**Order No. 79/R/WSPA/2019-2020**

**Rector of the University of Enterprise and Administration in Lublin**

**from September 30, 2020**

**on the introduction of an anti-discrimination procedure at the University of Enterprise
and Administration in Lublin**

Based on *art. 23 section 2 point 2 of the Act of 20 July 2018 - The Law on Higher Education and Science (Journal of Laws of 2018, item 1668, as amended ) and art. 94 point 2b, art. 94³ of the Act of 26 June 1974 - The Labor Code (Journal of Laws of 2019, item 1040, as amended ),* taking into account the principle of equality fundamental to the legal system, I order the following:

**§1**

1. I hereby introduce an anti-discrimination procedure at the University of Enterprise and Administration in Lublin, hereinafter referred to as the "procedure".
2. The procedure referred to in paragraph 1 specifies the principles and procedures in the process of counteracting discrimination, harassment, sexual harassment and mobbing.
3. The procedure referred to in paragraph 1 shall apply to all members of the academic community (employees, collaborators, students, listeners, participants of specialist education and courses and training) of the University of Enterprise and Administration in Lublin, hereinafter referred to as "WSPA" or "University".
4. The terms used in this regulation mean:
	1. discrimination – any unequal treatment of a person in a situation comparable
	to another person, where the motive for unequal treatment is, in particular, one or more of the following characteristics: gender, age, disability, race, nationality, ethnic origin, worldview, denomination, religion, sexual orientation, trade union membership, employment for a fixed or indefinite period, full-time or part-time employment;
	2. harassment – any unwanted conduct the purpose or effect of which is to violate the dignity of a natural person and to create an intimidating, hostile, degrading, humiliating or offensive environment for that person;
	3. sexual harassment – any undesirable conduct of a sexual nature towards a natural person or relating to gender, the purpose or effect of which is to violate the dignity of that person, in particular by creating an intimidating, hostile, degrading, humiliating or offensive atmosphere; such conduct may consist of physical, verbal, non-verbal elements – direct or indirect actions;
	4. mobbing – actions or behaviour relating to an employee or directed against an employee, consisting in persistent and long-term harassment, humiliation, ridicule or intimidation of the employee, causing him to have a lowered assessment of his professional usefulness, causing or aimed at isolating him or eliminating him from the team of co-workers;
	5. person making the report – employee, co-worker, student, listener, participant of specialist education, course, training at WSPA, who considered that he/she has been subjected to mobbing or discrimination.

**§2**

1. Any discrimination, harassment, sexual harassment and mobbing, as well as creating situations encouraging such behaviour on the premises of the University, including all buildings of the University and behaviours taking place during events and classes organised by the University, are prohibited. This also applies to activities conducted by the University outside its premises (e.g. study visits, trips, competitions, etc.).
2. Relations between all members of the University’s academic community, including superiors and subordinates, are based on the principles of respect, tolerance and respect for personal dignity.
3. Heads of organizational units and cells of the University and direct superiors of employees are obliged to counteract behaviors that have characteristics of discrimination, harassment, sexual harassment and mobbing and to respond to their manifestations.
4. Baseless accusations of discrimination, harassment, sexual harassment or mobbing in bad faith are prohibited.

**§3**

1. The University is obliged to take all actions permitted by law, in particular:
	1. promoting desirable attitudes and behaviours in relations between employees that are consistent with the principles of social coexistence;
	2. disseminating knowledge about the phenomena of discrimination, harassment, sexual harassment and mobbing , methods of preventing their occurrence and the consequences of their occurrence;
	3. monitoring the issues of discrimination, harassment, sexual harassment and mobbing and the application of anti-mobbing procedures in practice.
2. In order to counteract all phenomena of discrimination, harassment, sexual harassment , mobbing and their effects, the Rector appoints:
	1. Academic Ombudsman of WSPA;
	2. The Commission for Combating Discrimination, hereinafter referred to as the "Commission", consists of:
		1. The Academic Ombudsman of WSPA as the Chairman,
		2. Rector's Plenipotentiary for Disabled Persons,
		3. two academic teachers, including a psychologist or psychotherapist,
		4. an employee who is not an academic teacher,
		5. legal advisor serving the University.

**§4**

1. The Academic Ombudsman at WSPA serves as the first contact person whose task is to support and assist members of the academic community in cases of discrimination, harassment, sexual harassment and mobbing at the University.
2. The tasks of the Academic Ombudsman of WSPA include in particular:
3. supporting the academic community in resolving conflicts in situations that raise doubts;
4. ensuring equal treatment and respect for all members of the academic community;
5. monitoring the security situation and the sense of security and responding to reported security threats;
6. providing substantive assistance to persons affected by a security incident or information on how to obtain it quickly and effectively;
7. development of an information program on protection against discrimination, harassment, bullying and mobbing ;
8. organizing legal and psychological assistance for persons affected by actions bearing signs of discrimination, harassment, sexual harassment or mobbing , in cooperation with an external expert;
9. and anti-mobbing training, lectures or exercises.

**§5**

1. The tasks of the Commission for Combating Discrimination and Mobbing include in particular:
	1. considering complaints regarding discrimination, harassment, sexual harassment or mobbing ;
	2. conducting mediation between the parties;
	3. implementing standards of equal treatment and anti-discrimination;
	4. developing a comprehensive program to improve the anti-discrimination competences of the entire University community;
	5. initiating information campaigns on discrimination, mobbing and harassment, identifying problems related to these phenomena and coordinating actions to prevent these phenomena;
	6. monitoring and evaluating anti-discrimination and anti-mobbing activities.

**§6**

1. A person who believes that he or she has been subjected to discrimination, harassment, sexual harassment or mobbing, or is or has witnessed such activities, should report this fact in writing to the Rector, in the form of a complaint.
2. The complaint referred to in paragraph 1 should include:
3. presentation of the factual situation, in particular an indication of specific actions or behaviours considered by the reporting person to be discrimination, harassment or mobbing, the date or period to which these actions or behaviours relate;
4. identification of possible witnesses;
5. identifying the perpetrator or perpetrators of discrimination, harassment, sexual harassment or mobbing;
6. date of filing the complaint and the handwritten signature of the reporting person.
7. An anonymous or unsigned complaint will not be considered.
8. Within 5 working days of receiving a complaint about discrimination, harassment, sexual harassment or mobbing, the Rector refers the case to the Commission, which determines the factual circumstances and assesses whether the indicated event occurred.
9. The consideration of cases by the Commission shall be carried out in accordance with the following principles:
10. without delay;
11. confidentiality;​
12. impartiality.
13. Subject to applicable legal provisions, the head of each organizational unit and administrative unit is obliged, upon the Commission’s request, to present documents in his possession and provide information relating to the case conducted by the Commission.
14. Persons performing activities in a case concerning reported discrimination, mobbing, harassment or sexual harassment are obliged to maintain confidentiality as to all facts learned in the course of their investigation, as well as not to copy or distribute documents concerning the case. Data contained in the documents may constitute sensitive personal data and are subject to personal data protection in accordance with applicable regulations.
15. The Commission deliberates in meetings. Minutes are drawn up for each meeting and signed by all participants in the meeting.
16. The Commission is authorised to:
17. access to documents necessary to clarify the matter;
18. hearing the reporting person and the person accused of discrimination, harassment, sexual harassment or mobbing;
19. summoning and questioning persons indicated by the reporting person and the accused as witnesses to the events;
20. carrying out other actions that would be significant in clarifying the case.
21. Before issuing an opinion, the Chairman of the Commission notifies about the results of the proceedings and presents the collected materials to the reporting party, the alleged perpetrator and his/her superiors so that they can familiarise themselves with them and comment on their content within 14 days of receiving them.
22. The proceedings before the Committee end with the issuance of an opinion with justification, which the Chairman of the Committee submits to the Rector within 14 days.
23. Any discriminatory behaviour may be considered a serious breach of basic employee duties, justifying termination of the employment contract.
24. If the submitted opinion and the collected documents indicate that discrimination, harassment, sexual harassment or unequal treatment has occurred, the Rector decides to refer the case to the disciplinary spokesman with respect to academic teachers and students.
25. A complaint must be filed no later than one year after the event or the last of a series of events occurs.

**§7**

The ordinance comes into force on the date of its adoption .