

THE UNIVERSITY OF PARDUBICE	
Directive No. 5/2019	
Subject:	On the Prevention of Sexual Misconduct and Gender-imbalanced Behaviour
Applicable to:	all university departments
Effective from:	June 1, 2019
Reference	RPO/0025/19
Prepared and submitted by:	Mgr. Lucie Kašková, Head of Rector's Office
Approved by:	prof. Ing. Jiří Málek, DrSc., Rector

Article 1

Introductory Provisions

1. This Directive provides for the procedure of the University of Pardubice (hereinafter referred to as the “University”) for dealing with gender-related situations or sexual harassment by an employee or student of the University (the “harasser”) towards an employee or student of the University.
2. Sexual harassment shall be deemed to be actions of a sexual nature which is unwanted and with which one of the participants expresses disapproval and resentment.
3. Gender-imbalanced behaviour shall mean such behaviour, including the omission, where one person is treated less favourably than other person is, has been, or would be treated in a comparable situation on grounds of gender. Furthermore, such acts or omissions where, on the basis of a seemingly neutral provision, criterion or practice, a person is disadvantaged on the grounds of gender compared to others.
4. The University rejects and does not tolerate unequal treatment, harassment, including sexual harassment, stalking, instruction to discriminate or incitement to discriminate, and any other conduct contrary to Act No. 198/2009 Sb., on Equal Treatment and Legal Protection Against Discrimination and on Amendments to Certain Acts (the “Anti-Discrimination Act”).
5. The University and its students and staff are required to create a positive university environment, respect others, and not engender any gender-imbalanced or sexual misconduct (sexual harassment) that aims for or results in diminishing the dignity of the person and creating an intimidating, hostile, degrading, humiliating or abusive environment, or that may be legitimately perceived as a condition for a decision affecting the exercise of rights and obligations arising from legal relationships.

Article 2

Procedure for Handling Cases of Harassment and Sexual Misconduct

1. Any misconduct mentioned above shall be resisted and steps shall be taken to eliminate it. This obligation is imposed not only on the direct participants of the misconduct, but also on possible witnesses. If the situation is not resolved by the participants themselves, for example by discussing unwanted behaviour, a complaint may be filed as a remedial action. The complaint shall contain a description of the act and identification of the complainant

and the parties to the misconduct.

2. When dealing with a complaint, confidentiality and anonymity shall always be ensured and each case shall be treated individually, seriously and confidentially.
3. The complaint shall always be addressed to the Internal Audit (the “IA”) in paper or electronic form or verbally to the report. The IA shall assign a reference number to the complaint and register it in the Records Management System.
4. In the case of negative behaviour by an employee of the University, the IA shall forward the complaint to the immediate superior of the harasser concerned. In the case of negative behaviour by a senior manager, it shall be dealt with by his/her superior.
5. In the case of a negative behaviour by a student, the IA shall forward the complaint to the Vice-Dean of the Faculty who is authorized to act in study matters (the “Vice-Dean for Education”) and he/she shall inform the Dean of the Faculty. Any further course of action of faculties is determined by their internal standards.
6. If the negative behaviour towards a student comes from an employee, the senior employee shall always inform the Vice-Dean for Education of the complaint. The Vice-Dean for Education is subsequently involved in dealing with the complaint.
7. In case of negative behaviour by the Vice-Dean for Education, the complaint shall be handled by another Vice-Dean authorized by the Dean of the Faculty.
8. If oral proceedings are conducted when dealing with a complaint, minutes shall be recorded and signed by all parties to the proceedings.
9. The decision to settle the complaint shall include a description of the act, a description of the complainant and the parties to the misconduct, the findings on the basis of which the decision has been made and the manner of the decision. The decision is issued by the person authorized to deal with the complaint within 30 days of its receipt, in particularly complicated cases within 60 days of its receipt and, no later than 7 days of its issue, he/she shall send it to the parties to the misconduct, the complainant and the IA.
10. The central register of all complaints and subsequently the decision on the handling of complaints is kept by the IA, who annually informs the Rector about the number and methods of handling complaints for the previous year or on request whenever the Rector requests it.
11. The Academic Counselling Centre of the University of Pardubice (ACCUPA) can provide individual psychological, crisis and social counselling to participants in negative behaviour.
12. Participants in negative behaviour may also take the course of action established by the Czech legal system to resolve the situation.

Article 3

Sanctions

1. Once the complaint has been investigated, it may be decided to impose a sanction based on the facts ascertained, the degree of seriousness of the negative behaviour and the violation of University's standards and generally applicable legal regulations. The sanction is based on the rules of the University's internal standards.
2. If it is proved that the complaint was filed unwarrantedly, i.e. it was an untruthful and false accusation, this shall be sanctioned according to the rules of the University's internal standards.

Article 4

Final Provisions

1. This measure shall take effect on June 1, 2019.

Pardubice, 31 May 2019

prof. Ing. Jiří Málek, DrSc.

Rector