

Annex  
to the Ordinance No. 238/XVI R/2020  
of the Rector of Wrocław Medical University  
of 2 November 2020



**UNIwersYTET MEDYCZNY**  
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# **Procedure for Counteracting Unequal Treatment**

**at Wrocław Medical University**

**WROCLAW**



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### **Article 1. OBJECTIVES AND SCOPE OF THE PROCEDURE**

1. The purpose of this Procedure is to determine the rules for counteracting any manifestations of unequal treatment of staff, students and doctoral students at Wrocław Medical University in Wrocław, including in particular discrimination, harassment, sexual harassment, bullying and stalking, as well as to define the procedure for handling cases of unequal treatment and actions taken by the University to eliminate such incidents.
2. The Procedure shall apply to staff members, students and doctoral students of Wrocław Medical University and concern incidents where both the complainant and the accused belong to one of the above-mentioned groups.
3. The Procedure shall apply to incidents occurring on the premises of the University, including student dormitories, as well as off the premises if the incidents are related to University operations, e.g. staff business trips, events for students, doctoral students or staff taking place off the premises, etc.

### **Article 2. DEFINITION OF TERMS USED IN THE PROCEDURE**

1. **University** – shall be understood as Wrocław Medical University.
2. **Committee** – shall be understood as the Committee on Unequal Treatment Counteraction.
3. **Plenipotentiary** – shall be understood as the Plenipotentiary of the Rector of Wrocław Medical University for Equal Treatment.
4. **Unequal Treatment** – shall be understood as treating a staff member, student or doctoral student of the University in a manner that is one or more of the following behaviours: bullying, stalking, discrimination, harassment, sexual harassment, or less favourable treatment of an individual resulting from refusal to be submitted to harassment or sexual harassment or submission to harassment or sexual harassment, and encouraging or commanding such behaviour.
5. **Bullying** – shall be understood as any act or behaviour relating to a staff member or targeted against a staff member that involves persistent and long-term persecution or intimidation, resulting in lower self-evaluation by the staff member of his or her professional abilities, with the purpose or effect of humiliating or ridiculing, isolating or eliminating that staff member from other staff members.



6. **Stalking** – shall be understood as persecution that makes the victim feel unsafe, e.g. through persistent sending of text messages, e-mails, intruding on them at the workplace or home, as well as cyberbullying, i.e. spreading false or compromising information on the Internet, impersonating another person on social media sites, etc.
7. **Harassment** – shall be understood as any unwanted behaviour that has the purpose or effect of violating the dignity of an individual and creating an intimidating, hostile, degrading, humiliating, or derogatory atmosphere towards that individual.
8. **Sexual harassment** – shall be understood as any unacceptable behaviour of a sexual nature or relating to the sex of staff member, student or doctoral student, the purpose or effect of which is to violate the dignity or humiliate or degrade the victim of harassment through physical, verbal or non-verbal actions. Sexual harassment may include, but is not limited to unwanted physical contact with the other party – inappropriate touching (e.g. stroking, hugging, etc.), making sexual remarks and allusions, including telling sexual jokes or otherwise communicating the same (e.g. via e-mail), making sexual advances, demanding sexual favours (so-called tokens of gratitude), making obscene gestures, or presenting erotic or pornographic content.
9. **Discrimination** – shall be understood as unlawful deprivation or limitation of rights of staff, students or doctoral students, or unequal treatment based on, in particular, sex, age, disability, nationality, race, ethnic origin, convictions, especially political or religious beliefs, sexual preferences, temporary or permanent employment, trade union membership or lack thereof, as well as granting some staff, students or doctoral students, on such grounds, lesser rights than those enjoyed by other staff, students or doctoral students in a similar situation.
10. **Student** – shall be understood as a person studying at the University, regardless of the mode of study, including postgraduate students.
11. **Doctoral student** – shall be understood as a person studying in a doctoral school of the University.
12. **Staff member** – shall be understood as a person employed by the University on the basis of an employment contract, regardless of the type of contract, type of work performed, and position held.
13. **Procedure** – shall be understood as this Procedure for Counteracting Unequal Treatment at Wrocław Medical University.



### **Article 3. GENERAL PROVISIONS**

1. A fundamental element of the University's organisational culture is the observance of ethical principles and universally accepted propriety standards by staff, doctoral students and students. The University supports all actions conducive to building positive relations between students, doctoral students and the University staff. Promoting equal treatment and counteracting all forms of discrimination is the responsibility of University authorities in particular.
2. The University stands against all forms of unequal treatment of students, staff and doctoral students and responds to all manifestations of unequal treatment regardless of who is affected.
3. The University is committed to taking actions aimed at eliminating all instances of unequal treatment, including discrimination, harassment, sexual harassment, bullying and stalking, and providing assistance to victims of the above.
4. Every staff member, student and doctoral student of the University:
  - 1) is obliged to treat other students, doctoral students, and staff equally, without regard to age, sex, marital status, sexual orientation, nationality, ethnicity, race, religion, political convictions, academic title, health status, and other personal preferences and characteristics;
  - 2) is obliged to stand against unethical or discriminatory practices against a person or a group of persons, make every effort to avoid interpersonal conflicts, and resolve conflicts that arise with respect for the rules of social coexistence and without prejudice to the personal dignity of other parties to the conflict;
  - 3) should behave courteously and kindly towards other students, doctoral students and the University staff, and help them whenever possible.
5. Relationships of dependence and subordination between staff, particularly between superiors and subordinates, shall not be exploited for any additional professional or private gain.

### **Article 4. UNEQUAL TREATMENT COMPLAINT**

1. Any staff member, student or doctoral student of the University who believes that he/she has experienced unequal treatment, i.e. discrimination, harassment, sexual harassment, bullying or stalking, or who has witnessed any of the above and the perpetrator is another staff member, student or doctoral student of the University, should report this fact in the



form of a complaint to the Plenipotentiary, in writing or at the following e-mail address:  
pelnomocnik.rt@umed.wroc.pl.

2. The complaint should include
  - 1) details of the complainant – name and surname, year and field of study in case of a student, name of the organisational unit in case of a staff member;
  - 2) description of the incident, including:
    - a) identification of the perpetrator(s),
    - b) time and place of the incident,
    - c) circumstances (e.g. training, team meeting, assessment interview, exam, classes),
    - d) witnesses to the incident and witnesses to the possible aftermath of the incident,
    - e) evidence of the incident (e.g. written instructions, notes, e-mails, recordings);
  - 3) determination of the frequency of incidents:
    - a) if it happened only once,
    - b) if it happened a few times,
    - c) if it lasted a few weeks, a few months or longer;
  - 4) presentation of mental or general health and other effects (if any) of the incident(s) described on the complainant.
3. Should the Rector become aware of unequal treatment or other undesirable behaviour, despite the absence of a complaint, the Rector may instruct the Rector's Plenipotentiary for Equal Treatment to investigate the matter in line with the procedure set out in Article 5 (1)(3) hereinbelow.

#### **Article 5. EQUAL TREATMENT SAFEGUARDING BODIES**

1. The Plenipotentiary of the Rector for Equal Treatment
  - 1) For the term in office, the Rector shall appoint Plenipotentiaries of the Rector for Equal Treatment;
  - 2) Plenipotentiaries shall be appointed from among the staff members who are distinguished by their knowledge of the issues of equal treatment, discrimination and



bullying;

3) Duties of plenipotentiaries shall include the following

- a) conducting a preliminary investigation of complaints of unequal treatment at the University reported directly to the plenipotentiary or referred by other units of the University, as well as cases referred to the plenipotentiary by the Rector; if further clarification of the circumstances of the case is needed, the plenipotentiary may make direct contact with the complainant;
- b) without undue delay, but no later than within 14 days, referring complaints for review by the Committee on Unequal Treatment Counteraction, should the plenipotentiary decide that the matter warrants a review by the Committee;
- c) making recommendations to the Rector on how to handle cases that, in the plenipotentiary's view, are not eligible for review by the Committee;
- d) requesting the Rector to temporarily reassign the staff member who is the complainant (with his or her consent) to another work position or take other action to prevent direct contact between the complainant and the accused, pending the outcome of the proceedings before the Committee;
- e) submitting to the Rector annual reports on their activities, including a summary of cases considered by the plenipotentiaries, as well as proposals for the University's actions aimed at full implementation of the principle of equal treatment of staff, students and doctoral students and prevention of any manifestations of unequal treatment in the future.

2. The Committee on Unequal Treatment Counteraction

- 1) For the term in office, the Rector shall appoint the Committee on Unequal Treatment Counteraction. The Committee shall be composed of
  - a) two members of academic staff,
  - b) two members of the administrative staff of the University,
  - c) two advisers,
  - d) two students,
  - e) two doctoral students;



- 2) Candidates for members of the Committee from among students and doctoral students of the University shall be nominated by the student government and the doctoral student government of the University, respectively;
- 3) The Committee shall elect its Chair from among the members;
- 4) The Chair of the Committee shall appoint a three-member review panel to review particular complaints. In a case where the complainant or the accused is a student or doctoral student, the participation of a student and/or doctoral student, as applicable, in the Committee composition shall be ensured; In cases where both the complainant and the accused are the University staff, only the University staff shall serve on the Committee.
- 5) The Committee's role is to comprehensively investigate the matter that is the subject of the complaint, including
  - a) hearing of all interested parties,
  - b) reviewing the evidence presented by the parties,
  - c) interviewing witnesses, if necessary,
  - d) seeking amicable resolution of the dispute between the parties, if possible;
- 6) The Committee should review the case without undue delay, within 30 days of complaint receipt;
- 7) An unexcused failure to appear at a Committee meeting by the accused shall not prevent the case from being reviewed without his or her participation;
- 8) The meetings of the review panel shall be convened by the Chair of the Committee. Attendance of all members of the Committee's review panel at meetings shall be mandatory,
- 9) Other than the parties, summoned witnesses and the recorder, only a person, indicated by the complainant and having no vote, shall have the right to participate in Committee meetings. Meetings of the Committee shall be confidential;
- 10) The parties to the proceeding shall appear before the Committee in person. The complainant has the right to request a hearing without the presence of the accused at the hearing. A party to the proceedings who does not speak Polish shall be provided with the assistance of an interpreter;
- 11) Should a member of the review panel be the person whose conduct is the subject of the complaint, a witness to the incident under review, or close to the complainant or the accused, or should there be any reasonable doubts concerning his or her impartiality for





other reasons (e.g. professional subordination relationship), such a member of the Committee shall be excluded from its work ex officio or at the request of one of the parties, and the Chair shall appoint another person to replace him or her. A party may lodge a complaint against the Chair's refusal to exclude a Committee member to the Rector or the Vice-Rector for Scientific Affairs in cases where the Rector is the complainant or the accused. Should the reasons for the exclusion concern the Chair of the Committee, the decision to appoint another member of the Committee in place of the excluded person is made by the Rector or the Vice-Rector for Scientific Affairs in cases where the Rector is the complainant or the accused.

- 12) After carrying out all the necessary steps to clarify the matter, the Committee shall decide by majority vote on the merits of the complaint, prepare a written report of the proceedings and submit it to the Plenipotentiary. The Committee's report should include, in particular
  - a) description of the facts established in the course of proceedings,
  - b) Committee's opinion as to the merits of the complaint,
  - c) proposed remedies against the offender,
  - d) suggested solutions or actions, if any, to eliminate irregularities in the future;
- 13) The administrative services shall be provided to the Committee by the Organisational and Legal Department of the University;
- 14) Minutes shall be taken of each meeting of the Committee to document its proceedings. All members of the review panel shall sign the minutes. To facilitate the taking of minutes, meetings may be recorded. The recording shall be destroyed immediately after the Committee's review panel signs the minutes. Should the case involve foreign language staff, students or doctoral students, the minutes shall be translated into English. Records of proceedings are kept by the University's Organisational and Legal Department and shall be made available to third parties with the permission of the Rector, and where the Rector is the accused or the complainant, with the permission of the Vice-Rector for Scientific Affairs;
- 15) The Committee report shall be delivered to the parties to the proceedings – the complainant and the accused. The Committee report shall be unappealable.

#### **Article 6. CONSEQUENCES FOR UNEQUAL TREATMENT PERPETRATORS**

Should the Committee find that the complaint has merit:



- 1) The Rector may apply to the offender being an administrative staff member the measures provided for in the Labour Code and deprive the staff member of his/her entitlements resulting from the provisions of the labour law, which depend on not breaching his/her duties;
- 2) with respect to an academic staff member, the Rector may apply the measures provided for in the preceding item or punish such staff member with the disciplinary penalty of caution or apply to the disciplinary commissioner to launch an investigation, depending on the gravity of the offence charged;
- 3) in flagrant cases of discrimination, harassment, sexual harassment, bullying or stalking, the employer may terminate the employment relationship with the accused without notice, considering such behaviours to be a grave breach of fundamental occupational duties;
- 4) with respect to a student or doctoral student, the Rector may impose the disciplinary penalty of caution or apply to the disciplinary commissioner to launch an investigation, depending on the gravity of the offence charged;
- 5) to the extent possible, the employer shall transfer the aggrieved staff member, at his or her request, to another position or otherwise prevent direct contact between the aggrieved staff member and the accused.

#### **Article 7. FINAL PROVISIONS**

1. The rules set forth in this Procedure shall not limit the rights of a staff member, student or doctoral student to pursue claims of discrimination, harassment, sexual harassment, bullying or stalking before courts.
2. All persons participating in the proceedings governed by this Procedure are required to maintain confidentiality regarding facts learned in the course of and in connection with the proceedings. Personal data contained in the investigation files are protected in accordance with applicable laws.
3. Staff members, doctoral students, and students of the University are required to be familiar with this Procedure. The staff member statement acknowledging that they have read the Procedure and commit to its observance shall be attached to his/her personal file.