

REGULATIONS

on counteracting mobbing and discrimination at the Jan Kochanowski University of Kielce

Chapter I

General provisions

§ 1

1. The terms used in the Regulations on the Counteracting Mobbing and Discrimination, hereinafter referred to as the Regulations, shall have the following meanings:
 - 1) University – Jan Kochanowski University of Kielce;
 - 2) Committee – the University Anti-Mobbing and Anti-Discrimination Committee;
 - 3) employer – Jan Kochanowski University of Kielce;
 - 4) employee – a person employed by the Jan Kochanowski University of Kielce under an employment contract;
 - 5) mobbing – actions or behaviour concerning an employee or directed against an employee, consisting of persistent and long-term harassment or intimidation of the employee, causing him/her to underestimate his/her professional suitability, resulting in or aimed at humiliating or ridiculing the employee, isolating him/her, or excluding him/her from the team of colleagues;
 - 6) discrimination – unequal treatment in relation to the establishment and termination of an employment relationship, terms and conditions of employment, promotion and access to training aimed at improving professional qualifications, in particular on grounds of gender, age, disability, race, religion, nationality, political beliefs, trade union membership, ethnic origin, denomination, sexual orientation, as well as on the grounds of fixed-term or permanent employment, or full-time or part-time work;
 - 7) party to the proceedings – the person lodging the complaint or the person against whom the complaint has been lodged;
 - 8) Act – the Act of 20 July 2018 – Law on higher education and science (Journal of laws of 2023, item 742, as amended);
 - 9) report – the report on the investigation conducted by the Committee regarding the complaint lodged.
2. The University maintains an internal anti-mobbing and anti-discrimination policy.
3. The Regulations set out the rules for combating mobbing and discrimination at the University.
4. The University has a Committee appointed to examine reports of mobbing or discrimination.

Chapter II

General principles of the internal anti-mobbing and anti-discrimination policy § 2

1. The primary objective of the internal anti-mobbing and anti-discrimination policy is to support measures that foster positive relationships between employees.
2. The University opposes mobbing and discrimination and does not accept any form of psychological or

physical violence.

3. The University takes steps to ensure that its work environment is free from mobbing, discrimination, and other forms of violence, whether perpetrated by superiors or colleagues.
4. The internal anti-mobbing and anti-discrimination policy is implemented through:
 - 1) organising training on the prevention of mobbing and discrimination in the workplace to raise awareness among employees;
 - 2) monitoring any undesirable phenomena and behaviours:
 - a) occurring between employees, such as misunderstandings, spreading rumours, slander,
 - b) directed at a specific employee, such as intimidation, harassment, ridicule, isolation, ignoring, humiliation,
 - c) others that violate the principles of social coexistence before they take on the characteristics of mobbing or discrimination;
 - 3) responding swiftly to and resolving conflicts, and taking action against those who engage in reprehensible behaviour in the workplace;
 - 4) providing support to employees who report problems in the workplace or request assistance in resolving a conflict;
 - 5) conducting an information campaign among employees;
 - 6) ensuring that employees have the opportunity to lodge a complaint with the Committee;
 - 7) cooperating with trade unions operating at the University.
5. Mobbing or discrimination constitutes a breach of fundamental employment obligations and may give rise to sanctions provided for in labour law, in particular disciplinary measures, changes to working conditions and pay, or termination of the employment contract.

Chapter III

The University's and the employee's obligations in shaping working relationships

§ 3

1. The University's obligations in counteracting mobbing and discrimination include:
 - 1) compliance with the principles set out in labour law;
 - 2) respecting the employee's personal dignity;
 - 3) respecting the employee's ideological and political beliefs;
 - 4) applying objective assessments of employees' work performance, skills, competences and professional experience;
 - 5) respecting employees' right to form and join organisations authorised to represent their interests;
 - 6) counteracting the use of offensive language;
 - 7) counteracting psychological, physical, and sexual harassment of employees;
 - 8) supporting the work of the Committee;
 - 9) conducting training for Committee members on mobbing, discrimination and the internal anti-mobbing and anti-discrimination policy;
 - 10) conducting training for management on anti-mobbing and anti-discrimination policies.
2. The employee's duties under the internal anti-mobbing and anti-discrimination policy include:
 - 1) making every effort to ensure that mobbing and discrimination do not occur at the University;
 - 2) resolving conflicts with other employees without undermining the personal dignity of the parties

- involved, and without disrupting the workflow;
 - 3) not using his/her powers and information obtained in the course of work for purposes other than those for which they were made available;
 - 4) responding to observed acts of mobbing and discrimination and reporting such incidents in accordance with the applicable procedure;
 - 5) using available means to safeguard his/her own dignity and safety.
3. The parties should endeavour to resolve any disputes, in the first instance, amicably.

Chapter IV

Behaviour constituting mobbing and discrimination

§ 4

1. The following shall be deemed as mobbing behaviour:
 - 1) actions that adversely affect communication within the place of work:
 - a) restricting or hindering the ability to express oneself by a supervisor or colleagues,
 - b) constantly interrupting speech,
 - c) responding to statements and comments by raising the voice, shouting, using abusive language, insults, and threats,
 - d) constant criticism of the work performed, professional and personal life,
 - e) harassment via telephone or other devices used for interpersonal communication,
 - f) written and verbal threats and intimidation,
 - g) making humiliating or offensive gestures, directing looks of unambiguously negative emotional content towards the victim,
 - h) using language rife with various kinds of insinuations, avoiding clear and direct speech;
 - 2) actions negatively affecting social relations in the place of work:
 - a) avoiding conversations with the employee,
 - b) isolating the employee's workplace, imposing a ban on contact with colleagues,
 - c) prohibiting others from contacting the employee,
 - d) ignoring the employee, deliberately failing to acknowledge him/her in the work environment, walking past without acknowledging him/her, treating him/her with indifference;
 - 3) actions contributing to a negative perception of the employee within the work environment:
 - a) gossiping, spreading rumours, inventing nicknames,
 - b) attempting to ridicule and discredit the employee or various aspects of his/her life,
 - c) jokes about the employee's personal life,
 - d) parodying the employee's manner of walking, speaking, gestures and facial expressions,
 - e) attacking political views, religious beliefs, or general worldview,
 - f) mocking and attacking an employee on the grounds of his/her nationality, skin colour, or sexual orientation,
 - g) mocking an employee's disability or individual characteristics,
 - h) suggesting mental illness, or referring the employee for diagnostic tests,
 - i) using nicknames or other humiliating and degrading expressions towards an employee,
 - j) making propositions of a sexual nature;
 - 4) actions affecting the quality of an employee's professional and personal situation:
 - a) issuing work instructions forcing the performance of offensive tasks that violate personal dignity,

- b) falsely assessing commitment to work,
 - c) questioning decisions made,
 - d) excluding the employee from the distribution of duties to demonstrate that he/she is unnecessary,
 - e) assigning specific tasks and then demonstratively taking them away,
 - f) giving absurd, contradictory, or nonsensical instructions,
 - g) assigning tasks beyond or below the employee's capabilities and skills,
 - h) assigning a constant stream of new tasks with unrealistic deadlines to discredit the employee;
- 5) actions having a harmful effect on the employee's health:
- a) assigning work that is harmful to health and exceeds the employee's physical capabilities,
 - b) threatening physical violence,
 - c) physical abuse,
 - d) causing the employee in question to incur costs,
 - e) actions of a sexual nature, sexual harassment,
 - f) causing psychological harm.
2. We speak of mobbing behaviour when it exhibits the following characteristics:
- 1) it is repetitive, continuous and consistent;
 - 2) it persists over a prolonged period;
 - 3) are intentional and lead to the employee developing a low self-assessment of their professional competence;
 - 4) causing isolation or exclusion of the employee from the team.
3. The following, as a general rule, do not constitute mobbing:
- 1) justified criticism – pointing out errors in the performance of work;
 - 2) situations in which the parties mutually hinder the performance of their tasks;
 - 3) dissatisfaction with assigned duties, reluctance to conduct assigned tasks and a lack of satisfaction;
 - 4) actions causing an employee stress related to his/her assigned duties;
 - 5) holding an employee accountable for failing to fulfil duties or for breaching employment rights;
 - 6) setting high standards regarding the quality of work.
4. The following shall be considered discriminatory behaviour:
- 1) an act consisting of encouraging another person to breach the principle of equal treatment in employment or ordering him/her to breach that principle;
 - 2) unwelcome conduct which has the purpose or effect of violating an employee's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment (harassment);
 - 3) unwanted conduct of a sexual nature or relating to an employee's gender, the purpose or effect of which is to violate the employee's dignity, in particular by creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her; such conduct may consist of physical, verbal or non-verbal elements (sexual harassment);
 - 4) incitement or advocacy of violence or hatred in the form of verbal or non-verbal communication that involves hostility towards specific individuals or groups of people distinguished based on specific characteristics, in particular gender, age, disability, race, religion, nationality, political beliefs, ethnic origin, denomination, sexual orientation;
 - 5) differentiating an employee's situation on one or more of the grounds specified in the definition, which could result in particular in:

- a) refusal to enter into or terminate an employment relationship,
 - b) unfavourable determination of remuneration for work or other terms and conditions of employment, or exclusion from promotion or the granting of other work-related benefits,
 - c) exclusion from selection for participation in training courses aimed at improving professional qualifications, unless the employer proves that they were guided by objective reasons,
 - d) the application of measures that differentiate the legal status of an employee on the grounds of parental leave or disability.
5. Any employee who suspects that a particular behaviour or situation constitutes mobbing or discrimination may lodge a complaint in accordance with the provisions of these Regulations.
6. The list of behaviours set out in paragraphs 1 and 4 is non-exhaustive and does not cover all possible forms of mobbing or discrimination.

Chapter V

Liability

§ 5

In the event of mobbing or discriminatory behaviour, disciplinary action may be taken against any employee found guilty, as set out in detail in the applicable legal provisions, in particular in the Act.

§6

Against the employee proven to have engaged in mobbing or discrimination, the Rector shall take appropriate action in accordance with applicable legal provisions, in particular those of the Act and the Labour Code.

Chapter VI

Procedures

§ 7

1. An employee, in the event that:
 - 1) he/she has encountered conduct which he/she considers to be mobbing or discrimination,
 - 2) he/she has become aware of the occurrence of mobbing or discrimination,
 - 3) believes that he/she has experienced mobbing or discrimination,has the right to lodge a complaint in person, in writing confirmed by his/her own signature, or via email, to the Committee through the Chair or the Rector.
2. A template for the complaint is set out in Annex 1 to these Regulations.

§ 8

1. The Committee is composed of 11 members, including:
 - 1) 7 members appointed by the UJK Senate from among academic teachers and non-academic staff (including: a lawyer and a psychologist);
 - 2) 4 members appointed by the trade unions operating at the University (one member per trade union).
2. At the first meeting of the Committee, the members referred to in paragraph 1(1) shall elect a Chair and a Deputy Chair from among themselves.
3. The Committee shall be appointed for a term corresponding to the term of office of the University's

governing bodies.

4. The Committee shall hold meetings convened by the Chair of the Committee; however, the first meeting of the Committee shall be convened by the Rector at the beginning of the term of office.
5. Meetings of the Committee shall be valid if attended by at least half of the Committee's members, including its Chair. If the Chair is unable to attend the Committee's meetings, in particular for unforeseen reasons or in the event of the exclusion referred to in paragraph 10, the Deputy Chair of the Committee shall lead the meeting for the duration of that particular meeting or for the duration of the entire proceedings.
6. The duties of the Chair of the Committee includes:
 - 1) organising the Committee's work, including the safekeeping of documentation relating to pending cases for the duration of the Committee's work;
 - 2) promptly submitting the Committee's position on the matter under consideration to the Rector.
7. Administrative support for the Committee is provided by the Human Resources Division.
8. Members of the Committee shall act according to the following principles:
 - 1) promptness,
 - 2) confidentiality,
 - 3) impartiality,
 - 4) a focus on a comprehensive clarification of the facts.
9. Members of the Committee are authorised to examine documents necessary for the clarification of the case.
10. A member of the Committee shall be excluded from participating in the investigation proceedings in a case in which he/she is a party to the proceedings or has 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 complainant or the person against whom the complaint has been lodged;
 - 2) in which he/she is the manager of the organisational unit in which the complainant is employed;
 - 3) in which he/she is a witness;
 - 4) which concerns his/her spouse and relatives (including by marriage) up to the second degree;
 - 5) which concerns a person related to him/her by adoption, guardianship, or custody.
11. The grounds for excluding a member of the Committee from participating in the investigation proceedings shall continue to apply even after the marriage, adoption, guardianship, or custody has ceased.
12. The Committee is obliged to exclude a member from its composition in cases where circumstances are established that may cast doubt on his/her impartiality.
13. At the first meeting, the Chair and members of the Committee shall make a declaration according to the template set out in Annex 2 to these Regulations.

§ 9

The Rector shall grant leave of absence without loss of pay:

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

§ 10

1. The Committee shall consider the complaint without delay, but no later than one month from the date of its receipt. In particularly justified cases, this time limit may be extended.
2. The outcome of the Committee's work shall be a report signed by the members of the Committee who participated in its proceedings. A member of the Committee shall have the right to submit a dissenting opinion to the report.
3. The report/minutes shall contain, in particular:
 - 1) a description of the facts established in the course of the proceedings;
 - 2) witness statements;
 - 3) an assessment of the complaint's merits or lack thereof;
 - 4) proposed actions and legal measures towards the person against whom the complaint has been lodged.
4. Members of the Committee, the parties and witnesses participating in the Committee's meetings are obliged to keep confidential all facts and circumstances of which they have become aware in the course of the investigation, unless the disclosure of such information is permitted under generally applicable law.
5. The Chair of the Committee shall forward the Committee's opinion, together with the report, to the Rector without delay, no later than within 3 days of the conclusion of the investigation.
6. If the complaint regarding the person against whom it was lodged has been deemed justified, the Rector shall take a decision on further action, in accordance with the provisions of § 5 and § 6.
7. The Committee may consider the complaint to be unfounded, whilst at the same time finding that the conduct referred to in the complaint, although not constituting mobbing or discrimination, is reprehensible.
8. The right to inspect the documentation of the investigation at any stage thereof shall be reserved exclusively for members of the Committee, the parties to the proceedings and the Rector.
9. The documentation of the investigation, together with the report, shall be kept by the Rector, in accordance with the principle of confidentiality, for the period specified in the office and archiving regulations.
10. Information contained in the documents which constitutes personal data is protected in accordance with the relevant legal provisions.

Chapter VII Final provisions

§ 11

All employees are required to familiarise themselves with the contents of these Regulations and to confirm this in writing or electronically, in accordance with the template set out in Annex 3 hereto, which shall be included in their personnel files.

§ 12

The procedures set out in these Regulations do not preclude an employee from pursuing claims through the courts.

§ 13

Jan Kochanowski University shall provide the Committee with legal assistance in relation to the tasks it performs.

§ 14

Any amendments to these Regulations shall be agreed with the Trade Unions in accordance with the provisions of the Labour Code concerning the agreement of Work Regulations.

(applicant's full name)

(position)

(organisational unit)

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

COMPLAINT

I am kindly requesting to investigate my complaint regarding suspected reprehensible behaviour in the form of mobbing/discrimination at the Jan Kochanowski University of Kielce.

*The employee subject to mobbing/discrimination is
(full name, position, organisational unit)*

*The person(s) suspected of mobbing/discrimination is/are
(full name, position, organisational unit)*

REASONS

(description of behaviour/events, including time and place of events, frequency of events, accompanying circumstances, witnesses to the events or witnesses to the consequences of the events, any evidence to support the description of events provided)

*Kielce/Sandomierz, on.....
(employee's signature)*

*Annex 2 to the Regulations on Counteracting
Mobbing and Discrimination at the UJK*

(full name of the Committee's member)

STATEMENT

In connection with my participation in the work of the University Anti-Mobbing and Anti-Discrimination Committee examining a complaint of mobbing/discrimination lodged by:

I declare that in this case:

- 1) I am not a party to the proceedings;*
- 2) I am not the manager of the organisational unit in which the person lodging the complaint is employed;*
- 3) I am not a witness;*
- 4) I am not the spouse, relative or relative by marriage up to the second degree of any of the parties;*
- 5) I am not related to any of the parties by adoption, guardianship or custody;*
- 6) I am not in any other legal or factual relationship with any of the parties that could give rise to doubts as to my impartiality;*
- 7) I will keep confidential all information obtained in connection with the proceedings unless the disclosure of such information is permitted under generally applicable law.*

Kielce, on

(signature of the Committee member)

*Annex 3 to the Regulations on Counteracting Mobbing
and Discrimination at the UJK*

(applicant's full name)

(position)

(organisational unit)

STATEMENT

*I hereby declare that I have read and understood the Regulations on Counteracting Mobbing and
Discrimination at the Jan Kochanowski University of Kielce, introduced by Order No. of the Rector of
the Jan Kochanowski University of Kielce dated and undertake to comply with them.
Kielce/Sandomierz, on.....*

(employee's signature)