

REGULATIONS
for Counteracting Mobbing and Discrimination at the Jan Kochanowski University in
Kielce

Chapter I General
Provisions

§ 1

1. Terms used in the Regulations for Counteracting Mobbing and Discrimination, hereinafter referred to as the Regulations, mean:
 - 1) University – the Jan Kochanowski University in Kielce;
 - 2) Committee – the University Anti-Mobbing and Anti-Discrimination Committee;
 - 3) employer – the Jan Kochanowski University in Kielce;
 - 4) employee – a person employed at the Jan Kochanowski University in Kielce under an employment relationship;
 - 5) mobbing – acts or behavior relating to or directed against an employee consisting of persistent and prolonged harassment or intimidation of an employee, resulting in a decreased evaluation of his/her professional abilities, causing or aiming at humiliating or ridiculing the employee, isolating him/her or eliminating him/her from the team of co-workers;
 - 6) discrimination – unequal treatment as regards starting and ending employment, employment conditions, promotion and access to training to improve their professional qualifications, in particular due to sex, age, disability, race or religion, nationality, political opinion, trade union membership, ethnic origin, belief, sexual orientation, as well as on the basis of temporary or permanent employment, or full-time or part-time employment;
 - 7) party to the proceedings – a person filing a complaint or a person against whom a complaint was filed;
 - 8) act – the act – Law on Higher Education and Science (Journal of Laws of 2021, item 478 as amended);
 - 9) minutes – the minutes of an investigation conducted by the Committee on the complaint filed.
2. The university has an internal anti-mobbing and anti-discrimination policy.
3. The Regulations set out the rules against mobbing and discrimination at the University.
4. The University has a Committee appointed to investigate reports of mobbing or discrimination.

Chapter II

General principles of the internal anti-mobbing and anti-discrimination policy

§ 2

1. The priority objective of the internal anti-mobbing and anti-discrimination policy is to support activities that foster positive relations between employees.
2. The University opposes mobbing and discrimination and does not accept any form of psychological or physical violence.
3. The university implements measures to ensure that the work environment is free of mobbing and discrimination and other forms of violence from both superiors and co-workers.
4. The internal anti-mobbing and anti-discrimination policy is implemented through:
 - 1) organizing training on the prevention of mobbing and discrimination in the workplace to raise awareness among employees;
 - 2) monitoring of any undesirable phenomena and behaviors:
 - a) occurring between employees, such as quarrels, spreading rumors, slander,
 - b) targeted at a specific employee, such as intimidation, harassment, ridicule, isolation, ignoring, humiliation,
 - c) others in violation of the rules of social intercourse before they take on the characteristics of mobbing or discrimination;
 - 3) promptly responding to and resolving conflicts and drawing consequences for those committing reprehensible behavior in the workplace;
 - 4) providing support to employees who report the existence of problems in the workplace or request assistance in resolving conflicts;
 - 5) conducting an information campaign among employees;
 - 6) providing employees with the opportunity to file a complaint with the Committee;
 - 7) cooperation with trade unions operating at the University.
5. The use of harassment or discrimination constitutes a violation of basic labor obligations and may be the basis for the application of sanctions under the labor law, in particular, the application of disciplinary penalties, changes in working and pay conditions or termination of the employment contract.

Chapter III

Responsibilities of the University and the employee in the formation of labor relations

§ 3

1. The University's responsibilities in preventing mobbing and discrimination include:
 - 1) compliance with the rules under the labor laws;
 - 2) respect for the personal dignity of the employee;
 - 3) respect for the employee's worldview and political beliefs;
 - 4) use of objective evaluations of employees' performance, skills, competence and work experience;

- 5) respect for the right of employees to form and belong to organizations authorized to represent their interests;
 - 6) countering the use of offensive language;
 - 7) countering mental, physical and sexual harassment of employees;
 - 8) supporting the functioning of the Committee;
 - 9) conducting training for Committee members on mobbing, discrimination and internal anti-mobbing and anti-discrimination policies;
 - 10) conducting training for managerial staff on anti-mobbing and anti-discrimination policies.
2. The employee's responsibilities with respect to the internal anti-mobbing and anti-discrimination policy include:
 - 1) making every effort to ensure that the phenomenon of mobbing and discrimination does not occur at the University;
 - 2) resolving conflicts with other employees without damaging the personal dignity of the parties to the conflict, and without damaging the course of work;
 - 3) not to use the authorizations held and information obtained in the course of work for purposes other than those for which they were provided;
 - 4) responding to perceived manifestations of mobbing and discrimination and reporting these incidents in accordance with the procedure in force;
 - 5) using available resources to take care of one's own dignity and safety.
 3. The parties should strive to resolve any disputes, first and foremost in an amicable manner.

Chapter IV

Behaviors bearing the marks of mobbing and discrimination

§ 4

1. Mobbing behavior is considered to be:
 - 1) activities that negatively affect communication processes at the workplace:
 - a) restriction or obstruction by the supervisor or co-workers of the ability to speak out,
 - b) constant interruptions of speech,
 - c) responding to statements and remarks with a raised voice, shouting, insults and threats,
 - d) constant criticism of the work performed, professional and personal life,
 - e) phone harassment,
 - f) written and verbal threats,
 - g) making demeaning, insulting gestures, directing emotionally charged, unambiguously negative gazes toward the victim,
 - h) operating with language laden with allusions of various kinds, avoiding speaking clearly and directly;
 - 2) activities that negatively affect social relations at the workplace:
 - a) avoiding conversations with an employee,

- b) isolating an employee's workplace, prohibiting contact with co-workers,
 - c) prohibiting others from contacting an employee,
 - d) ignoring, deliberately overlooking an employee in the work environment, passing by, indifferent treatment;
- 3) activities that affect the negative perception of an employee in the work environment:
 - a) slandering, spreading rumors, making up nicknames,
 - b) making attempts to ridicule and discredit an employee, various spheres of their life,
 - c) joking about an employee's personal life,
 - d) parodying the way an employee walks, talks, their gestures and facial expressions,
 - e) attacking their political views, religious beliefs, worldview in general,
 - f) ridiculing and attacking an employee because of their nationality, skin color, sexual orientation,
 - g) mocking the employee's disability, infirmity or characteristics,
 - h) suggesting mental illness, referring for diagnostic tests,
 - i) using vulgar nicknames or other humiliating and degrading expressions toward an employee,
 - j) making proposals of a sexual nature;
- 4) activities that affect the quality of the employee's professional and personal situation:
 - a) issuing work orders forcing the performance of offensive work, violating personal dignity,
 - b) falsely assessing work commitment,
 - c) questioning the decisions made,
 - d) omitting an employee from the distribution of duties to show that he or she is expendable,
 - e) ordering certain tasks, and then ostensibly delegating them to someone else,
 - f) issuing absurd, contradictory or nonsensical orders,
 - g) assigning tasks above or below the employee's capabilities and skills,
 - h) assigning new tasks again and again with an unrealistic deadline for their completion in order to discredit the employee;
- 5) activities that have a detrimental effect on the employee's health:
 - a) ordering work that is harmful to health and exceeds the physical capabilities of the employee,
 - b) threatening physical violence,
 - c) physical abuse,
 - d) contributing to a given employee bearing costs,
 - e) sexually motivated actions, sexual harassment,
 - f) causing psychological damage.
- 2. We speak of mobbing behaviors when they exhibit the following characteristics:
 - 1) they are repeated, continuous and consistent;
 - 2) they last for a long time;
 - 3) they are intentional in nature and lead to an underestimation of the employee's professional suitability;
 - 4) they cause an employee to be isolated or eliminated from a team of co-workers.

3. Mobbing behaviors, as a rule, are not:
 - 1) legitimate criticism – pointing out errors in the performance of work;
 - 2) situations in which the parties obstruct each other's tasks;
 - 3) discontent regarding assigned duties, reluctance to carry out assigned tasks and lack of a sense of satisfaction;
 - 4) activities that cause an employee stress related to assigned duties;
 - 5) holding an employee accountable for failure to fulfill duties or violate labor rights;
 - 6) placing high demands on the quality of work.
4. Discriminatory behavior is considered to be:
 - 1) action aimed at encouraging another person to infringe the principle of equal treatment in employment or ordering him/her to infringe this principle;
 - 2) adverse behavior that has the purpose or effect of violating the employee's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment (harassment);
 - 3) adverse behavior of a sexual nature or relating to the employee's sex, the purpose or effect of which is violating the dignity of an employee, especially creating an intimidating, hostile, degrading, humiliating or offensive environment; this conduct may include physical, verbal or non-verbal elements (sexual harassment);
 - 4) incitement to violence or hatred in the form of verbal or non-verbal communication, which includes hostility towards specific individuals or groups of people singled out on the basis of certain characteristics, in particular gender, age, disability, race, religion, nationality, political beliefs, ethnicity, religion, sexual orientation;
 - 5) differentiating the situation of an employee for one or more of the reasons specified in the definition, which could result in particular in:
 - a) refusal to enter into or terminate the employment relationship,
 - b) disadvantageous remuneration for work or other conditions of employment, or omission when promoting or granting other work-related benefits,
 - c) omission during the selection of participants in training aimed at improving professional qualifications, unless the employer proves that they were guided by objective reasons,
 - d) applying measures that diversify the employee's legal situation due to parenthood protection or disability.
5. An employee who has a suspicion that a particular behavior or situation fits the definition of mobbing or discrimination may file a complaint in accordance with the provisions of these Regulations.
6. The catalog of behaviors specified in sections 1 and 4 is open-ended and does not exhaust all possible uses of mobbing or discrimination.

Chapter V

Liability

§ 5

In the case of the occurrence of mobbing or discriminatory behavior, any guilty employee may be subject to official consequences regulated in detail in the applicable laws, in particular the act.

§ 6

With regard to an employee who is proven to have been subjected to mobbing or discrimination, the rector shall take appropriate action in accordance with the applicable laws, in particular, in accordance with the provisions of the act and the Labor Code.

Chapter VI

Proceedings

§ 7

1. An employee in the following cases:
 - 1) encountering a practice that they consider to be mobbing or discriminatory behavior,
 - 2) knowing of the occurrence of mobbing or discrimination,
 - 3) finding that they experienced mobbing or discrimination,has the right to submit a complaint in person, in writing confirmed by his/her own signature, or via email box, to the Committee through the Committee Chairman or the Rector.
2. A template complaint is attached as Appendix no. 1 to these Regulations.

§ 8

1. The Committee consists of 10 members, including:
 - 1) 7 members appointed by the rector from among academic teachers and non-academic staff (including: a lawyer and a psychologist),
 - 2) 3 members appointed by trade unions operating at the University (1 member for each trade union).
2. The chairman of the Committee is appointed by the Rector from among the members referred to in sec. 1 item 1.
3. The Committee is appointed for a period corresponding to the term of office of the bodies of the University.
4. The Committee deliberates at meetings, which are convened by the Committee Chairman.
5. Committee meetings are valid if at least half of the Committee's members, including its chairman, attend. In the event that the chairman is unable to attend the Committee's meetings, in particular for fortuitous reasons or in the case of exclusion referred to in sec. 10, the rector shall appoint from among the remaining members of the Committee a person to act as chairman for the duration of the meeting in question or for the entire proceedings.
6. The tasks of the Committee Chairman include:
 - 1) organization of the Committee's work, including storage of documentation of ongoing cases for the duration of the Committee's work;
 - 2) immediate submission to the Rector of the Committee's position on the matter under consideration.

7. Administrative support for the Committee is provided by the Human Resources Department.
8. Committee members act in accordance with the rules of:
 - 1) immediacy;
 - 2) confidentiality;
 - 3) impartiality;
 - 4) targeting a comprehensive clarification of the facts.
9. Committee members are authorized to review documents necessary to clarify the case.
10. A member of the Committee shall be subject to exclusion from participation in the investigation in a case in which he/she is a party to the proceedings or is in such a legal or factual relationship with one of the parties that the outcome of the case may affect his/her rights or obligations, i.e., in particular, in a case:
 - 1) in which he/she is the person filing the complaint or the person against whom the complaint was filed;
 - 2) in which he/she is the head of the organizational unit in which the complainant is employed;
 - 3) in which he/she is a witness;
 - 4) of his/her spouse and affinities and relatives to the second degree of consanguinity;
 - 5) of a person related to him/her by adoption, guardianship or custody.
11. The reasons for excluding a member of the Committee from participation in the investigation proceedings continue even after the termination of marriage, adoption, guardianship or custody.
12. The Committee is always obliged to exclude a member from its composition in cases where there is probable cause to doubt his/her impartiality.
13. At the first meeting, the chairman and members of the Committee shall submit a declaration according to the model attached hereto as Appendix No. 2.

§ 9

The Rector grants special leave with retention of the right to remuneration:

- 1) to Committee members, for the duration of its work;
- 2) to witnesses and parties to the proceedings for the duration of their hearings before the Committee.

§ 10

1. The Committee shall consider the complaint immediately, but no later than one month from the date of receipt. In particularly justified cases, the above deadline may be extended.
2. The result of the Committee's work is minutes signed by the members of the Committee participating in its work. A member of the Committee has the right to submit a dissenting opinion to the minutes.
3. The minutes include, in particular:
 - 1) a description of the facts found in the course of the proceedings;
 - 2) witness statements;
 - 3) assessment as to whether the complaint is justified or unjustified;
 - 4) proposed actions and remedies against the person against whom the complaint was filed.
4. Members of the Committee, parties and witnesses participating in the Committee's meetings are obliged to keep confidential all facts and circumstances with which they became acquainted

in the course of the proceedings, unless the disclosure of such information is permitted under generally applicable law.

5. The Chairman of the Committee shall transmit the Committee's position, together with the minutes, to the Rector immediately, no later than within 3 days of the completion of the proceedings.
6. If the complaint is found to be justified against the person against whom the complaint was filed, the Rector shall decide on further action in the case in accordance with the provisions of § 5 and § 6.
7. The Committee may declare the complaint unfounded, while concluding that the behavior cited in the complaint, while not meeting the criteria of mobbing or discrimination, is reprehensible behavior.
8. Only members of the Committee, the parties to the investigation and the Rector have the right to inspect the documentation of the proceedings at any stage.
9. The documentation of the proceedings, together with the protocol, shall be kept by the Rector, under the principle of confidentiality, for the period provided for in the regulations of the office and archives.
10. The information contained in the documents, which constitutes personal data, is subject to protection under the laws in force in this regard.

Chapter VII Final provisions

§ 11

All employees are obliged to familiarize themselves with the content of the Regulations and confirm this fact in writing or electronically, in accordance with the template, attached as Appendix No. 3 to these Regulations, which will be included in the personnel file.

§ 12

The procedures set forth in these Regulations do not preclude an employee from pursuing a claim through the courts.

§ 13

The Jan Kochanowski University will provide legal assistance to the Committee in its tasks.

§ 14

Any amendments to these Regulations shall be agreed with the Trade Unions in accordance with the provisions of the Labor Code regarding the agreement of Labor Regulations.

.....
(first and last name of the applicant)

.....
(position)

.....
(organizational unit)

University Anti-Mobbing and Anti-Discrimination Committee
via: Rector of the
Jan Kochanowski University in Kielce
/Chairman of the University Anti-Mobbing and Anti-Discrimination Committee

COMPLAINT

I kindly request you to consider my complaint regarding suspected reprehensible behavior in the form of mobbing/discrimination at the Jan Kochanowski University in Kielce.

The mobbed/discriminated employee is
(first and last name, position, organizational unit)

The person(s) suspected of mobbing/discrimination is/are
(first and last name, position, organizational unit)

JUSTIFICATION

(description of behavior/events including: time and place of events, frequency of events, surrounding circumstances, witnesses to events or witnesses to the aftermath of events, possible evidence to support the description of events provided)

Kielce/Piotrków Trybunalski/Sandomierz, on
(signature of the employee)

.....
(first and last name of the Committee Member)

DECLARATION

In connection with participation in the work of the University Anti-Mobbing and Anti-Discrimination Committee reviewing the mobbing/discrimination complaint filed by:

.....

I declare that in this case:

- 1) I am not a party;
- 2) I am not the head of the organizational unit where the complainant is employed;
- 3) I am not a witness;
- 4) I am not a spouse, affinity or relative to the second degree of consanguinity of either party;
- 5) I am not related to any party by adoption, guardianship or custody;
- 6) I do not have any other legal or factual relationship with any of the parties that could raise doubts about my impartiality;
- 7) I will keep confidential any information obtained in connection with the investigation, unless the disclosure of such information is permitted under generally applicable law.

Kielce, on

.....
(signature of Committee Member)

Appendix No.
3 to the Regulations on Counteracting Mobbing and Discrimination
at the UJK

.....
(first and last name of the applicant)

.....
(position)

.....
(organizational unit)

DECLARATION

I declare that I have acquainted myself with the contents of the *Regulations for Counteracting Mobbing and Discrimination at the Jan Kochanowski University in Kielce*, introduced by Ordinance No. of the Rector of the Jan Kochanowski University in Kielce dated and I undertake to abide by it.

Kielce/Piotrków Trybunalski/Sandomierz, on
(signature of the employee)