

<b>UNIVERSITY OF PARDUBICE</b>	
Directive No. 8/2024	
Title:	Office of the Ombudsperson at the University of Pardubice
Applicability:	All constituent parts and units of the University of Pardubice
Effective date:	1 January 2025
Ref. No.:	OPO/0038/24
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Approved by:	Prof. Ing. Libor Čapek, Ph.D., Rector

## **Article 1**

### **Fundamental Provisions**

- 1) This Directive governs the role of the ombudsperson (hereinafter the “Ombudsperson”) and defines basic principles applicable to the activities of the Ombudsperson, the powers of the Ombudsperson and the investigation procedures.
- 2) This Directive uses the masculine and feminine as neutral in light of today’s context, emotional perception as well as sex and gender.

## **Article 2**

### **Ombudsperson and the Powers**

- 1) The office of the Ombudsperson at the University of Pardubice (hereinafter the “University”) is hereby established.
- 2) In terms of the hierarchy, the Ombudsperson is accountable to the Rector, which guarantees the independence of the Ombudsperson of other units and University bodies.
- 3) The Ombudsperson must be qualified to hold the office of the Ombudsperson; to qualify, the Ombudsperson must have a minimum MA degree in Humanities or Social Sciences having competences in Ethics, Mediation, Psychology, Psychotherapy, Gender Studies, or a degree in Law. In addition, the person must possess such personal traits and moral characteristics that guarantee that the Ombudsperson will act fairly, impartially, honestly, conscientiously, with dignity and in a trustworthy manner.
- 4) The following offices are not compatible with the office of the Ombudsperson: Rector, Vice-Rector, Dean, Vice-Dean, Faculty Secretary, University or Faculty Academic Senate member, Ethics Committee member, Disciplinary Committee member, any managerial employee.
- 5) The Ombudsperson must notify the Rector of any potential appearance of conflict of interests that may compromise the activities of the Ombudsperson. In such cases, the

Ombudsperson will inform the complainant of the possibility to refer the case to the Internal Audit, Control and Complaints Office (hereinafter the “Office”).

### **Article 3**

#### **Basic Principles Applicable to the Activities of the Ombudsperson**

- 1) The Ombudsperson acts **independently, objectively and impartially with respect to all persons involved**. The Ombudsperson may not receive any instructions on how to proceed or what recommendations to make in a specific case, and the activities of the Ombudsperson may not be influenced in any way. The Ombudsperson may not be subject to any penalties for due performance of the Ombudsperson’s duties.
- 2) All activities of the Ombudsperson must comply with the principle of lawfulness; i.e. the Ombudsperson acts in compliance with legislation, University internal regulations and policies as well as ethical and moral norms.
- 3) The Ombudsperson must keep **confidential** all facts received in relation to the office including, without limitation, all facts that may enable the identification of the complainants, or other sensitive information even after the Ombudsperson ceases to hold the office or be employed by the University. The identity of the complainant must not be disclosed to any third person unless:
  - a. the complainant grants his or her express written consent;
  - b. the Ombudsperson concludes that the case involves a possible threat to life or serious threat to health;
  - c. the disclosure of the information is required by applicable legislation;
  - d. the case is referred, subject to the complainant’s consent, to other competent bodies, units or employees of the University.

If investigation is commenced under Article 5.2. hereof, the identity of the complainant is disclosed to the person targeted by the complaint, the Rector and, as the case may be, the Dean if an employee or a student of a faculty is involved.

- 4) The Ombudsperson must keep confidential all communication, documents and information processed, store the documents and information at a safe place and comply with data protection legislation and University policies as well as cybersecurity principles.
- 5) The Ombudsperson always acts on a case-by-case basis diligently assessing and investigating all complaints and respecting the interests and needs of the complainant. The Ombudsperson assesses all findings of fact objectively and impartially. During the

investigation of the case, the Ombudsperson takes all foreseeable steps of which the complainant is informed.

- 6) The Ombudsperson acts in accordance with the principle of **timeliness and reasonableness**; the Ombudsperson only requires such assistance from students and employees that is necessary to meet the purpose of the investigation.
- 7) The Ombudsperson makes an effort to reach **an amicable resolution of disputes and conflicts** if possible in light of the nature of the case.
- 8) The conclusions arrived at by the Ombudsperson are not issued in lieu of decisions by other bodies and amount to a mere recommendation. The Ombudsperson is not competent to decide whether employees or students violated their duties or University policies. Neither is the Ombudsperson competent to issue authoritative decisions in disputes.

#### **Article 4**

##### **Powers and Competences of the Ombudsperson**

- 1) The activities of the Ombudsperson help protect the rights of University employees and students and promote social safety at the University.
- 2) The activities carried out by the Ombudsperson include, without limitation:
  - a. **investigating complaints** filed by University employees and students involving conduct that may amount to bullying (including mobbing, bossing and staffing) discrimination or unequal treatment, sexual harassment, any forms of pressure or violence, intimidation, spreading of rumours, denigrating the name and reputation, hate speech, persecution or any other inappropriate conduct that jeopardizes social security at the University (hereinafter “misconduct”);
  - b. **contributing to the settlement of** employee-employee, employee-manager, employee-student and student-student **disagreements and conflicts** and helping achieve amicable resolution thereof; the Ombudsperson also carries out preventive actions in this respect;
  - c. providing **general counselling** to students and employees about possible solutions in cases of misconduct;
  - d. **identifying**, as far as the powers of the Ombudsperson permit, **issues that may have a negative impact on the study, research and development and work environment at the University**. To this effect, the Ombudsperson may commence **investigations of their own initiative**;

- e. **guidance and education activities aimed at preventing misconduct** at the University; participating in prevention and awareness-raising activities in the field of social security;
  - f. submitting an annual report on the activities of the Ombudsperson to the Rector by 31 January of the following year; the annual report includes a summary of the cases investigated, the number of cases as well as other activities, an analysis of any systematic issues identified in terms of social security at the University, and any remedial measures. The annual report is anonymised and published on the University intranet.
- 3) The powers of the Ombudsperson include:
- a. **requesting**, as part of the investigation, **assistance** (including, without limitation, information and documents that may contribute to an objective assessment of the case) from students, employees, bodies and organization units of the University, which are required to provide such assistance. Employees or students may deny assistance only on serious grounds subject to approval of the Rector or the Dean. Employees may also deny assistance if the request made by the Ombudsperson is unrelated to the employee's tasks at the University. In the case of any doubts as to whether information or documents should be provided, the final decision will be made by the Dean if employees or students of the respective faculty are involved, or the Rector if employees of the Rector's Office are involved;
  - b. if any shortcomings are identified, **making general recommendations** to the management of the University, faculties or University bodies or units to enhance social security, or to minimize or remove any general shortcomings identified either of the Ombudsperson's own initiative or upon request of the University or the faculties;
  - c. making **proposals to the Rector to amend University regulations and policies** to prevent misconduct and promote safe work and study environment;
  - d. **attending meetings of University bodies** subject to prior arrangement with the chair of the respective body if the meeting is related to the activities of the Ombudsperson and does not involve classified information. This power does not apply to the Cybersecurity Management Committee.
- 4) The powers of the Ombudsperson exclude:
- a. making decisions on the rights and obligations of students and employees and making conclusions on violations committed by specific persons;

- b. amending, setting aside or replacing decisions by other University bodies;
  - c. investigating cases or dealing with requests falling under the powers of other University bodies or persons.
    - i. If the Ombudsperson receives a whistleblowing complaint, the Ombudsperson shall refer the whistleblower without undue delay to the person competent to deal with whistleblower complaints under Act No. 171/2023., the Whistleblower Protection Act, as amended.
    - ii. If the Ombudsperson receives a case involving data protection, the Ombudsperson shall refer the complainant without undue delay to the Data Protection Officer.
    - iii. If the Ombudsperson receives a petition, the Ombudsperson will refer the petition without undue delay to the Office.
    - iv. If the Ombudsperson receives a request for information, the Ombudsperson will act in compliance with the University policy governing access to information under Act No. 106/1999 Sb., on free access to information, as amended.
    - v. In the case of other complaints falling outside the scope of powers of the Ombudsperson, the Ombudsperson will refer the complainant to other competent bodies and persons at the University or entities outside the University depending on the nature and the content of the complaint.
- 5) If impossible to clearly determine the body or person competent to deal with the complaint or a conflict as to the competence appears, the Rector will determine the body or person competent to deal with the complaint or the request.
- 6) Any complaints involving the Ombudsperson may be filed with the Rector, who may authorize the Office to investigate the complaint. In such a case, the Ombudsperson shall provide the Office with appropriate assistance.

## **Article 5**

### **Investigation of the Ombudsperson's Initiative and Investigations of Complaints**

- 1) Employees and students of the University may, as complainants, submit cases involving misconduct to the Ombudsperson. No person may be penalized, disadvantaged or have any of their rights denied as a result of referring a case to the Ombudsperson.
- 2) Cases may be referred to the Ombudsperson either by e-mail sent at [ombuds@upce.cz](mailto:ombuds@upce.cz), by a letter sent by post and put in an envelope saying "Do not open - Ombudsperson", or in

person subject to prior arrangement with the Ombudsperson. The Ombudsperson will draw up a record on complaints made in person.

- 3) If the cases falls within the powers of another body or person or if the nature of the case justifies so, the Ombudsperson will refer the complainant to the competent body or person at the University or to other entities outside the University (government authorities, police, public prosecutor offices, courts, law firms, NGOs, social service providers, healthcare providers etc.). The Ombudsperson may assist the complainant with contacting the respective entity.
- 4) The complainant will provide their name, relationship to the University and contact details. The identity of the complainant is governed by Article 3(3) hereof.

### **5.1 Investigations of the Ombudsperson's Initiative**

- 1) In the cases of anonymous complaints or if the complainant wishes not to disclose their identity known to the Ombudsperson, the Ombudsperson may use the information in the complaint to investigate the case of the Ombudsperson's initiative. Anonymous complainants are not informed by the Ombudsperson of further steps or conclusions. If the Ombudsperson knows the identity of the complainant who wishes to remain anonymous, the Ombudsperson informs the complainant and the person targeted by the complaint only of the conclusions of the investigation excluding personal details.
- 2) In cases investigated of the Ombudsperson's own initiative, the course and conclusions of the investigation are recorded in a **report** on such investigation. The report may include proposed remedial measures. Such a report is confidential and only shared by the Ombudsperson with the Rector or the Dean if the investigation involves a faculty. The Ombudsperson will inform the Rector or the Dean, if the investigation involves a faculty, of any serious findings requiring immediate action on an ongoing basis without undue delay. If the report specifies the recommended course of action, the Dean, if the case involves an employee or student of a faculty, or the Rector will inform the Ombudsperson of the action taken in response to the recommendation within 30 days.

### **5.2 Investigation of Complaints**

- 1) The Ombudsperson will inform the Dean, if the case involves an employee or student of a faculty, or the Rector, of commencing an **investigation of a complaint** filed by a complainant. During investigation, the Ombudsperson establishes all information and circumstances related to the case in an objective and impartial manner in compliance with

the principles defined herein. If the complaint targets a specific person, body or unit of the University, the Ombudsperson will **always** provide them with a possibility to make a statement on the case, and will assess such statement in an objective and unbiased manner.

- 2) The primary role of the Ombudsperson in dealing with a complaint is that of a **mediator**. If possible and appropriate, the Ombudsperson makes an effort to find an amicable resolution of the dispute or conflict in cooperation with all persons involved. With respect to the complainant and the person targeted by the complaint, or any other participants in the dispute, the Ombudsperson acts as an impartial and independent person helping achieve a compromise to resolve the issues. The Ombudsperson takes into account the arguments and needs of all persons involved.
- 3) The investigation of the complaint results in a **report** which specifies the content of the complaint, and includes all relevant findings, including opinions of persons and bodies concerned and/or targeted, conclusions of the investigation, and, if applicable, proposed remedial measures.
- 4) The report on the investigation will be shared by the Ombudsperson only with the complainant, persons targeted by the complaint, the Dean, if the case involves an employee or student of a faculty, or the Rector. The report is a confidential document that must not be disclosed by the addressees. If the report specifies the recommended course of action, the Dean, if the case involves an employee or student of a faculty, or the Rector will inform the Ombudsperson of the action taken in response to the recommendation within 30 days.
- 5) The Ombudsperson may also make some recommendations to:
  - a. managers of the units or departments if the complaint targeted decisions or steps of such units or departments;
  - b. managers competent to remedy the situation if the complaint involves their subordinate employee;
  - c. the Vice-Dean for Education if the complaint involves student conduct;
  - d. the Rector and Chair of the Faculty Academic Senate if the complaint involves the Dean;
  - e. the Chair of the University Academic Senate if the complaint involves the Rector.

The Ombudsperson will also send a copy of such recommendation and list of the addresses under (a)-(c) to the Rector and the Dean if addressed to faculty employees. If the recommendations make it possible to establish the identity of the complainant, the complainant's consent must be obtained before the recommendations are sent to the persons under this paragraph.

- 6) The Ombudsperson will deal with the complaints without undue delay, but not later than within 30 days. If justified, such period may be extended by not more than 30 days.

### **Article 6**

#### **Archiving**

- 1) The Ombudsperson keeps records of all acts and steps taken when dealing with a complaint, as well as records of any other activities. The Ombudsperson keeps records of the cases investigated and records of the activities in compliance with the Filing Rules of the University of Pardubice.

### **Article 7**

#### **Final Provisions**

This Directive comes into effect on 1 January 2025.

In Pardubice on 18 December 2024

prof. Ing. Libor Čapek, Ph.D.  
Rector