



Item 140

**ORDINANCE NO 49
OF THE RECTOR OF THE UNIVERSITY OF WARSAW**

of 14 May 2018

on prevention of mobbing at the University of Warsaw

Pursuant to Article 66 s. 1 of the Act of 27 July 2005 – Law on Higher Education (consolidated text: Journal of Laws of 2017, item 2183, as amended) in conjunction with § 35 of the Statute of the University of Warsaw (consolidated text: UW Monitor 2015, item 150, as amended), and in conjunction with Article 94³ § 1 of the Act of 24 June 1974 – Labour Code (consolidated text: Journal of Laws of 2018, item 108, as amended) and § 4 of the Work Rules of the University of Warsaw attached as an appendix to the ordinance of the Rector of the University of Warsaw of 1 July 1997 on the implementation of Work Rules at the University of Warsaw, it is hereby ordered as follows:

§ 1

General rules

1. Any mobbing in the workplace shall be prohibited.
2. Relationships between all members of the community of the University of Warsaw, including superiors and subordinates, shall be based on the principle of respect and tolerance, as well as on the principle of respect for personal dignity.
3. Heads of organisational units and direct superiors shall prevent behaviours showing features of mobbing and shall respond to any signals thereof.
4. Unjustified accusations of mobbing shall be forbidden and can also be subject to the proceedings governed by this ordinance.

§ 2

Definitions of terms

Terms used in the ordinance shall have the following meaning:

- 1) employee – employee within the meaning of Article 2 of the Labour Code, doctoral student within the meaning of this ordinance, as well as a natural person providing services to the University of Warsaw based on a specific task contract, personal service contract or any other agreement for the provision of services concluded by this person with the University of Warsaw, regardless of the type of work and position;

- 2) mobbing – any actions or behaviour relating to an employee or directed against the employee consisting of persistent and long-lasting harassment or intimidation of an employee resulting in his or her decreased evaluation of professional capabilities, as well as resulting in or aimed at humiliating or ridiculing an employee, isolating him or her or eliminating him or her from a work team;
- 3) organisation unit – organisation unit of the University of Warsaw within the meaning of § 11 of the Statute of the University of Warsaw;
- 4) superior – superior within the meaning of the Work Rules of the University of Warsaw, and in case of a doctoral student – also the promoter and the doctoral study director.

§ 3

Anti-mobbing authorities

In order to prevent mobbing and its consequences, the Anti-Mobbing Committee will be established and the Anti-Mobbing Coordinator will be appointed at the University of Warsaw.

§ 4

Anti-mobbing Committee

1. The Anti-Mobbing Committee, hereinafter referred to as the “Committee,” will hear cases in keeping with the following principles:

- 1) principle of immediacy;
- 2) principle of confidentiality;
- 3) principle of impartiality.

2. The Committee shall comprise from 4 to 9 members appointed for a four-year term of office from among University employees enjoying an impeccable reputation. Members of the Committee shall be appointed and dismissed by the Rector, who shall also appoint the chairperson of the Committee.

3. Membership in the Committee shall expire:

- 1) upon the expiration of the term of office;
- 2) as a result of termination or expiration of the employment relationship;
- 3) in case of the Rector dismissing the member;
- 4) in case of death of the Committee member.

4. In particular, a Committee member can be dismissed in case of:

- 1) the Committee member submitting his/her resignation from the function;
- 2) illness of the Committee member, long-term trip or any other absence preventing the performance of tasks by the Committee member;
- 3) conviction by a valid sentence for an intentional offense prosecuted by a public prosecutor or by a final decision of a disciplinary committee.

5. Committee members should have knowledge and experience in the area of labour law, including mobbing and mobbing prevention, and should be trained by the Personal Data Protection Officer on personal data protection regulations and procedures.

6. Subject to applicable legal regulations, the head of every organisational unit shall be obliged to present the document in his/her possession, as well as to provide information on matters related to the proceedings carried out by the Committee, at the request of the Committee.

7. The Committee may enact detailed rules governing its activities, subject to the approval by the Rector.

8. By 31 January each year, the Committee shall submit a written report on its activities to the Rector.

9. Persons carrying out activities pertaining to the case involving mobbing, shall be obliged to maintain confidentiality of any related fact disclosed during the proceedings, and cannot copy or disseminate any documents pertaining to the case.

10. In case of instituting criminal or penal and criminal proceedings, or proceedings pertaining to mobbing against a person being the Committee member before any authorities, this person shall be obliged to immediately notify the Chairperson of the Committee and refrain from working in the Committee until the proceedings are closed.

§ 5

Anti-mobbing Coordinator

1. The Anti-Mobbing Coordinator, hereinafter referred to as the "Coordinator," shall be appointed by the Rector, who shall simultaneously determine the Coordinator's tasks.

2. Tasks of the Coordinator shall include, in particular:

- 1) accepting and verifying reports, as well as taking steps referred to in § 6;
- 2) collecting data on mobbing signals;
- 3) collecting information on anti-mobbing good practices;
- 4) implementing anti-mobbing initiatives, including aimed at increasing a level of awareness of mobbing in the workplace.

3. By 31 January each year, the Coordinator shall submit to the Rector the report on mobbing at the University of Warsaw for the previous year, including conclusions on potential activities of the University of Warsaw aimed at prevention of mobbing and conflicts at work.

§ 6

Initial proceedings

1. Every employee, who found he/she had been subjected to mobbing, shall be entitled to report it in writing to the Coordinator.

2. The mobbing report shall include, in particular, the description of the actual status, potential evidence confirming the circumstances described, and information on the perpetrator or perpetrators of mobbing. Anonymous reports shall not be examined.

3. The Coordinator shall carry out a preliminary verification of the report and shall immediately interview the person, who reported mobbing.

4. After verifying the case, the Coordinator shall take further steps:

- 1) in case of confirming that the circumstances indicating mobbing are likely, the Coordinator shall immediately transfer the case to the Committee Chairperson, in order to institute the proceedings referred to in § 7 s. 1;
- 2) if the circumstances described in the report do not show all features of mobbing, the Coordinator can:
 - a) transfer the case to the Academic Ombudsman or the Centre for Dispute and Conflict Resolution at the Faculty of Law and Administration, in order to resolve the dispute amicably;

- b) refer the person, who reported mobbing, upon its consent, to an appropriate organisational unit that can help to solve the problem;
- c) recognise the report as unjustified.

§ 7

Activities taken by the Anti-mobbing Committee

1. Within 14 days of reporting the case, the Chairperson of the Committee shall appoint the Committee Opinion Panel, comprising three persons, who will be responsible for identifying the actual status and assessing whether mobbing is likely.

2. A Committee member, who is a party to the proceedings or remains in an actual or legal relationship with one of the parties, which might cause the outcome of the case to influence his/her rights and duties, cannot be appointed to the Committee Opinion Panel.

3. The Committee Opinion Panel shall examine the cases during meetings. Every meeting shall be recorded in the minutes signed by all meeting participants.

4. A lawyer having experience in alternative dispute resolution methods, appointed by the Committee Chairperson, shall participate in meetings of the Committee Opinion Panel. At the request of the person, who reported mobbing, the person accused of mobbing or Committee members, the Academic Ombudsman or a representative of the Rector's Anti-Discrimination Committee can participate in the meeting.

5. The Committee Opinion Panel shall be authorised to:

- 1) review documents necessary to clarify the case;
- 2) hear the person, who reported mobbing, and the person accused of mobbing;
- 3) call and hear witnesses identified by the proceeding parties as witnesses of events;
- 4) carry out other activities of potential material importance in the investigation.

6. The Committee Opinion Panel can recommend mediation to the person, who reported mobbing, and the person accused of mobbing, and upon their consent, transfer the case to a mediator, in particular to the Centre for Dispute and Conflict Resolution at the Faculty of Law and Administration. The Committee can suspend the proceedings until mediation is finished. The Committee shall take into account the mediation outcome in further proceedings.

7. After completing the investigation, the Committee Opinion Panel, shall take a decision, by a simple majority of votes, on the validity of the report examined and shall draw up a written opinion on the case together with a justification.

§ 8

Closure of the proceedings before the Committee

Within 14 days of closing the proceedings, the Committee Chairperson shall submit the opinion of the Committee Opinion Panel together with the justification to the Rector, person, who reported mobbing, and the person accused of mobbing and superiors of this person.

§ 9

Increasing a level of awareness of mobbing

1. Employees shall confirm in writing getting acquainted with this ordinance. The declaration template is attached as an appendix to the ordinance.

2. Declarations referred to in s. 1 shall be included in personal files of employees.

3. Employees starting work after this ordinance comes into force shall make the declaration referred to in s. 1 no later than on the day of starting work.

§ 10
Final provisions

1. The ordinance shall come into force as of 1 June 2018.

2. Subject to s. 3, the ordinance shall apply to reports made after it came into force, including reports pertaining to events that occurred before the ordinance came into force, but no more than three years prior to this date.

3. The ordinance shall not apply to events that are subject to proceedings before other authorities.

4. Heads of organisational units shall be obliged to collect and file declarations referred to in § 9 s. 1 within 30 days of the day on which this ordinance comes into force.

Rector of the University of Warsaw:
M. Pałys

TEMPLATE

.....
(first name and surname)

.....
(UW organisational unit)

DECLARATION

I declare that I have familiarised myself with the anti-mobbing procedure introduced at the University of Warsaw by ordinance no 49 of the Rector of the University Warsaw of 14 May 2018 on prevention of mobbing at the University of Warsaw.

Warsaw,

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(signature)