

COLLECTION OF DECISIONS AND ORDINANCES OF THE UNIVERSITY OF SOUTH BOHEMIA IN ČESKÉ BUDĚJOVICE

Number: R 434

Date: 19th May 2020

Rector's Ordinance Dealing with Harassment in the Workplace

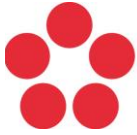
Article 1 Introductory Provisions

This document sets out and determines the guidelines governing dealing with accusations of various types of harassment in the workplace.

Article 2 Definitions of Terms

1. Mobbing means bullying involving various forms of making life unpleasant in the workplace. This involves group attacks against an individual. These are characterised by secrecy, sophistication and insidiousness. In deciding if mobbing is concerned, the so-called "Leymann's rule" is used: behaviour which occurs at least once a week for a minimum of 6 months can be regarded as mobbing.
2. Bossing is systematic bullying in a job that is committed by a superior staff member. This is the behaviour of a superior which harms the subordinate's reputation in front of their colleagues and makes their work difficult or impossible. This includes, for example, excessive auditing of duties or attendance, unjustified denial of vacancy requests, arrogant behaviour, verbal insults, frequent and unauthorized criticism, belittling in front of colleagues, setting tasks which are too difficult (beyond the subordinate's qualifications or unrealistic), blocking access to information for example from other superiors - this leads to lack of information, superiors taking credit for the work of their subordinates and unjustified threats of dismissal etc. The term also involves sexual harassment, in particular if used for blackmailing by a senior employee, where the rejection of requested sexual behaviour unconsented by the employee is used as a basis for decisions regarding their employee status.
3. Sexual harassment is unacceptable behaviour of a sexual nature or other behaviour with a sexual subtext that belittles the dignity of people at the workplace and / or creates a hostile environment in the workplace. Physical behaviour of a sexual nature is commonly understood as any undesirable physical action, for example avoidable touch of various types and coercion into sexual intercourse. Verbal behaviour of a sexual nature can include unwanted sexual remarks, proposals or coercion into sexual activities, insensitive jokes and remarks, obscene comments, and so on. Non-verbal behaviour of sexual nature involves showing pornographic or sexually suggestive images, subjects or written documents or sexually suggestive gestures.





Article 3 Informal Procedures

Persons who have been subject to harassment that they do not consider serious can deal with the situation by informally speaking to the person who is harassing them. The goal is for the other person to realize that their behaviour is unacceptable and must be stopped. Employees should be aware that an informal settlement may be appropriate under certain circumstances, but they still have the right to request a formal remedy. An informal solution can be problematic, especially if the person concerned is a superior of the harassed employee. A victim of the alleged harassment may ask a co-worker, one of their superiors or a union representative to deal with the alleged harassing person on their behalf.

Article 4 Formal Procedures

1. If the informal way of dealing with the problem fails or a serious harassment occurs, it is recommended that employees make a formal complaint and seek help from their superior or other senior colleague. If the complaint concerns one of the persons mentioned above, the harassed person should contact another professionally senior employee inside or outside of the workplace.
2. The complaint should be filed in writing and should include, if possible, the name of the offending person, the nature of the harassment, dates and times when the harassment occurred, the names of any witnesses of the event, and description of the steps the harassed person has already taken in this matter.
3. The complaint should be signed and confidentially sent to the management of the workplace or to a superior's workplace, if the alleged harassing person is part of the management of the complainer's workplace or there is another serious reason for doing so. If the supervisor does not act, the complainant shall turn to a higher level of management. Generally speaking, the lowest level of management is considered as Heads of Departments, Institutes, sections or similar components of the lowest organizational level. The Next level up are the Deans, or Directors of the individual constitutional parts, the Vice-Rectors or the Bursar. The highest level used in the last instance is the Rector.
4. Copies of all formal complaints should not only be confidentially archived but should also be sent to both the harassed and the offending person who will also be informed of the obligation to maintain confidentiality in relation to the case under investigation. If a preliminary investigation leads to formal disciplinary proceedings, harassment is proven and penalties are imposed, a formal document containing this information must be created and which is stored in the employee's personal file. Both the harassed and the offending person must receive a copy of this document.
5. The complaint procedure described above does not affect the complainer's right to seek redress of another form, for example through judicial proceedings.





Article 5 General Principles

In resolving the issue, the following guidelines shall be observed:

- a) The person accused of harassment shall be informed of the nature of the charge.
- b) The person accused of harassment will be given the opportunity to present their statement before the disciplinary proceedings are initiated.
- c) The persons leading the investigative and disciplinary proceedings must act impartially and on the basis of their best conscience.
- d) In addressing the conflict, care should be taken to ensure the safety of the allegedly harassed person as well as to preserve the good reputation of the alleged aggressor until the allegation is clearly proven or refuted.
- e) All types of workplace harassment shall be handled constructively and provide employees with an opportunity to improve their own behaviour.
- f) Where possible, informal resolution and formal steps as described in Article 4, point 1 should be used. If this is not possible, the case should be submitted to the Ethics Committee or the Ombudsman or to another committee convened for the purpose of resolving the case. Cases which might be considered a criminal offence must be submitted to the police.

Article 6 Investigation

1. A superior who receives a complaint is required to act without delay to resolve the case.
2. Immediately after a complaint has been filed, the complainer shall be separated from the allegedly harassing person if necessary. This may include temporary transfer of the allegedly harassing person to another department or their suspension until the complaint is resolved
3. The Ethics Committee, the Ombudsman or other similar investigative committee must initiate an investigation into the case without undue delay.
4. If the investigation is conducted by an Ethics Committee or other similar body, a thorough investigation should be led by at least two persons. Other experts can be also appointed as members of the investigative commission. Where the nature of the alleged harassment so requires (e.g. sexual harassment), it is recommended that both genders are represented in the commission.
5. If a complaint has been received by the Ombudsman, they conduct an initial inquiry themselves. If they find the complaint justified, they forward it together with their recommendation to the Ethics Committee





6. All persons involved in the investigation are obliged to maintain confidentiality.
7. Copies of witness testimonies will be made available to both the alleged and harassed person. Shall one of the parties require it, witnesses will be requested to take part in the hearing. If a witness disagrees with public hearing, the investigative committee shall adjourn the public hearing and hear the witnesses in private. The Committee shall proceed in such a way as to avoid further victimization of the victim or witnesses.
8. Both the alleged and harassed person have the right to be accompanied by an employee representative, for example a member of the trade union, during the hearing.
9. The allegedly harassing person shall be able to defend their behaviour in a proper disciplinary hearing.
10. If the committee decides that the harassment has occurred, disciplinary steps shall be taken immediately.
11. Proven harassment among employees is a major breach of acceptable behaviour, which can lead, in serious cases, to termination of employment. If such a case is proven, the following sanctions may be imposed, depending on the gravity of the situation:
 - written reprimand,
 - suspension without refund,
 - transfer to a lower position,
 - dismissal.

Article 7

Final Provisions

This Ordinance become effective on 19th May 2020 and repeals the Rector's Ordinance No. 374 of 21st February 2018.

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