

## **NON-DISCRIMINATION & ANTI-HARASSMENT POLICY AT JAN DLUGOSZ UNIVERSITY IN CZESTOCHOWA**

### **I – General provisions**

#### **§ 1**

Non-discrimination and anti-harassment policy, hereinafter referred to as the Policy, sets out the principles for tackling harassment and discrimination at Jan Dlugosz University in Czestochowa, hereinafter referred to as the University. Its aim is to provide a safe, non-discriminatory environment for all participants of the academic life.

#### **§ 2**

Whenever the Policy refers to:

- 1) the Non-Discrimination and Anti-Harassment Commission – this should be understood as the Commission appointed by the Rector to deal with complaints by members of the academic community about discrimination and harassment,
- 2) discrimination – this should be understood as direct or indirect discrimination, in particular on grounds of sex, age, disability, race, religion, nationality, political beliefs, trade union membership, ethnic origin, religion, sexual orientation and - in the case of workers - in employment as defined in the labour code and on grounds of fixed-term or indefinite employment, or full-time or part-time employment; harassment is also a form of discrimination, including sexual harassment, as well as any other unwanted conduct of a sexual nature or relating to the sex of a member of the academic community whose aim or effect is to undermine their dignity, in particular to create an intimidating, hostile, degrading, humiliating or derogatory atmosphere against them,
- 3) harassment – this means activities or behaviours concerning a member of the academic community, consisting in persistent and prolonged harassment or intimidation of a member of the academic community, giving them an underestimated assessment of professional or social fitness, causing or intending to humiliate or ridicule a member of the academic community, isolate or eliminate them from the academic community,
- 4) members of the academic community – this should mean staff, students, doctoral students and participants in postgraduate studies and other forms of education.

### **II – Discrimination and Harassment Prevention**

#### **§ 3**

1. The Rector and the persons in charge are required to take any legally permitted action, including those described in the following policy, to prevent harassment and discrimination at the University.
2. The Rector and the persons in charge shall be actively engaged in any activity to protect against harassment and discrimination at the University, consisting in particular in taking preventive measures to combat harassment and discrimination, promoting the attitudes and behaviours desired, in accordance with the principles of social coexistence and applicable law.
3. The Rector is obliged to take the action described in this procedure whenever a written notification of harassment or discrimination is made. The Rector shall also take the measures indicated in the procedure whenever she receives information on the occurrence of harassment or discrimination from a credible source other than the written notification received.

#### § 4

1. Rights and obligations of members of the academic community:
  - a) any member of the academic community who has been the victim of harassment and/or discrimination shall have the right to require the Rector to take action to put an end to harassment and/or discrimination and to investigate and prevent the causes and consequences of such an occurrence,
  - b) in addition to the activities undertaken within the University, each member of the academic community shall have the right to seek legal protection under the applicable laws,
  - c) any member of the academic community who has information on cases of harassment and/or discrimination shall be entitled to notify the Rector,
  - d) unjust accusations of harassment and/or discrimination are prohibited.
2. In the situations referred to in paragraph 1 “a” and “b”, any member of the academic community may lodge a written complaint with the Rector.
3. The complaint should include, in particular, information on what specific conduct or actions the applicant considered to be harassment or discrimination, a brief description of undesirable conduct and possible evidence, an indication of the witnesses to the events described, an indication of the person who, in the opinion of the applicant, committed harassment or discrimination, an indication of the victim, the date and signature of the applicant.
4. The member of the academic community who lodges the complaint should write a handwritten complaint with their signature and a date.

5. The first step in clarifying the issue of harassment and/or discrimination is an investigation, during which the Rector hears the victim's account and the alleged perpetrator of harassment and/or discrimination.

6. In case the investigation is ineffective, the Rector shall refer the matter to the Non-Discrimination and Anti-Harassment Commission.

7. The final stage is the formal procedure in accordance with the rules set out in § 5 – § 6

#### § 5

1. The Rector shall immediately set up, by order, a Non-Discrimination and Anti-Harassment Commission, hereinafter referred to as the Commission, to clarify and investigate in detail the merits of the action.

2. The Commission shall be composed of four members.

3. The Commission shall be composed of: in the case of a notification concerning an employee of the University - the Rector's representative, one representative of each Trade Union and an employee designated by the complainant; in the case of a report concerning another member of the academic community - the Rector's representative and persons designated by the head of the organisational unit in which the case of harassment or discrimination took place.

4. The members of the Commission shall elect a chairman from among themselves.

5. After hearing the explanations of the victim from the academic community and the alleged perpetrator(s) of harassment and/or discrimination, and after carrying out investigation and collecting evidence, the Commission shall decide on the merits of the complaint. The decision shall be taken by a simple majority vote by secret ballot.

6. A detailed minutes shall be drawn up from the Commission meeting, containing a precise determination of the facts, explanations of the parties to the conflict and evidence gathered, which shall be signed by all members of the Commission and the parties to the proceedings. The Minutes shall be forwarded to the Rector without delay by the Commission.

7. The proceedings before the Commission shall be of a confidential nature.

8. In matters not regulated in the Policy, the provisions of the Code of Civil Procedure shall apply to proceedings before the Commission.

#### § 6

1. Where a complaint of harassment and/or discrimination is found to be well founded, the Rector shall also take other measures to eliminate the irregularities found and to prevent them from occurring in the future.
2. The perpetrators of harassment and/or discrimination are subject to legal liability, including, in particular, the Labour Code.
3. It is also the liability of those who make groundless accusations of harassment and/or discrimination against other persons.
4. All persons who take part in proceedings relating to a given harassment and/or discrimination case shall be bound by the confidentiality of all facts known in the course of the action taken.

#### § 7

As part of the implementation of non-discrimination and anti-harassment policy, the Rector shall additionally appoint a Plenipotentiary for Equal Treatment whose objective is to introduce, monitor and enforce systemic preventive and educational measures for the implementation of the Policy.