of the Team shall notify the persons participating in the proceedings and the Employer thereof, enabling them to inspect the evidence within seven days of the date of notification.
3. The persons participating in the proceedings and the Employer shall have the right, within seven days of inspecting the evidence, to submit any position, assertion or evidentiary motion.
4. The Team shall decide whether to accept or refuse to accept additional submissions in the case.

§ 19

1. The Team shall conclude the proceedings by preparing its position on the case. Each member of the Team may submit a dissenting opinion in respect of the Team's position.
2. Within two weeks of the conclusion of the case, the Team shall prepare a report on the proceedings conducted and submit it to the Employer.
3. The report shall contain at least:
 - 1) the Team's position on the report, consisting in finding that the employee did or did not engage in undesirable conduct, indicating the type of such conduct (e.g. mobbing, discrimination, harassment or other undesirable conduct);
 - 2) findings of the facts of the case;
 - 3) detailed reasons for the Team's position, indicating the evidence on which the Team based its position;
 - 4) an assessment of the report made (whether in good or bad faith), together with reasons;
 - 5) recommendations for the Employer, together with reasons.
4. Dissenting opinions of members of the Team, together with detailed reasons, shall be included in the report.
5. The report shall be submitted to the Employer without undue delay, no later than within two working days of the date of its preparation.

6. The persons participating in the proceedings shall receive information on the conclusion of the proceedings and the Team's position, together with any dissenting opinions.
7. Upon a request submitted within seven days of receiving the information, a person participating in the proceedings shall have the right to inspect all materials collected by the Team and to request delivery of a copy of the report, excluding the part containing recommendations for the Employer, in writing or electronically.

§ 20

1. The Team's recommendations for the Employer:
 - 1) shall contain proposals for protective, organisational, personnel and training measures, mediation, or referring the case to the competent disciplinary officer or other competent authority;
 - 2) may contain indications concerning consequences for the reporting person if, in the course of the proceedings, it is established that the reporting person acted in bad faith.
2. The recommendations for the Employer shall include reasons.
3. The Employer may request the Team to supplement the recommendations or submit a request for an assessment of other proposed personnel or organisational solutions.
4. The Team shall take a position without undue delay, no later than within three working days of receiving the Employer's request.
5. The issuance of recommendations by the Team, following any supplementation thereof at the Employer's request, shall conclude the proceedings.
6. The Team's recommendations shall not be binding on the Employer. Implementation of the recommendations shall depend on the Employer's decision.

§ 21

1. The Team may issue additional recommendations to the Employer at any stage of the proceedings if it considers them necessary.
2. Persons participating in the proceedings, as well as the head of the organisational unit to which the proceedings relate, may request the Team to issue recommendations concerning the organisation of work during the proceedings.
3. The Team shall issue recommendations on the basis of the material collected.
4. Implementation of the recommendations shall depend on the Employer's decision.